

**Justice Md. Nazrul Islam Talukder**

I have gone through the judgments proposed to be delivered by Mr. Justice Md. Shawkat Hossain and Mr. Justice Md. Abu Zafor Siddique. It appears that the judgment written by Mr. Justice Md. Shawkat Hossain is in English while the judgment laid down by Mr. Justice Md. Abu Zafor Siddique is in Bengali. I have also gone through the FIR, charge sheet, order of framing charge, evidence of the prosecution witnesses, evidence of the defence witnesses, inquest reports, post mortem reports, material exhibits, confessional statements of the accused and 342 statements of the accused. During hearing of the death reference along with connected appeals, I have also watched the video clippings at the court displayed by the prosecution with regard to movements and activities of the BDR rebels and recovery of dead bodies from the mass

graves. In order to avert proliferation of volumes of judgment and to save the precious public time of the court, I am going to deliver this judgement in a concise manner without repeating the observations and findings that have been made in the judgements given by my two learned brothers. It may be mentioned that I along with the learned judges of the Special Bench have come to a unanimous decision in respect of the convictions and sentences of the accused of this case. However, I fully concur with the views, observations and opinions expressed in the judgment delivered by Mr. Justice Md. Abu Zafor Siddique for the reasons that his lordship has delivered the judgment considering and scrutinizing the facts and circumstances of the case, the legal evidence and other circumstances giving proper explanations and reasons. Apart from this, his lordship has elaborated his

findings and observations in details giving reference to different legal decisions. The judgment delivered by Mr. Justice Md. Abu Zafor Siddique appears to be more speaking, elaborate and well-reasoned. Since the judgment delivered Mr. Justice Md. Abu Zafor Siddique has been prepared perusing the facts and circumstances of the case considering the direct evidence and clinching circumstances, I do not like to repeat the same observations and findings in my judgment because of the reason that it will cause repetition of the same causing an immense inconvenience and trouble to the parties, the readers and the stakeholders. However, since the matter is an important one, I would like to deal with some important facts, evidence and legal aspects of the case along with the necessity of the capital punishment in crime prevention and reduction in the society. Under

the circumstances, I am going to write out a judgement adding some findings and observations of my own on the aforesaid aspects of the case.

Before coming to a conclusion in this matter, I would like to draw a brief history regarding the creation of Bangladesh Rifles (BDR) and Border Guard Bangladesh (BGB), which has become apparent to us from the submissions advanced by Mr. Mahbubey Alam, the learned Attorney-General for Bangladesh along with Mr. K.M. Zahid Sarwar, DAG and Mr. Mosharaf Hossain Kazol, the Government Prosecutor acted as Additional Attorney-General along with Mr. Sheikh Baharul Islam, D.A.G and Mr. Monjur Mohammad Shahnewaz Tipu, A.A.G.

**Historical background of formation and creation of Bangladesh Rifles (BDR) and at present Border Guard Bangladesh (BGB).**

I have come to know that Bangladesh Rifles was earlier known as BDR in short and now it has been renamed and is known as BGB after the BDR revolt in 2009. It is evident from the history that this paramilitary force was earlier known as 'Frontier Protection Force' under the Ramgarh Local Battalion which was established on 29 June, 1795 at Ramgarh at the instance of East India Company with a view to suppressing insurgent activities around the Ramgarh area. This said force established its first camp at Pilkhana, the present Headquarters of BGB. The Ramgarh Local Battalion performed its functions for a period of 65 years starting from 1795 to 1860. With the passage of time, the name, shape and size of Ramgarh Local Battalion became changed time to time. Later the Ramgarh Local Battalion was renamed as Frontier Guards which started its journey in 1861

and carried out its functions till 1890. In 1891, the Frontier Guards were reorganized and reequipped with modern weapons and renamed once again as the Bengal Military Police which existed and continued its functions till 1919. This force participated in the First World War which lasted from 28 July, 1914 to 11 November, 1918. Subsequently, Bengal Military Police was reorganized once again and renamed as the Eastern Frontier Rifles in 1920. This force having the name of Eastern Frontier Rifles performed its functions and existed from 1920 to 1946. It also took part in numerous military operations during the 2nd world war which lasted from 1939 to 1945.

After the partition of India, Eastern Frontier Rifles was regrouped and renamed as the East Pakistan Rifles in 1947. It was the primary border protection force of the then East Pakistan, now

Bangladesh. During the liberation war of Bangladesh in 1971, the thousands of members of East Pakistan Rifles raised their arms against the Pakistan Army and its followers and many of them embraced martyrdom in that liberation war. On 29 January, 1972, the East Pakistan Rifles was renamed as the Bangladesh Rifles with the officers seconded from Bangladesh Army. On 25-26 February, 2009 while observing BDR week, 2009, some disgruntled BDR soldiers staged a mutiny and raised their arms against their officers who were seconded from Bangladesh Army for realisation of their demands and tried to take control of BDR Headquarters and BDR soldiers as a result of which 74 people including 57 army officers together with Director General of the BDR were mercilessly killed in that carnage. In the aftermath of the mutiny/revolt, the Bangladesh Rifles (BDR) was reorganised and

renamed as Border Guard Bangladesh (BGB) on 20 December, 2010 following the passage of the bill in the Parliament for Bangladesh (known as the House of the Nation) on December 08, 2010, which was brought before the parliament at the instance of the Government of Bangladesh headed by Sheikh Hasina, the Hon'ble Prime Minister of Bangladesh. Subsequently, on 20 December, 2010, the bill was signed by Mr. Mohammed Zillur Rahman, the Hon'ble President of the People's Republic of Bangladesh and then it became a law following which the Bangladesh Rifles (BDR) turned into the Border Guard Bangladesh (BGB) from 20 December, 2010.

The Border Guard Bangladesh is a paramilitary force under the Ministry of Home Affairs. Its main responsibility is to defend the border security of the country, prevent smuggling, extend the government



authority to remote and isolate areas and assist the Army during the war. During the war time, BGB comes under the direct control of the Ministry of Defence as an auxiliary force to Bangladesh Army. In addition to it, they also assist the Government in disaster management, maintenance of law and order, relief and rehabilitation work after any kind of natural disaster. In essence, the Border Guard Bangladesh is the vigilant sentinel of the national frontier and this paramilitary force always remains ever vigilant in the frontier. Before and after the independence of Bangladesh, this force resisted many thrust of invaders to safeguard our land and many of them died for those noble causes. There are many border conflicts among Bangladesh and the neighbouring countries but the BGB force faces those problems very bravely and

courageously and resolves those problems patiently and effectively.

The BGB inherits a bright and glorious history of two hundred years from the time of their initial creation at Ramgarh in 1795. It has also a valiant and glorious role in the war of Liberation as it forged resistance against the invading Pakistani force at the call of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman in 1971. It may be mentioned that on 7 March, 1971 Bangabandhu Sheikh Mujibur Rahman proclaimed independence of Bangladesh in a thunderous voice at a huge gathering at the Racecourse Maidan (now Suhrawardy Uddyan) and declared for a struggle for independence of Bangladesh. The said speech inspired the people of the then East Pakistan to participate in the struggle for independence of Bangladesh. Since Bangabandhu

proclaimed independence of Bangladesh during the landmark speech on 7 March, 1971, on the night of 25 March, 1971, the Pakistan Armed Forces launched 'Operation Searchlight' in the Capital of East Pakistan rolling out their tanks on the streets of Dhaka and committed genocide, rape, arson and crime against peace and humanity in the different places of Dhaka. They also massacred students and intellectuals in Dhaka University, attacked the East Pakistan Rifles base at Pilkhana and Rajarbagh police line in Dhaka on that day killing a number of unarmed people. In the back drop of such events, Bangabandhu Sheikh Mujibur Rahman in the early hours of 26<sup>th</sup> March, 1971 declared independence of Bangladesh in the following manner:-

**“This may be my last message, from today Bangladesh is Independent. I call upon the people**

**of Bangladesh wherever, you might be and with whatever you have, to resist the army of occupation to the last. Your fight must go on until the last soldier of the Pakistan occupation army is expelled from the soil of Bangladesh and final victory is achieved.”**

Subsequently, at the order and instruction of Bangabandhu Sheikh Mujibur Rahman, some student leaders of Dhaka University handed over the aforesaid text of declaration to the then EPR Subedar Showkat Ali at Gate No. 2 of Pilkhana and thereafter the text of declaration was transmitted to all over Bangladesh through the transmitter of the then EPR-telegram and teleprinter. At the time of transmitting the text of declaration of independence, the invading Pakistan Army captured Subeder Major Showkat Ali and he was taken to Physical Training College at

Mohammadpur. The Pakistan Army inhumanly and brutally tortured and persecuted him and thereafter he was mercilessly killed on 30.04.1971. However, his dead body was not found after killing him. Consequently, the declaration of independence of Bangladesh at the order, instruction and on behalf of the father of the Nation Bangabandhu Sheikh Mujibur Rahman was broadcasted across the country on 26 March, 1971 from Kalurghat Radio Station, Chittagong. On 30 October 2017, UNESCO recognised the aforesaid historic speech of Bangabandhu Sheikh Mujibur Rahman delivered on 7<sup>th</sup> March 1971 as the world's documentary heritage adding it in the memory of the world international register. The BGB is a partner of glorious history of the independence of the country in 1971. The then East Pakistan Rifles joined the Mukti Bahini (freedom

fighters) during the war for independence of Bangladesh in 1971. One hundred and forty one members earned gallantry awards for their outstanding contribution to the liberation war of Bangladesh. And for this reason, Lance Naik Noor Mohammad and Lance Naik Munshi Abdur Rauf were posthumously honoured as Bir Sreshtha awarding symbols of heroes. Apart from this, eight BDR members were honoured as Bir Uttam, thirty two BDR members were honoured as Bir Bikram and seventy seven BDR members were honoured as Bir Protik, which undoubtedly glorified the history of the nation through their heroic achievements.

The aforesaid glorious history of BDR became tarnished a bit by the incident of BDR carnage happened on 25<sup>th</sup> and 26<sup>th</sup> February, 2009 at the BDR Headquarters, Pilkhana, Dhaka. It is very shocking to

note that on that day, some disgruntled BDR soldiers raised their arms against their officers for materialising their demands. On 24<sup>th</sup> February, 2009, there was a ceremonial parade at Pilkhana ahead of BDR week 2009, in which Hon'ble Prime Minister Sheikh Hasina took salute of the parade. It was a very organised, beautiful, appealing and delightful parade. But the next two days were full of chaos, revolting, indiscipline and horror. It may be mentioned that on the 25<sup>th</sup> and 26<sup>th</sup> of February, 2009, a number of BDR members out of criminal conspiracy carried out an act of terror with utter disregard to human life and dignity in and around the Pilkhana premises killing 74 persons including 57 army officers. They inhumanly tortured the family members of the army officers, ransacked the valuable materials kept in the residence of the army officers and looted away their household goods

and valuable belongings. They also set fire to the vehicles, furniture and government properties by creating a horrible situation in and around Pilkhana. Widespread atrocities against the army officers, their family members and civilians were orchestrated and perpetrated by the disgruntled BDR rebels in a calculated design with a view to exterminating the army officers from the BDR force and establishing their overall supremacy and control over the BDR force. The people of Bangladesh never experienced such a volume of heinous crimes in terms of such a huge heinous killing, brutality, looting, firing, and torturing a number of persons since after the war of liberation in 1971. Such a huge number of army officers were not mercilessly killed at a time even at the time of war in 1971. The killing of army officers is an irreparable loss to the nation and the country as a



whole. We mourn the death of 74 persons and extend our heart-felt condolences to the bereaved family members of the deceased. We also extend our deepest sympathies to all the victims who suffered injuries at the hands of BDR rebels and the traumas caused by severe shock arising out of death of near and dear ones.

**The prosecution case as established by the investigating officer and other prosecution witnesses.**

It is a long standing practice and tradition of Bangladesh Rifles (BDR), now the Border Guard Bangladesh, in short (BGB) to observe BDR Week at a convenient time every year at BDR Headquarters, Pilkhana, Dhaka in order to stage a good number of trainings and cultural events. Unlike every year, such a huge annual congregation of the BDR personnel under

the name of BDR week, 2009 was scheduled to be held from 23<sup>rd</sup>-27<sup>th</sup> February, 2009. In order to observe BDR week, 2009, many BDR personnel including many army officers from different battalions, sectors and units of BDR participated in that programme coming from in and outside the BDR Headquarters. At the time of observance of BDR week, on 25<sup>th</sup> February, 2009 about 97 army officers of different ranks of Bangladesh Army from Pilkhana, Dhaka and many other officers from outside the BDR Headquarters and around 2500-3000 BDR personnel were present in the Darbar Hall of the BDR Headquarters at Pilkhana to attend the Darbar (Meeting) being presided over by Major General Shakil Ahmed, Director General of the then Bangladesh Rifles. Now I want to narrate how the BDR rebels, that is, the accused/convicts of this case

killed the army officers in and around the Darbar Hall and in other places of Pilkhana.

**The Killing of DG BDR Major General Shakil Ahmed, DDG Brigadier General Mohammad Abdul Bari and many other officers in and around the Darbar Hall.**

From the evidence led by the investigating officer and other prosecution witnesses namely **PW 1 Nabo Joti Khisha, PW 3 Lieutenant Colonel Abu Tasnim, PW 4 Lieutenant Colonel Shamsul Alam Chowdhury, PW 5 Lieutenant Colonel Md. Abdul Mokim Sarker, PW 8 Lieutenant Colonel Md. Zahid Hasan, PW 9 Lieutenant Colonel Md. Maksudul Haque, PW 10 Major Md. Alamgir Hossain Dewan and PW 11 Major Md. Sujaul Haque**, it appears that on 25<sup>th</sup> February, 2009 at around 9:00 a.m, after the arrival of DG at the Darbar

Hall at Pilkhana, the Darbar (meeting) was started with the recitation from Holy Quran. Afterward DG, BDR started delivering his speeches on different matters including the operation Dal-Vhat programme before the attendants. The DG of the BDR informed that the outstanding money earned from the operation Dal-Vhat programme would be used and spent for the welfare of the BDR members. As soon as the DG of the BDR told about the operation Dal-Vhat programme, Sepoy Moin of 13 Battalion entered the Darbar Hall, came over the stage with arms and pointed the same at DG. Subsequently, another Sepoy namely Kazol of 44 Battalion also entered the Darbar Hall. However, DDG Brigadier General Bari, Colonel Anis, Lieutenant Colonel Shams (PW 4), Lieutenant Colonel Elahi along with other officers present over there disarmed Sepoy Moin, but Sepoy Kazol of 44

Rifle Battalion managed to flee way from the scene opening a fire. Hearing sound of firing, a BDR member uttered the word 'Jago'. Then and there, the BDR members stood up and started leaving the Darbar Hall raising a hue and cry as a result of which a disordered situation was created inside the Darbar Hall. At that situation, DG BDR told the BDR members that he wanted to hear their problems and ordered them several times to remain seated in their respective places. In spite of such a call, the BDR members started leaving the Darbar Hall through the doors and windows of the Darbar Hall disobeying the order of DG and on such situation, DG directed the concerned commanders to control the troops of their respective units. In order to carry out the order of DG, Colonel Mujib, Sector commander, Dhaka, Lieutenant Colonel Enayet Commanding Officer, 36 Rifle

Battalion, Lieutenant Colonel Abu Tasnim, Commander of Signal Sector (PW 3), Lieutenant Colonel Shams, Commanding Officer, 44 Rifle Battalion (PW 4) and some other officers went out of the Darbar Hall. After a while many BDR rebels started coming towards the Darbar Hall opening fires. Thereafter, the terrible firings were started around the Darbar Hall. The chaos and confusion were spread all over the Darbar Hall. Under the aforesaid situation, the chain of command and control of the army officers over the BDR members were totally broken and collapsed in and around the Pilkhana. Before the revolt, some of the BDR personnel following their previous criminal conspiracy together with common intention and common object broke open the Kote (store house of arms) under the leadership of Sepoy Md. Selim Reza, Sepoy Rubel, Sepoy Sajjad, Sepoy

Moin, Sepoy Kazol, Lance Naik Akram and others, attacked **PW 33 Lieutenant Colonel Md. Reazul Karim** who was the duty officer and in the charge of Central Quarter Guard, rebuked him, tied him with rope and chain, confined him to a room locking the door from the outside and tried to kill him by strangulation. They took keys of the Kote from guard commander Havildar Shahjahan C.S accused No.49 and looted the arms from the Kote. The aforesaid fact of looting arms from the Kote followed by criminal conspiracy stands supported by the evidence of **PW 33 Lieutenant Colonel Md. Riazul Karim** and **PW 453 Sepoy Ripon Kumar Biswash**. Another group of BDR rebels under the leadership of Sepoy Altaf, Sepoy RP Rezaul, Sepoy AB Siddique, Sepoy Jashim and others attacked the Central Magazine, broke open the same and looted ammunitions therefrom. From the

evidence of **PW 35 Sepoy Md. Tobbas Ali**, it appears that on 25.02.2009, he was on duty at the sector Magazine with other BDR guards. After completion of duty when he was in rest at guard room, at about 9:15 a.m, 14/15 BDR rebels appeared near the Magazine. The BDR rebels directed this witness and others to open the door of Magazine failing which they gave threat to kill them. The BDR rebels namely Sepoy Altaf, Sepoy Siddique, Sepoy Jashim, Sepoy RP Reza, Sepoy Mizan of 44 Rifle Battalion and Sepoy Paltan Chakma and Sepoy Lutfor Alam of 24 Rifle Battalion entered the Magazine and looted the ammunitions therefrom. Since DAD Miraj took the arms from the guards on duty and other guards, this witness being unarmed could not make any obstruction to the BDR rebels.



The aforesaid fact of looting arms and ammunitions followed by criminal conspiracy is also noticeable from the 164 statements made by **Sepoy Selim Reza CS accused No. 6, Sepoy Md. Sajjad Hossain CS accused No. 10, Sepoy Kazol Ali CS accused No. 11 and Sepoy Md. Rafiqul Islam CS accused No.19.**

After looting the arms and ammunitions, the BDR rebels assembled at Sultan ground and exchanged arms and ammunitions according to their pre-plan and conspiracy. Then the BDR rebels started roaming violently with arms and ammunitions and then proceeded towards the Darbar Hall, Darbar Hall area and different places of Pilkhana. Some BDR rebels very fiercely started firing outside the Darbar Hall and at one stage, under the leadership of Sepoy Selim Reza, Sepoy Kazol, Sepoy Rezaul, Sepoy Altaf,

Sepoy Moin and Sepoy Rafiqul along with about 10/15 BDR rebels entered the Darbar Hall. In view of the aforesaid incident, out of fear of life, the army officers including the lady doctor officers took shelter behind the screen of the stage and in the different places of the Darbar Hall. Sepoy Selim Reza appeared in front of the stage taking arms in one hand and megaphone in another hand, pointed arms at them, ordered the army officers to come out from different hideouts, rebuked the army officers with highly objectionable filthy languages and directed them to surrender. Getting order from Sepoy Selim Reza, the officers being compelled came out from behind the screen of the stage raising their hands. Then Sepoy Selim Reza ordered the officers to go out of the Darbar Hall pointing arms at them. In the meantime, another group of BDR rebels came therein, directed

the officers to put off their rank badges and to lie down on the floor of the Darbar Hall as a result of which the officers lay down on the floor of the Darbar Hall according to the order of BDR rebels. When the officers were in lying position in the middle place of the Darbar Hall, one of the BDR rebels killed Lieutenant Colonel Kaiser inside the Darbar Hall opening fire at him and also assaulted Lieutenant Colonel Lutfor. At the order of Sepoy Selim Reza, the officers stood up and thereafter they were pushed out through the north-west gate of the Darbar Hall. At that time Major Saleh also came out of the Darbar Hall receiving bullet injuries in his body. The aforesaid event has been corroborated and supported by **PW 9 Lieutenant Colonel Md. Maksudul Haque, PW 72 Major Farzana Kalam, PW 73 Colonel Yesmin Akhter and PW 77 Major Rokhana Khanom.** When

the 1<sup>st</sup> group of officers came out of the Darbar Hall, they were compelled to lie down on the road at the north-west side near water fountain of the Darbar Hall. Subsequently they were killed by opening several fires on them. The aforesaid killing incident was supported and corroborated by the confessional statements of **Sepoy Selim Reza CS accused No.6 and Sepoy Md. Habibur Rahman CS accused No 26** and the evidence of **PW 9 Lieutenant Colonel Md. Maksudul Haque.**

From the evidence of **PW 9 Lieutenant Colonel Md. Maksudul Haque** and the confessional statements of **Sepoy Selim Reza CS accused No.6, Sepoy Md. Rafiqul Islam CS accused No. 19, Sepoy Md. Habibur Rahman CS accused No 26, Sepoy Md. Abdul Muhit CS accused No. 70 and Sepoy Md. Ibrahim CS accused No. 68,** it is evident that

after killing the 1<sup>st</sup> group of the officers, a few minutes later, Sepoy Selim Reza of 44 Rifle Battalion again appeared near the stage and witnessing the movement of the screen of the stage, he came to know that some officers were concealed behind the screen of the stage. By using megaphone, he again ordered the army officers, that is, the another group of army officers who took shelter behind the screen of the stage and in other places to come out, rebuked them with highly objectionable filthy languages and issued threat of killing if they failed to come out. Then DG, DDG and 10/12 other officers came down from the stage. Sepoy Selim Reza further rebuked and ordered the officers to go “one by one” making a queue raising their hands. Thereafter at around 10:45 a.m, DG and other officers, that is, the another group of army officers started going out towards the north-west side of the Darbar

Hall maintaining a line. At that time Sepoy Selim Reza of 44 Rifle Battalion, Sepoy Sajjad Hossain of 13 Battalion, Sepoy Ibrahim of 44 Rifle Battalion, Sepoy Obaidul of 44 Rifle Battalion, Sepoy Rafiqul of 44 Rifle Battalion, Sepoy Emran of 24 Rifle Battalion and some other BDR rebels started going to the western side of the Darbar Hall aiming arms at the officers. At that time DAD Nasir was with the BDR rebels. **As soon as the DG and others officers came out through north-west gate of the Darbar Hall, Sepoy Selim Reza, Sepoy Atoar of 44 Rifle Battalion, Sepoy Ibrahim, Sepoy Obaidul, Sepoy Rafiqul, Sepoy Sajjad, Lance Naik Ekram of 24 Rifle Battalion and other BDR rebels opened burst-fires on them as a result of which the army officers fell down on the floor receiving bullet injuries. The bodies of the army officers were riddled with a**

**spray of bullets as a result of which all the army officers instantly succumbed to the injuries and the dead bodies were fallen scattered in and outside the Darbar Hall.** At that moment, DAD Nasir of 44 Rifle Battalion was present at the place of occurrence with the BDR rebels. It is evident from the confessional statement of **Sepoy Md. Rafiqul Islam CS accused No. 19** that at the time of killing the army officers, DAD Nasir of 44 Rifle Battalion was also present there with the BDR rebels. After opening burst-fires and fires, the DG and officers fell down on the ground receiving bullet injuries. In order to ensure the death of the officers, the BDR rebels charged bayonets and kicked on the dead bodies of the officers in order to see whether the officers were alive or not. When the BDR rebels became confirmed that no officers were alive, then DAD Nasir of 44 Rifle Battalion left the

place of occurrence. Apart from the aforesaid evidence and materials, the facts of killing of army officers are also evident from the evidence of **PW 536 Brigadier General Waker-Uz-Zaman** who has stated in his evidence that on 27.02.2009 at 10:30 a.m, this witness as Second-In-Command (2IC) of 17 East Bengal Regiment along with his brigade commander and other army officers entered the Pilkhana. He went to DG bungalow, Darbar Hall and different quarters of the officers. Going at DG bungalow and Darbar Hall, he found many alamots and marks of killing therein. However, he recorded some scenario of alamots and marks of killing of DG bungalow in his personal mobile. Subsequently, he converted those scenario into CD. Later, during trial of the case, this witness produced the CD before the court and the same was exhibited as exhibit No. CL XXXIV.



**The Killing of Major Mostafa Asaduzzaman @****Asad**

It appears from the evidence of PW 28, Sepoy Md. Anwar Hossain that on 25.02.2009 at about 8:30 a.m, this witness came to Head Office of Sadar Rifle Battalion for leave purpose and at that time DAD Touhid was present in his office and saw him leaving the office. Remaining therein he came to hear sound of firings at Darbar Hall area at 9:30 a.m. He came to see some BDR rebels to open fires. He witnessed Havildar Tariqul and 2/3 other BDR rebels to assault Major Asad. On that day, at about 9:50 a.m, DAD Touhid being excited ordered the BDR rebels to bring arms and to kill the army officers. It is learnt that immediately after outbreak of revolt, Major Asad being thrashed by the BDR rebels fell down near the stairs of Sadar Rifle Battalion and cried for help. Then

Major Asad was taken to the office room of Commanding Officer (CO) at the 1<sup>st</sup> floor by this witness. Within 2/1 minutes later, DAD Touhid entered the office room of Commanding Officer (CO). Major Asad asked DAD Touhid, “what is happening?”. In reply, DAD Touhid answered, “Do you not understand?”. Thereafter DAD Kader came therein. Then DAD Kader and DAD Touhid went out together. Within 4/5 minutes later Lieutenant Colonel Jahan Ara Begum came at the room of Commanding Officer (CO). After 2/1 minutes, Naib Subedar Nurunnabi opened fires towards the windows of the office room of the Commanding Officer (CO) from the outside and then went away from that place. The bullets struck the glasses of the windows as a result of which those were broken into pieces. On such situation Major Asad and Lieutenant Colonel Jahan

Ara Begum hid themselves in the room of Commanding Officer (CO) locking the door. This witness hid himself under the table of Commanding Officer (CO). About 10/15 minutes later, DAD Touhid along with Havildar Belayet, Naik Asad, Sepoy Aminar and 3 other BDR rebels being armed with weapons appeared at the room of the Commanding Officers (CO). Having not found Major Asad there, DAD Touhid ordered the BDR rebels to break down the doors of the bathroom and went away therefrom. **Then they broke open the door of bathroom and brought Major Asad and Lieutenant Colonel Jahan Ara Begum from that place. Then Major Asad sat on the chair and then the BDR rebels brought Lieutenant Colonel Jahan Ara Begum from the room. Havildar Belayet, Naik Asad and Sepoy Aminar stayed at the room. After a while,**

**DAD Touhid** appeared at the room of **Commanding Officer (CO)** and looking at **Major Asad**, he ordered the **BDR rebels** to finish him. Then and there, **Havildar Belayet, Naik Asad** and **Sepoy Aminar** opened fires at **Major Asad** and went away killing him therein. This witness received bullet injuries in his hip and leg while he hid himself under the table of the **Commanding Officer (CO)**. The dead body of **Major Asad** was fallen motionless and found careless therein. The aforesaid evidence has been supported and corroborated by **PW 16 Md. Ashifur Rahman Akash** who has stated in his evidence that on 25.02.2009 before going to Darbar, **Major Asad** called this witness for attaching belt badge in his uniform. After attaching the belt badge, **Major Asad** went to Darbar. This witness came back to his tailoring shop inside the **Pilkhana**. On that day,

around 9.25 to 9:30 a.m he came to hear sound of firings from the Darbar Hall and then from the balcony he came to see the BDR personnel who were running to and fro coming out from the Darbar Hall. At that time, Havildar Tariqul, Sepoy Aminar Rahman were standing in front of the garage situated in south-east corner of the Sadar Rifle Battalion; when Major Asad came near the garden in front of the office of the Sadar Rifle Battalion coming out of the Darbar Hall, Havildar Major Tariqul caught hold of him and scolded him as a 'son of bitch'. Thereafter, Sepoy Aminar Rahman and one unknown Sepoy caught Major Asad by holding his hands from both sides; thereafter, Havildar Tariqul opening his belt from the waist started beating on nose, mouth, chest and the backside of Major Asad; Major Asad pushing him aside came to the 1<sup>st</sup> floor of Sadar Rifle Battalion and

entered the room of Commanding Officer (CO). Sepoy Aminar followed him from the behind. At that time Havildar Tariqul staying at the soldiers line uttered and ordered by shouting that no BDR person would be in empty hand, everybody would go to Darbar Hall with arms and kill the army officers by opening fires as soon as army officers were seen and found. After a while Lieutenant Colonel Jahan Ara Begum was brought to the office of Commanding Officer (CO) at the 1<sup>st</sup> floor of the Sadar Rifle Battalion by a BDR rebel at gunpoint. At that time Havildar Belayet was seen with SMG while Naik Asad was seen with rifle. Both of them opened fires targeting the office of Commanding Officer (CO). Havildar Belayet uttered to bring out major Asad and rebuked him calling son of bitch and ordered the other BDR rebels to kill him in such a way so that he could not be survived. Then

using the filthy languages, Havildar Belayet told Naik Asad that they would kill Major Asad and then both of them entered the Sadar Rifle Battalion. After a while 4/5 BDR rebels brought Lieutenant Colonel Jahan Ara Begum at the road from the 1<sup>st</sup> floor beating her left and right and compelled her to board the ambulance. Subsequently, Havildar Belayet, Naik Asad and Sepoy Aminur Rahman being armed with weapons entered the office room of Commanding Officer (CO) and this witness heard the sound of firings. Afterward at the lunch time, when this witness entered the Sadar Rifle Battalion, he came to see the dead body of Major Asad. The aforesaid incident has been supported and corroborated by **PW 454 Lieutenant Colonel Jahan Ara Begum** who has stated in his evidence to the effect that on 25.02.2009, she was present in the Darbar Hall. When a hue and cry was started in the

Darbar Hall, she left the Darbar Hall out of fear. While she was going through the field one BDR rebel brought her at Sadar Rifle Battalion at gunpoint and confined her to an office room at the 1<sup>st</sup> floor. She saw Major Asad in that room. A bullet hit the glasses of the window and out of fear, this witness and Major Asad entered the bathroom, stayed therein locking the door. At around 10:00 a.m, a BDR rebel pulled out them from the bathroom breaking the door and started beating Major Asad mercilessly. Major Asad sat on the chair. Major Asad was taken to the corner of the room and this witness was brought out from the room. Some of the rebels brought her at the ground, rebuked her, put off her rank badge and compelled her to sit on the earth folding her eyes. At night, this witness came to know that the BDR rebels had killed many army officers. She also heard sound of vehicles and



dumping of dead bodies in the dead of night. She presumed that the dead bodies were being kept at the mortuary.

**The Killing of Lieutenant Colonel Md. Lutfar Rahman Commanding Officer (CO) of 24 Rifle Battalion.**

It is found from the evidence of **PW 24, Lieutenant Colonel Md. Asif Abdur Rouf** that on 25.02.2009 this witness was present at his residence at Pilkhana. At around 10:45 a.m, the residence of this witness was attacked by the BDR rebels. When this witness was compelled to go with the BDR rebels, on the way he came to see Lieutenant Colonel Lutfar Rahman Commanding Officer (CO) of 24 Rifle Battalion to have been thrashed and assaulted by the BDR rebels. He identified Subedar Major Gofran Mollik, Havildar Taher, Lance Naik Karim, Sepoy

Emran, Sepoy Aziz, Sepoy Arafat Hossain, Sepoy Mizanur Rahman among the rebels. He also found Subedar Major Gofran Mollik to lead the BDR rebels taking SMG in his hands. Subsequently he came to know that BDR rebels had killed Lieutenant Colonel Lutfar Rahman. Many other BDR rebels being armed with weapons came at the office area of 24 Rifle Battalion. Thereafter, at around 11:00 a.m, they brought out Lieutenant Colonel Lutfar Rahman, Commanding Officer (CO) of 24 Rifle Battalion from his office dragging, beating, humiliating and dishonouring him and took him at the backside of MT line of 13 Rifle Battalion. Sepoy Md. Azim Patowary CS accused No 17, the driver of Lieutenant Colonel Lutfar Rahman tied up the eyes of his own unit's Commanding Officer (CO) with the red clothes and both hands with rope from the backside. Then Sepoy

Md. Emran Chowdhury CS accused No 34, the runner of Commanding Officer (CO) mercilessly killed his own unit's Commanding Officer (CO) namely Lieutenant Colonel Lutfar Rahman by opening fire on him. Subsequently, Lieutenant Colonel Lutfar Rahman receiving bullet injuries fell down on the ground. The aforesaid evidence has been supported and corroborated by **PW 12 Major Md. Shah Alam, PW 14 Naik Md. Enamul Haque, PW 22 Major Abdullah Al Mamun and PW 34 Havildar Md. Abdul Malek.** The aforesaid fact has also been supported and corroborated by the confessional statements made by **Sepoy Emran Chowdhury CS accused No 34 and Sepoy Md. Azim Patowary CS accused No 17.**

**The Killing of Major Muhammad Mosharof Hossain**

On that fateful day of occurrence at Pilkhana, **PW 74 Major Dr. Rownak Azad Anne** and Major Mosharof were present in the Darbar Hall. When chaos and disordered situation were started at the Darbar Hall, then Major Doctor Rownak Azad Anne along with Major Mosharof coming out of the Darbar Hall came to the premises of Noor Mohammad Rifles Public School and College running through the field. Major Mosharof went to the tuition fee collection room of the college and took shelter at the tuition fee collection room. Major Mosharraf, Major Doctor Rownak Azad Anne, one Subedar of BDR and 2 civil employees entered the cash counter and took shelter under the box of the counter and shut the door from inside. At about 2:30 p.m-3:00 p:m, 3 armed BDR rebels entered the room breaking open the door and pointed their arms at them. When Sepoy Altaf, Bashar

and others came in front of **PW 74 Major Doctor Rownak Azad Anne**, she introduced herself as a lady doctor and told them not to cause any harm to her as she used to provide treatment to them and their wives and children. At that time, they snatched away her mobile phone from her hands and brought out Major Mosharof from the cash box. **The BDR rebels scolded Major Mosharof and other persons stayed therein. However, at one stage, the rebels brought out Major Mosharof of the room and asked him to stand on the veranda moving back. When Major Mosharof moved back, they opened fire at him as a result of which Major Mosharof fell down on the veranda receiving bullet injuries and embraced death instantly.** The aforesaid fact of killing has been supported and corroborated by the evidence of **PW 56 Major Mohammad Rezaul Karim** and the

confessional statement of **Sepoy Haider Ali CS** accused No.91.

**The Killing of Major Abu Syed Gazzali Dastagir**

**PW 3 Lieutenant Colonel Md. Abu Tasnim** has stated in evidence that on 25.02.2009 he was present at the Darbar Hall. At one stage of turbulent situation at the Darbar Hall, DG directed all the concerned commanders to control the troops of the respective units. Getting order from the DG, this witness started for Signal Sector. On his way to Signal Sector, he came to meet Major Mokbul and Major Gazzali near swimming pool. **When he came near JCO's Mess, he came to see 6/7 BDR rebels who were beating Major Gazzali. At that time this witness took shelter beside a building. Subsequently he heard shouting and sound of firings therein. After a while he came out of the hideout and came to see Naib**

**Subedar Fazlul Karim, Havildar Anisuzzaman, Naik Wazed, Sepoy Motiur Rahman and other BDR rebels who were carrying the dead body of Major Gazzali by a jute sack.** The aforesaid incident has been partly supported and corroborated by **PW 20 Major Kamrul Hasan** who saw 6/7 BDR rebels to take Major Gazzali towards the RSB field. He indentified Sepoy Mamun and Naik Wazed among the BDR rebels. The BDR rebels was taking Major Gazzali repeatedly beating him. Apart from the aforesaid evidence, **PW 30 Tarun Kanti Roy** has stated in his evidence that on 25.02.2009 at around 12 at noon, when he came in front of the street of Signal Sector, he came to see Naib Subedar Fazlul Karim, Havildar Anisuzzaman and signalman Motiur Rahman who were carrying a dead body in a jute sack along the street of Signal Sector. Subsequently, he came to

know from the conversations of the BDR rebels that the dead body was of Major Gazzali. The aforesaid fact of killing has been supported and corroborated by confessional statements of **Naik Wazed CS accused No 96, Havildar Anisuzzaman CS accused No 94, Sepoy Signal Motiur Rahman CS accused No 95 and Naib Subedar Fazlul Haque CS accused No 93.**

It appears from the confessional statements of **Sepoy Signal Motiur Rahman CS accused No 95 and Havildar Signal Md. Anisuzzaman CS accused No 94** that after killing Major Gazzali, **Naik Wazed CS accused No 96** and other BDR rebels dumped the dead body into the manhole.

**The Killing of Doctor Major SAM Mamunur Rahman**

It stands out from the evidence of **PW 19 Naik Md. Keramot Ali Sheikh** that on 25.02.2009 he was



present in the Darbar Hall to participate in Darbar. Due to disordered situation at the Darbar Hall, when he was coming from Darbar Hall to his own unit, he came to see many BDR rebels to open fires aiming at the Darbar Hall. Thereafter, he came to his own unit at 24 Rifle Battalion and stayed at the 2<sup>nd</sup> floor of the soldiers line. While he was staying in the backside of the soldiers line, at around 12 noon, he came to see Lance Naik Mozammel, Sepoy Uttom Barua, Sepoy Jewel, Sepoy Harun, Sepoy Tarequl, Cook Mojibur and other BDR rebels who were taking Doctor Major Mamun towards the north-west corner of the soldiers mess in a humiliating, wounded and bleeding condition beating him repeatedly. **This witness came to see that at the order of armed Naib Subedar Islam Uddin, Lance Naik Mozzamel and other BDR rebels killed Doctor Major Mamun opening**

**fire on him.** Then this witness being afraid of went to the jungle garden in the east side. The aforesaid episode of killing has been supported and corroborated by **PW 23 Sepoy Md. Rafiqul Islam** and **PW 17 Havildar Md. Motaleb.** It further appears that **PW 17 Havildar Md. Motaleb** and **PW 23 Sepoy Md. Rafiqul Islam** in their evidence disclosed the name of Sepoy Shamim Al Mamun @ Jewel CS accused No.50. From the confessional statement of **Sepoy Uttom Barua CS accused No. 400,** it appears that this accused went to the central quarter guard and took a rifle therefrom. **Sepoy Shamim Al Mamun @ Jewel CS accused No.50** has disclosed in his confessional statement that on 25.02.2009 before starting occurrence, he went to the quarter guard and took arms and ammunitions therefrom.

**The Killing of Colonel Md. Mojibul Haque,  
Lieutenant Colonel Enayet and Major Mokbul**

It is apparent from the evidence of **PW 26 Havildar Md. Bazlur Rashid** that on 25.02.2009 he was present in the Darbar Hall. A disordered situation occurred in the Darbar Hall. At the order of DG, this witness was going to his own unit at 36 Rifle Battalion. On his way to 36 Rifle Battalion, he came to see JCO Subedar Shahidur Rahman, Naik Idris, Naib Subedar Aziz, Naib Subedar Shahjahan, Naib Subedar Saidur Rahman, Naib Subedar Baten, Naib Subedar Kabir Uddin, Naib Subedar Khayer, Naib Subedar Assistant Ali Akbar, Subedar Ekramul Huque, Subedar Abdul Malek, Subedar Bari, Subedar Elias, Havildar Shahjahan, Havildar Yousuf, Havildar Omar, Sepoy Bazlur Rasid, Lance Naik Anowar and others who were counselling with each other. Havildar Major

Shahjalal entered the 4<sup>th</sup> floor of E Company and asked all them to go out. At that time, Subedar Major Shahidur was found with SMG. After a while, Havildar Omar, Subedar Ekramul, Sepoy Bazlur Rasid, Lance Naik Anowar and others brought Colonel Mujib and Lieutenant Colonel Enayet at the 4<sup>th</sup> floor. This witness came to see that Colonel Mujib was taken to a room while Lieutenant Colonel Enayet was also taken to another room. Subsequently a hue and cry was heard at the veranda situated in the western side. Thereafter he came to see that Havildar Yousuf, Sepoy Bazlu and Lance Naik Anowar with arms were coming to the east side from the west side. **Havildar Yusuf entered into a room wherein Colonel Mojib was kept and opened fire at him by the arms in his hands. Havildar Yusuf and Lance Naik Anowar threw the dead body of Colonel**

**Mojib to the ground from the 4<sup>th</sup> floor. At that time Lieutenant Colonel Enayet was also killed by the BDR rebels. Thereafter, Subedar Shahid and another also threw the dead body of Lieutenant Colonel Enayet to the ground from the 4<sup>th</sup> floor. At that time, M.L.S.S. Saifuddin @ Saidul helped the BDR rebels to show Major Mokbul who, at that time, was at the western side of the 2<sup>nd</sup> floor. Then Sepoy Alim Reza being armed with weapons went to a room at the western side and killed Major Mokbul by opening fire at him. The aforesaid evidence is also supported and corroborated by PW 37 Subedar Sheikh Abdul Quddus who has stated in his evidence that he was Naib Subedar of 36 Rifle Battalion. On 25.02.2009 at 9:40 a.m, hearing sound of firings he came in front of the soldiers line of his unit. A few minutes later, he came to see Lieutenant**

Colonel Enayet, the Commanding Officer (CO) of his unit and Colonel Mojibul Haque to come in front of the Battalion running. At that time, Subedar Major Shahidur Rahman, Havildar Omar Ali, Subedar Ekramul Haque, Sepoy Bazlur Rashid, Lance Naik Anwarul Islam and many others took Colonel Mojib and Lieutenant Colonel Enayet at the 4<sup>th</sup> floor of the soldiers line. Subsequently he came to hear sound of firings from the 4<sup>th</sup> floor of the soldiers line. During that time, he also came to see MLSS Saifuddin who showed Major Mokbul by shouting and then Sepoy Alim Reza killed Major Mokbul by opening fire on him. After killing the aforesaid 3 officers, their dead bodies were thrown to the ground floor from the 4<sup>th</sup> floor by the BDR rebels. The aforesaid fact of killing stands supported and corroborated by the confessional statements made by **MLSS Md. Saifuddin Miah CS**

**accused No. 88, Havildar Md. Yusuf Ali CS**  
**accused No. 75, Naib Subedar Md. Shahjahan Ali**  
**CS accused No. 74 and Sepoy Alim Reza Khan CS**  
**accused No. 80.** It further appears from the  
confessional statement of **Sepoy Alim Reza Khan CS**  
**accused No. 80** that he killed Major Mokbul by  
opening fire on him by the SMG, which is  
corroborated and supported by **PW 37 Naib Subedar**  
**Sheikh Abdul Quddus.** It is noticeable from the  
confessional statement of **Havildar Md. Yusuf Ali**  
**that CS accused No. 75** that at the order of BHM  
Shahjalal, the quarter masters of all the companies  
kept two dead bodies at the water point attached with  
barbar shop of 36 Rifle Battalion. Then the soldiers  
namely Syed, Omar, Jalal and Ekram started shouting  
for removing the dead body from the 36 Rifle  
Battalion. Then the dead body of Colonel Mojib,

Lieutenant Colonel Enayet and Major Mokbul were taken therefrom by a pickup and kept the dead bodies behind the cycle garage of 36 Rifle Battalion by Havildar Yusuf Ali and 4/5 BDR rebels, which has been stated by **MLSS Md. Saifuddin Miah CS accused No. 88** in his confessional statement.

**The killing of Lieutenant Colonel Doctor Robi Rahman**

It is evident from the evidence of **PW 72 Major Farzana Kalam** that in order to observe BDR week, 2009, on 25.02.2009, she was at the Darbar Hall. She appeared there at 8:30 a.m and at about 9:00 a.m, the meeting at the Darbar Hall was started and the DG started giving his sermons. After sometimes when he was talking about operation Dal-Vhat programme, at that time a soldier being armed with weapon coming from the western side entered the Darbar Hall and



pointed arms at DG BDR. The officers over there caught hold of him. In a moment, a hue and cry was started at the Darbar Hall. Many soldiers started going out through the doors and the window of the Darbar Hall. She along with some officers came towards the stage when firings were started in and around the Darbar Hall. This witness, Lieutenant Colonel Doctor Lutfor Rahman, Lieutenant Colonel Rabi Rahman, Lieutenant Colonel Yasmin and Major Rukhsana were there at the same place. In order to save themselves they took shelter behind the screen of the stage at the south-west corner of the Darbar Hall. DG, DDG, DOT, Captain Majahar, Lieutenant Colonel Kamruzzaman, Central Subedar Major and many others took shelter behind the screen at the other side of the stage. The sound of firings started increasing. The BDR rebels asked all the officers to come out

from behind the screen. At that time at the advice of Lieutenant Colonel Lutfor Rahman, the officers remaining in the south-east corner of the stage started coming out one after another. When they came down from the stage the BDR rebels caught hold of them and brought them out of the Darbar Hall. When they appeared in the middle place of the Darbar Hall, the BDR rebels opened fire at Lieutenant Colonel Kaiser and beat Lieutenant Colonel Lutfor Rahman. They pushed them out through the gate located in the north-east gate of the Darbar Hall. Bringing out from Darbar Hall, they called bad names of the officers and beat them mercilessly. Some of the BDR rebels wanted to take them to the firing squad. Sepoy Selim Reza came there and told them not to kill them as they are lady doctors and also told that they would be needed for their treatment purposes. At that time, this witness

found Major Saleh who came out from the Darbar Hall receiving bullet injury. When a pickup came, the BDR rebels picked her along with Lieutenant Colonel Yasmin and Major Roksana on the pickup. Lieutenant Colonel Rabi Rahman tried to ride on the pickup but the BDR rebels resisted them from riding on the pickup. **At the moment of starting the pickup, the aforesaid Lieutenant Colonel Rabi Rahman were able to ride on the pickup but the BDR rebels pushed him down beating him by the bat of a rifle.** The pickup came to the Hospital and dropped them thereat. The aforesaid story of beating the Lieutenant Colonel Robi Rahman has been supported and corroborated by the evidence deposed by **PW 73 Lieutenant Colonel Yasmin Akhter and PW 77 Major Rukhsana Khanam.** It may be mentioned **that at that time, many army officers were killed by**

**the BDR rebels in front of the fountain adjacent to north-south gate of the Darbar Hall. The dead body of Lieutenant Colonel Robi Rahman was found and recovered from mass grave near mortuary of the hospital and his dead body was identified by PW 535 Colonel Md. Abdul Alim Tarafder.**

**The killing of Major Mohammed Mominul Islam**

**Sarker**

It is found from the evidence of **PW 15 Sepoy Fazlul Haque** that on 25.02.2009 this witness was present in the Darbar Hall. Witnessing the violent situation, he left the Darbar Hall. When he came in the middle place of Sultan ground situated at north-west corner of Babor ground, he came to see Sepoy Masum of 24 Battalion and other BDR rebels namely Lance Naik Ekramul, Sepoy Paltan Chakma, Sepoy Mukul

Alam being armed with weapons to come running. At that time, Major Mohammed Mominul Islam Sarker of 24 Battalion was also coming through the way situated in the north side of the pond which is situated at the east side of the Darbar Hall. **As soon as Major Mohammed Mominul Islam Sarker was seen, Sepoy Masum CS accused No. 224 opened fire on him from 25/30 yards away. Major Mohammed Mominul Islam Sarker receiving bullet injury fell down in a moment.** It appears from the confessional statement of **Sepoy Al Masum CS accused No.224** that at the time of occurrence he took SMG and ammunitions. The confessional statement of this accused indicates that he was the member of unlawful assembly following premeditated conspiracy together with common intention and common object to overthrow the army officers from the BDR force.

**The Killing of Lieutenant Colonel Enshad Ibn Amin and Lieutenant Colonel Md. Badrul Huda in front of Darbal Hall.**

It is noticeable from the confessional statement of Regiment No. 75336 Sepoy Md. Saiful Islam CS accused No.61 that on 25.02.2009, this accused took one rifle and 20-round bullets from the Kote and Magazine. Then he opened 10-round fires towards the Darbar Hall. At around 10:45 a.m he took stand in the middle place of the main gate and the fountain in front of the Darbar Hall. In that place he found a dead body of an officer lying therein. Sepoy Altaf of 44 Rifle Battalion coming out of the Darbar Hall asked this accused to enter the Darbar Hall. Entering into the Darbar Hall, he took stand in the north corner in the front side of the store. In that time, Sepoy Altaf ordered the army officers to come out maintaining a

line/queue. Sepoy Altaf had a megaphone and arms in his hands. Sepoy Altaf ordered the army officers to hand over the mobile phones to them. Thereafter this accused took two mobile phones from two army officers. Sepoy Altaf asked the army officers to go to the west gate maintaining a line. At that time an army officer tried to pick up his stick which was fallen from his hand but Sepoy Altaf threatened him not to pick up the stick saying that there was no necessity of it. Thereafter, the army officers were taken towards the west gate of the Darbar Hall marching them making a queue. **Lieutenant Colonel Md. Badrul Huda who was the commanding officer of the former unit of this accused was among the other officers. When the army officers were going out through the door, the BDR rebels opened fires on them as a result of which some officers fell down on the ground**

**receiving bullet injuries.** From the front side, one officer called the name of Lieutenant Colonel Enshad and asked him to leave the place running. **As soon as Lieutenant Colonel Enshad started running towards the south gate of the Darbar Hall, this accused opened 2 round fires on him as a result of which he fell down on the ground.** At that time this accused along with other BDR rebels was present there. All the officers who were there in that group fell down on the ground receiving bullet injuries.

**The Killing of an army officer in front of the teachers quarters.**

It further seems from the confessional statement of Regiment No. 75336 Sepoy Md. Saiful Islam that on 25.02.2009 at around 11:00 a.m this accused coming out of the Darbar Hall went in front of the quarters of the teachers. This accused entered the



residence of the principal of the college in order to see as to whether any officer was in hiding in that place or not. Entering into that residence, this accused found 3 children who took shelter under the Khat/bed out of fear of life. Having asked by this accused, the children replied that their parents had gone outside the house. When this accused was there in the room, Sepoy Jashim of 44 Rifle Battalion and another Sepoy Jashim of Mymensingh Sector entered the room. Sepoy Jashim of Mymensingh Sector had a LMG in his hands and a belt of bullet at his waist. Sepoy Jashim of 44 Rifle Battalion had a rifle in his hands. This accused along with two others went to the roof of a two storied building for taking defence. At around 12:15 p.m, from the roof they came to see an army officer who was being taken away by 3 BDR rebels dragging him. Looking at the aforesaid scenario,

Sepoy Jashim of Mymensingh came down from the roof and asked the 3 BDR rebels to shoot him. When the other 3 BDR rebels felt reluctant to shoot the officer, Sepoy Jashim of Mymensingh Sector killed the officer by opening fire on him. Then he again came back to the roof. Apart from these events, when the BDR officers were coming out of the Darbar Hall at order of the BDR rebels, some BDR rebels opened fire on the officers as a result of which some of the officers fell down on the floor of the Darbar Hall. At that time an officer uttered the name of Lieutenant Colonel Enshad calling his name and told him to run away from that place. **As soon as Lieutenant Colonel Enshad started running towards the southern gate, accused Sepoy Saiful Islam opened gunshot on him as a result of which he fell down on the ground receiving bullet injury.** The officers present over

there also fell down on the ground receiving bullet injuries. The sound of firings and screaming of the officers were heard. The officers who took shelter at the bathroom were also injured by the gunshots and at that time, crying and screaming of the injured officers were also heard. In the meantime, through the ventilator of another bathroom, Colonel Reza, Colonel Arefin, Lieutenant Colonel Sazzad and Colonel Zahid came and took shelter therein. Within a short span of time, an unpleasant and horrible situation engulfed the Darbar Hall turning the same into a hell. Some army officers and some witnesses took shelter in the utensils kept in the kitchen.

**The killing of Lieutenant Colonel Mohammad Sazzadur Rahman, Major Mohammad Maksum-Ul-Hakim and many officers who took shelter in the utensils and beside the utensils in the kitchen**

**attached with Darbar Hall and some officers who took shelter at the bathroom.**

It stems out from the evidence of **PW 25 Lieutenant Colonel Md. Iqbal Hasan** that on 25.02.2009 he was present in the Darbar Hall. When some BDR rebels under the leadership of Sepoy Selim Reza entered the Darbar Hall, at that time he along with Lieutenant Colonel Badrul went to the green room and came to see some officers who took shelter therein. Within a short period of time, many BDR rebels entered the Darbar Hall as a result which this witness along with Colonel Aftab took shelter behind the big cooking pots coming therein through the ventilator of the washroom. At around 11:00 a.m, he came to hear sound of shooting to someone else. He came to hear sound of killing by opening fire and screaming of the victim officers who took shelter at

the bathroom behind him. In the meantime Colonel Reza, Colonel Arefin, Lieutenant Colonel Sazzad and Colonel Zahid also took shelter with them coming through the ventilator of another bathroom. Within a short span of time, an unpleasant and horrible situation engulfed the Darbar Hall. The officers took shelter in the cooking pots kept in the kitchen. When 5/6 BDR rebels entered the kitchen, this witness took shelter beside a cooking pot kept in the kitchen. He identified Sepoy Sazzad, Sepoy Rubel Miah and Sepoy Shahadat. When the aforesaid 3 BDR rebels opened fires on the officers, the officers fell down receiving bullet injuries. **When the BDR rebels went out of the kitchen, they addressed one BDR rebel as Sumon and told him to come out quickly. Instead of coming out from that place, Sepoy Sumon of 44 Rifle Battalion pushed some cooking pots as a**

**result of which Lieutenant Colonel Sazzad who hid beside the cooking pots came out and thereby he killed Lieutenant Colonel Sazzad by opening fire on him.** Luckily this witness and Colonel Aftab were saved from the death on that day. It appears from the confessional statement of Sepoy Md. Sumon Miah CS accused No. 64 that he took rifle from the central quarter guard before the occurrence of killing.

From the evidence of **PW 21 Major Syed Monirul Alam**, it appears that on 25.02.2009, this witness was present in the Darbar Hall. Due to chaos at the Darbar Hall, the BDR members started going out of the Darbar Hall making a hue and cry. This witness came to see through glasses of window that the BDR rebels being armed with weapons were coming to the Darbar Hall opening fires. At that time DG was encircled by other officers. DG directed all

the officers and the BDR members to come back to the Darbar Hall. Then he informed his wife of this matter. Intermittent firings were started around the Darbar Hall. On such situation, in order to save his life he entered the washroom. **He along with Major Maksumul took shelter under the basin. After a few time, 10/12 BDR rebels being armed with weapons entered the Darbar Hall and scolded the army officers with bad languages. Among the BDR rebels, he identified Sepoy Zia and Sepoy Razibul of 44 Rifle Battalion. Subsequently, changing his location he went behind the basin. He understood that BDR officers were being killed. Major Maksumul Hakim was beside him. After a while BDR rebels entered the washroom and uttered whether there were any son of bitch inside the washroom. Then the BDR rebels came to see Major**

**Maksumul Hakim there and opened fires on him. He became injured and blood were pouring from the wounds. At one stage he fell down on the ground. He requested the BDR rebels to take him to the hospital as he became injured by the bullet injuries. Then the BDR rebels addressed Major Maksumul Hakim as son of bitch and uttered to send the son of bitch to the hospital forever. The BDR rebels again opened fire on Major Maksumul Hakim as a result of which he succumbed to the bullet injuries. This witness smeared/received the blood in his forehead, which was pouring from the body of Major Maksumul Hakim and lay there pretending as a dead man. One of the BDR rebels uttered the name of Sepoy Zia and Sepoy Razibul and told that all the sons of bitch had died. Subsequently, when he was going out through the window, 5/6 BDR**



rebels entered the kitchen and out of them this witness identified Sepoy Sazzad, Sepoy Rubel and Sepoy Shahadat of 13 Rifle Battalion. When the BDR rebels opened fires on the army officers they fell down on the ground making a huge shouting. After some time, when the situation became calm and quite, he lay down on the drain attached with the Darbar Hall. He lay down there covering his body with a carpet. He informed his wife of his location from the drain. After 15/20 minutes, some armed BDR rebels came beside the drain and shut the door of the toilet. **The BDR rebels asked who was there in the toilet and they told the officer who was there to come out failing which he would be killed by gunshot. From the inside, one person introduced himself as the sector commander of Rajshahi and asked them what they wanted. Then the BDR rebels told him, “sir please**

**come out”. When that officer came out, the BDR rebels killed him by shooting.** They did not see him at that time. A vehicle came in the afternoon. The BDR rebels took away the dead bodies of the army officers. At night this witness overheard the conversations of the BDR rebels who at one stage told why the blood was there and why the blood was not washed out till that time. They also told to call NCE (Non-Combatants Enrolled) members and to wash the blood therefrom. Subsequently, NCE members came and washed away the blood from the side of the Darbar Hall. At that time water mixed blood fell in his cheeks. This witness stayed there in the drain till 12.30 at night. In not considering the drain as safe place, he concealed himself in the false ceiling and stayed there in the west side of the Darbar Hall. It appears from the confessional statement of **Sepoy Md. Sazzad Hossain**

**CS accused No. 10** who was one of the BDR rebels that he broke open the central quarter guard, took SMG from the Kote and loaded ammunitions from the Magazine and killed the army officers. It appears from the confessional statement of **Sepoy Md. Rubel Miah** **CS accused No. 28** that he took one SMG, two mortars and another arms in his hands.

**The Killing of one army officer in front of Shaheed Fazlul Haque English Medium School**

Going through the confessional statement of **Sepoy Md. Sazzad Hossain CS accused No.10**, it appears that on 25.02.2009 at around 9:15 a.m, this accused along with other BDR rebels following the criminal conspiracy along with common intention and common object went to the central quarter guard at Pilkhana, broke open the same and looted arms therefrom. This accused took one SMG, loaded the

arms with ammunitions taking from the Magazine, went to the Sultan ground beside the Darbar Hall and opened fires. Then he went towards the Shaheed Fazlul Haque English Medium School and saw one pickup wherefrom the BDR rebels were opening fires towards the Darbar Hall. **At that time one army officer was coming towards them running. The two BDR rebels who were with him opened fire on him and the BDR rebels also told this accused to open fires. He identified one of the two rebels who were with him and his name is sepoy Shahadat who came there to participate in the tattoo show and he was attached with 13 rifle battalion.** This accused also opened fires on the army officers at the instruction of two BDR rebels who were with him. The aforesaid army officers were killed by the

gunshots opened by this accused and other two BDR rebels.

**The killing of 3 Army officers at Water pump**

It is evident from the evidence of **PW 36, Cook Md. Amanuddin**, who has stated in his evidence that this witness was serving as cook in the house of Lieutenant Colonel Khabir. On 25.02.2009 at about 9:25 a.m he heard sound of firings from the Darbar Hall. In order to know the situation, he went out of the house and started coming towards the west side. When he reached near the water pump located in the south-west side of the Ripocks, the bullets started coming from the Darbar Hall. As a result, he entered the water pump and found 3 army officers who hid themselves there. After 3/4 minutes, No.51148 Lance Naik Hamidul, No. 77867 Sepoy Anisur both of 44 Rifle Battalion, No. 58589 Sepoy Bakibillah of 13 Rifle

Battalion along with 5/6 BDR rebels entered the water pump and brought them out from the water pump at gunpoint and attempted to fire on them. **When this witness introduced himself as a cook, one of the BDR rebels thrashed him telling that what he was doing there. In the meantime, Lance Naik Hamidul, Sepoy Anisur Rahman, Sepoy Bakibillah opened fire at 3 officers who receiving bullet injuries fell down on the ground.** Out of fear of life, he then came to his officer's house running. The aforesaid fact of killing is evident from the confessional statement of **Sepoy Shahadat Hossain CS accused No.191** who has stated that Naib Subedar Torab Ali, Havildar Bashar, Naik Mokter and 8/10 BDR rebels took this accused and others at the water pump from the Darbar Hall crossing the field situated at the north side of the Darbar Hall. **Going thereat,**

**this accused came to see dead body of 3 army officers with blood tainted BDR uniform on the floor of the water pump house.**

**The Killing of one army officer on the bank of pond behind the Darbar Hall.**

From the confessional statement of **Sepoy Shahadat Hossain CS accused No.191**, it appears that Naib Subedar Torab Ali, Havildar Bashar, Naik Mokter and 8/10 BDR rebels took this accused and others at the bank of a pond situated behind the Darbar Hall. **Reaching there, this accused came to see a dead body of one army officer wearing black uniform. Thereafter, at the instruction of Naib Subedar Torab Ali and others they lifted the dead body on the truck.**

**The Killing of an army officer near the coconut tree situated at the western side of the dining hall**

**adjacent to cook house behind the soldiers line of  
44 Rifle Battalion.**

It appears from the evidence of **PW 68 MLSS Md. Razibul Islam** that on 25.02.2009, when this witness was at the canteen at around 9:45 a.m to 10:00 a.m, he came to see Sepoy Hashibul Hasan of 44 Battalion who was pulling an officer by holding color of his uniform up to the canteen. At that time, Naik Shahajahan orchestra of that Battalion taking SMG came at that place, exchanged filthy languages coming to the officer and ordered the BDR rebels to kill the officer. **The aforesaid BDR rebels under the leadership of Naik Shahajahan caught and dragged the officer and tied his hands and legs to a coconut tree situated at the western side of the dining hall adjacent to cook house behind the soldiers line. Under the leadership of Shahjahan, the BDR rebels**



**started beating the officer repeatedly. Shahjahan had a SMG with him while a long stick was also found at the hands of BDR rebels. After sometime, a big sound of firing was heard. After a while, he came to see a dead body of an army officer found lying therein.**

**The killing of Major Shahnewaz, Major Saleh and one Subedar near gate No.5 of Pilkhana situated at the southern side of the Darbar Hall.**

It appears from the evidence of **PW 4 Colonel Shamsul Alam Chowdhury** that on the date of occurrence on 25.02.2009, one Subedar who was supposed to be promoted as DAD on that day was coming crossing the road situated in front of JCO quarters and beside the southern side of the Darbar Hall. At that time, the said Subedar and two BDR

rebels were locked in conflict. At one stage the aforesaid two BDR rebels shot him to death. The said Subedar fell in the ground receiving bullet injuries in a moment. After 5/7 minutes, the three BDR rebels dragged **Major Shahnewaz** towards gate No.5 of the Pilkhana. When **Major Shahnewaz** was being taken towards gate No.5 of the Darbar Hall raising his hands, a sound of firing was heard. After a while **Major Saleh** was also being taken towards gate No.5 by three BDR rebels and then a sound of firing was heard. In that way, one Subedar, Major Shahnewaz and **Major Saleh** were killed therein and their dead bodies were subsequently recovered from the mass graves.

**The Killing of Mrs Naznin Shakil Shipu wife of DG BDR Shakil Ahmed, Lieutenant Colonel Delowar Hossain (Retd) friend of DG BDR, Mrs Delowar,**

**maid servant Kolpana and Gardener Firoj Miah at  
DG Bungalow.**

It is visible from the evidence of **PW 40 Havildar Md. Babul Miah** that on 25.02.2009 he was the guard commander of DG Bungalow. On the date of occurrence he took charge from guard commander Havildar Rezaul. As many as 13 guards namely Naik Hasmat, Naik Sanaullah, Lance Naik Mostafa, Sepoy Arshad, Sepoy Zia, Sepoy Mobin, Sepoy Mostafa, Masum, Sumon, Zafar, Kamrul, Hafiz and Monju were also on duty with him. This witness appointed guards at the 3 posts of the DG Bungalow. At 8:00 a.m, the DG went out of the house through Government vehicle and at 8:50 a.m, DG went towards the Darbar Hall and at 9:30 a.m, this witness heard sound of firings from the Darbar Hall. He alerted the guards in that regard. He tried to make

communication with Lieutenant Colonel Shams, Commanding Officer of 44 Rifle Battalion over telephone but failed. Subsequently Sepoy Selim Reza, Sepoy Obaidul, Sepoy Ibrahim, Sepoy Altaf, Sepoy Habib, Sepoy Shahin, Sepoy Mohsin, Havildar Jashim and 10/15 BDR rebels came at the DG Bungalow. This witness obstructed the BDR rebels from entering into DG Bungalow as a result of which Sepoy Selim Reza opened fire at him causing grievous injury in his left hip. Receiving injury he fell down on the ground. The BDR rebels entered the DG Bungalow opening fires through the ways. After sometime he heard shoutings and sound of firings from the inside of the Bungalow. Profuse blood came out from the injuries he received. Thereafter, he shouted for help. After a while, a pickup came at the DG Bungalow. Lance Naik Mostafa and Badrul picked him up on the

pickup. Mostafa admitted this accused to the BDR Hospital. On 25.02.2009, he was taken to Holy Family Hospital and at about 8:00 p.m, he came to know from the doctors that 3 bullets hit on his left hip and a bullet was also there at his urinary bladder. The doctors also informed him of the injury on his urine bladder. After treatment, he was transferred to PG Hospital on 16.03.2009. After treatment he was again transferred to the BDR Hospital on 13.05.2009 and stayed there under treatment till 29.10.2009. A bullet fired by BDR rebels is still in his body. The aforesaid attack in DG bungalow and killing has been supported and corroborated by the confessional statement of **Sepoy Md. Ibrahim CS accused No. 68** who has stated, inter alia, in his confessional statement that on 25.02.2009, this accused went to central quarter guard and took one rifle and 20 round of bullets. Taking

arms he came in front of Sadar Rifle Battalion on foot and came to see 15/20 BDR rebels therein. Among the BDR rebels, he recognised and identified Sepoy Selim, Sepoy Altaf, Sepoy Habib and Sepoy Obaidur of 44 Rifle Battalion. At around 11:30 a.m, this accused along with Sepoy Selim, Sepoy Habib, Sepoy Altaf, Sepoy Obaidur and Sepoy Shahin with 15/20 BDR members went to the DG bungalow. In front of the gate of DG bungalow, guard **Havildar Babul PW 40** obstructed them from entering the DG bungalow as a result of which Sepoy Selim opened fire on the legs of Babul PW 40 (guard commander of DG bungalow) who receiving injury fell down on the ground. The BDR rebels started opening fires in and outside the DG bungalow. This accused opened two fires. **After a while DG madam came down from the 1<sup>st</sup> floor of the house wearing maxi. On the stairs, Sepoy**

**Habib, Sepoy Altaf, Sepoy Selim along with 2/3 BDR rebels caught hold of DG madam and tied her mouth. This accused and Sepoy Obaidur were standing beside them. Thereafter this accused along with Sepoy Habib, Sepoy Selim, Sepoy Obaidur and 3/4 other BDR rebels took DG madam at the cook house and physically tortured and assaulted her. In the meantime 2 BDR rebels went to the 1<sup>st</sup> floor, opened fires and scattered the household materials. Subsequently, this accused along with 2/3 BDR rebels went to the 1<sup>st</sup> floor and came to see 3 BDR rebels who were torturing and assaulting a girl aged about 15/20 years. This accused opened two fires on the girl as she cried out. As a result, the girl succumbed to the bullet injuries. All of a sudden, he heard sound of firing from the ground floor. He came down from the 1<sup>st</sup>**

**floor and came to see that DG madam had been killed by opening fires on her.** Sepoy Selim along with 2/3 BDR rebels opened fires on her. The aforesaid incident of killing has been supported and corroborated by the confessional statement of **Sepoy Md. Obaidul CS accused No. 48** who has stated in his confession that on 25.02.2009 this accused along with Sepoy Selim, Sepoy Habib, Sepoy Ibrahim, Sepoy Atowar, Sepoy Mintu and other BDR rebels entered the Darbar Hall. This accused and BDR rebel Atowar took one rifle and 10 round of bullets each. **When they were proceeding towards the Darbar Hall Colonel Anisuzzaman came out of the Darbar Hall. At that time one of the rebels opened fire on Colonel Anisuzzamn as a result of which fell down on the ground.** Subsequently, this accused and Sepoy Atowar opened fires on Colonel Anisuzzaman and as a



result, Colonel Anisuzzaman succumbed to the bullet injuries. At one stage, this accused and Sepoy Atowar went to the DG bungalow and going thereat, they came to see Sepoy Habib, Sepoy Selim and 10/15 BDR rebels. **This accused and other BDR rebels entered inside the DG bungalow and when they entered the DG bungalow, Sepoy Habib and Sepoy Selim opened fires. Hearing of sound of firings, when DG madam came down from the upstairs, Sepoy Habib, Sepoy Selim along with 3/4 BDR rebels caught hold of DG madam. Sepoy Selim dragged her holding of wearing clothes and at one stage they physically tortured and assaulted her in front of this accused. Subsequently this accused and other BDR rebels went to the 1<sup>st</sup> floor of the house. Subsequently, he came to hear that DG madam was tortured and assaulted by Sepoy**

**Habib and another BDR rebel. When they went to the 1<sup>st</sup> floor, a BDR rebel shot the maid servant from the front side and they also found there one male and one female person in civil dress. Then one of the BDR rebels opened fire on them. Each of this accused and Sepoy Atowar opened one round of fires and they instantly succumbed to the bullet injuries. Subsequently they came to hear that the deceased were of Colonel Delowar (retd) and his wife. Thereafter one of the BDR rebels injured the head of the wife of Colonel Delowar throwing TV on her head. When this accused and other BDR rebels came to the ground floor, they found dead body of DG madam in front of the door of cook house having multiple bleeding and wounding injuries in the different parts of her body. The incident of the aforesaid occurrence partly stands**

supported by the confessions of **Sepoy Md. Ershad Ali CS accused No.687** and **Sepoy Md. Mohsin Ali CS accused No.386**. Apart from the aforesaid evidence and materials, **PW 536 Brigadier General Waker-Uz-Zaman** in his evidence has stated that on 27.02.2009 at 10:30 a.m this witness as Second In Command (2IC) of 17 East Bengal Regiment along with his brigade commander and other army officers entered the Pilkhana. He went to DG bungalow, Darbar Hall and different quarters of the officers. Going at DG bungalow and Darbar Hall, he found many alamots and marks of killing therein. However, he recorded some alamots and marks of killing of DG bungalow in his personal mobile. Subsequently, he converted those scenario into CD. Subsequently, during trial of the case, this witness produced the CD

before the court and the same was exhibited as exhibit No. CL XXXIV.

**The Killing of an army officer whose dead body was recovered from the left side of the entry gate of dairy farm**

**PW 535 Colonel Mohammad Abdul Alim Tafarder** has stated in his evidence that on 25.02.2009 he was in charge of Commanding Officer of 17 East Bengal Regiment under 46 Independent Infantry brigade. On 27.02.2009 at around 10:30 a.m, this witness along with his Brigade Commander together with Major Waker, Major Imran, Major Arefen, Major Azad, Captain Saidul, Captain Azmi, Captain Adnan, Captain Reza, Lieutenant Mainul, Lieutenant Asif, Lieutenant Rashed along with 300 hundred officers and soldiers of different ranks and positions entered the Pilkhana premises through gate

**No. 4. As follow-up teams, 4 East Bengal Regiment and 2 East Bengal Regiment also entered the Pilkhana. Thereafter, Major Kamrul of 2 East Bengal came to see a dead body of an army officer at the left side of the entry gate of the dairy farm.**

The dead body could not be identified by that time as the same was distorted one.

**The Killing of Colonel Mohammad Anisuz-Zaman at Darbar Hall area.**

The incident of killing of Colonel Mohammad Anisuz-Zaman has been depicted in the confessional statement of **Sepoy Md. Obaidul CS accused No. 48** who has stated in his confession that on 25.02.2009 this accused along with Sepoy Selim, Sepoy Habib, Sepoy Ibrahim, Sepoy Atowar, Sepoy Mintu and other BDR rebels entered the Darbar Hall. This accused and BDR rebel Atowar took one rifle and 10-round of

**bullets each. When they were proceeding towards the Darbar Hall Colonel Anisuzzaman came out of the Darbar Hall. At that time one of the rebels opened fire on Colonel Anisuzzamn as a result of which fell down on the ground. Subsequently, this accused and Sepoy Atowar opened fires on Colonel Anisuzzaman and as a result, Colonel Anisuzzaman succumbed to the bullet injuries.**

**The Killing of an Army officer whose dead body was recovered from the vehicle of DG BDR.**

The evidence of **PW 321 Mr. Mirza Azam MP** suggest that on 26.02.2009 at 8:00 a.m, this witness and others went to Ambala Restaurant and talked with the BDR rebels over cell phone for resolving the crisis created by the BDR rebels. The BDR rebels spent time telling this and that. Being disappointed, this witness and others talked with the Hon'ble Prime Minister

over cell phone at 1:30 p.m. Assessing all the situations, at 2:30 p.m the Hon'ble Prime Minister delivered a speech for the Nation and directed the BDR rebels to surrender immediately with a caution that if the BDR rebels failed to surrender within the time-frame, serious actions would be taken against the BDR rebels. Thereafter, the BDR rebels wanted to surrender. When BDR rebels wanted to surrender, this witness and others went to gate No. 5 of the BDR Headquarters. Thereafter, Hon'ble Home Minister, Finance Minister, Whip Mrs. Amili MP, Mr. Rashed Khan Menon MP, Mr. Hasanul Haque MP, Mrs. Chumki MP, Mrs. Sanjida MP and many others went inside the Pilkhana. Going thereat, this witness along with Mr. Menon MP, Home Minister and State Minister for Law, Justice and parliamentary Affairs riding on a pickup made miking in all the areas of the

BDR and came to see 8/10 vehicles in a burned condition and many arms and ammunitions were found scattered here and there. **This witness came to see blood in the vehicle of DG and also came to see a dead body therein.** During that time he received a phone from the Hon'ble Prime Minister and recovered army officers from the O.T. of BDR Hospital as per direction of the Hon'ble Prime Minister. In the next day on 27.02.2009 he came to know about the mass graves of the BDR officers as a result of which they went and recovered dead bodies therefrom. Many army officers broke into tears as a result of which they all became very perplexed.

**Screening of dead bodies of the army officers and causing disappearance of evidence from the place of occurrence.**



It appears from the evidence of **PW 21 Major Syed Monirul Alam** that on 25.02.2009, he was in the Darbar Hall. At one stage, the BDR rebels entered the Darbar Hall with arms and ammunitions and started killing the army officers as a result of which he took shelter in different places of the Darbar Hall and came to see many killings of army officers. This witness in order to save his life took shelter in the drain attached with the Darbar Hall and lay therein. During his stay at the drain, a pickup came in the afternoon. **Thereafter, the BDR rebels picked up the dead bodies of army officers on the pickup and took them away from that place.** In the night, when this witness was in the drain, some BDR rebels during their conversations said that still there were taints of blood and why the blood was not washed out yet. They ordered some BDR rebels to call NCE members

and to wash out the blood from the place of occurrence. Subsequently, NCE members came to the place of occurrence beside the Darbar Hall and washed out the taints of blood. The water mixed blood also fell in his cheek. This witness stayed in the drain till 12:30 a.m on that day.

From the confessional statement of **MLSS Md. Saifuddin Miah CS accused No. 88**, it appears that he was in service as MLSS in 36 Rifle Battalion. On 25.02.2009 he was on duty in his office room. In between 9:45 a.m to 9:50 a.m, this witness came to see CO Colonel Enayet, Sector Commander Mujib and Major Mokbul who were being brought towards the office of 36 Rifle Battalion encircling them by 30/35 BDR rebels. Remaining therein he heard sound of firings and saw some massacres committed by the BDR rebels. **At one stage, when he went out of the**

office through the backside he came to see the bleeding and wounded dead bodies of Colonel Mujib and Lieutenant Colonel Enayet. At that time when he was thinking of his departure standing at one side of the veranda. At that time a dead body fell down from the upstairs. He came to see that the dead body was of Major Mokbul. By that time he shouted a lot. At around 11:00/11:30 a.m, this accused saw Havildar Yusuf who came there running from the east side taking SMG in his hands. During his stay at the barrack, he went to drink water and then he came to see Havildar Yusuf along with 4/5 BDR rebels wearing musk, who with the help of leaf of nut tree taking from the dustbin carried the dead bodies of Colonel Mojib, Lieutenant Colonel Enayet and Major Mokbul tying them and picked up the dead bodies

of officers on the pickup kept behind the cycle garage. This witness in his confessional statement has further disclosed that at about 7:30 p.m Havildar Yusuf and Lance Naik Monju ordered Naib Subedar Shahjahan who at that time was there sitting in front of the canteen, to provide 10/15 people for cleaning blood from the Darbar Hall as Home Minister would come at the Darbar Hall. **Subsequently Havildar Yusuf and Lance Naik Monju went to the Darbar Hall taking the sweepers. 15 minutes later Havildar Yusuf again came to this witness and told him to go to the Darbar Hall and to work for cleaning blood from the Darbar Hall.** Then this witness went to Darbar Hall with Havildar Yusuf. **This accused came to see many persons who were washing the floor of the Darbar Hall. Many soldiers wearing musk were on duty taking arms in their hands. There was a**

**huge amount of blood on the floor of the Darbar Hall. After a while, this accused came to see a Pajero Jeep with a mike tying and fixing the same on the roof, to come in front of the Darbar Hall and some people were there inside the Pajero Jeep. Thereafter Havildar Yusuf got up on the Pajero and sat in the front seat and the said vehicle went towards the brick built ground of 36 Rifle Battalion. At around 11.30/12.00 at night the work of cleaning blood from the floor of the Darbar Hall was finished. Havildar Yusuf again came back to the Darbar Hall and asked whether work of cleaning of blood was finished or not. After finishing the work Havildar Yusuf told all to go away from the Darbar Hall.**

**Havildar Md. Yusuf Ali CS accused No.75 in his confessional statement has stated that on**

25.02.2009 at about 9:45 a.m, he took one SMG from the Kote of 36 Rifle Battalion and took 30 round of bullets in two Magazines containing 15 round of bullets each. He has categorically stated that he saw the BDR rebels to shoot Lieutenant Colonel Enayet at the 3<sup>th</sup> floor of 36 Rifle Battalion and this accused killed Colonel Mujibul Haque by opening two round of bullets on him. **Thereafter, at the order of BHM Shahjalal, the quarter masters of all the companies kept the aforesaid two dead bodies at the water point attached to barber shop of 36 Rifle Battalion. Many BDR rebels were present there. At the order of EME Subedar (bearded), the aforesaid dead bodies were fallen in the manhole breaking its cover.** After that, Sepoy Alim Reza and MLSS Saifuddin killed Major Mokbul in front of the accused. The dead body of Major Mokbul was kept behind the

3-ton vehicle standing in front of the shop of MT garage.

**Naib Subedar Monoranjon Sarker CS accused No.169** in his confessional statement has stated that on 25.02.2009 at around 5:30 p.m Naib Subedar Torab Ali dropped this accused at the west side of the Darbar Hall by a pickup. Then he was taken inside the Darbar Hall by Naib Subedar Torab Ali. **Then he came to see a dead body of DAD Masum in the north side of the stage of the Darbar Hall. Apart from this he came see 4/5 dead bodies therein. This witness saw 3-ton vehicle of BDR in west side of Darbar Hall. He found 25/30 dead bodies in line behind the vehicle. He also came to see two dead bodies in the east side of the bathroom. The BDR rebels were talking about taking the dead bodies at the MT garage. One of the BDR rebels ordered him to**

**catch hold of cloth and then he caught hold of it. Other BDR rebels also caught hold of the cloth in another side. This accused and other BDR rebels caught hold of the cloth so that none could see the dead bodies from the outside. Then the BDR rebels lifted the dead bodies on the vehicle and took away the dead bodies therefrom.**

From the confessional statement of **Naib Subedar Wali Ullah CS accused No.183**, it appears that on 25.02.2009 at around 3:45 p.m, when he was in duty at ICU of BDR hospital, 3 unknown BDR rebels brought this accused along with Naib Subedar Torab Hossain, Naib Subedar Monoranjon Sarker with 12/15 BDR soldiers at the Darbar Hall by a 3-ton truck. **Reaching there, he came to see 20 dead bodies lying outside in the west side of the Darbar Hall. Among the dead bodies, the dead body of DG of BDR was**



**also there. Some unknown BDR rebels ordered this accused and Naib Subedar Torab Hossain to raise the screen up. Then the BDR rebels lifted the dead bodies on the 3-ton truck. Thereafter, this accused along with others carried the dead bodies to MT garage. Then, a pickup of the BDR rebels also came with the truck that carried the dead bodies.**

At that time this accused recognised Naib Subedar Malaker with arms in that vehicle. At around 6:00 p.m, one unknown BDR rebels told this accused and others to leave the place.

From the confessional statement of **Havildar Md. Abul Basher CS accused No.178**, it appears that on 25.02.2009 at around 3:30 p.m, this accused was at MI room of the BDR hospital. He received the telephone call made by Naib Subedar Medical Assistant Torab Ali who ordered this accused and 10

BTT soldiers to go to the Darbar Hall as quickly as possible. Then this accused went to the soldiers line of the hospital. Thereafter, at the order of Naib Subedar Torab Ali, this accused along with (1) Sepoy Razib Miah (2) Sepoy Rejaul (3) Sepoy Md. Shahadat (4) Sepoy Robiul Alam (5) Sepoy Shahjalal (6) Sepoy Thai Yong Marma and (7) Sepoy Sohel Rana wearing uniform went to the Darbar Hall at 4:45 p.m and reported to Naib Subedar Torab Ali. **Going to the Darbar Hall, he came to see everything broken, profuse blood scattered in different places inside the Darbar Hall and 4/5 dead bodies lying on the floor. Among the dead bodies, the dead body of commandant Colonel Moshiur Rahman of this accused was also there. He could not identify the dead bodies of other officers. Naib Subedar Torab Ali ordered him to lift the dead bodies on the truck**

and in the meantime, another 3-ton truck came in front of the Darbar Hall. Getting order, he along with 7 BDR rebels lifted dead bodies of 4 army officers on the truck. The other BDR rebels remaining in the Darbar Hall took this accused and others at the bank of the pond of Mazar (Shrine) behind the Darbar Hall. Going thereat, he came to see a dead body of an army officer of Major rank wearing uniform of RAB in front of the tent. He came to see medical assistant Naik Mukter beside the dead body. This accused and others lifted dead bodies on the truck and thereafter that truck went towards the east side of the Darbar Hall carrying the dead bodies. Subsequently, wearing musk and helmet, 4 BDR rebels being armed with weapons took this accused and others near water pump which was situated 200 hundred yards away in the north from the

Darbar Hall. Medical Assistant Naib Subedar Torab Ali was with them. **He came to see Subedar Monoranjon there and when they lifted the dead bodies on the truck from the Darbar Hall, at that time, he found Monoranjon there at standing position. At around 6:00 p.m, going at the water pump, he came to see 4 dead bodies of 4 army officers-two of them were outside the water pump and other two dead bodies were inside the water pump.** After a while Subedar Medical Assistant Wali Ullah came to the water pump taking a white ambulance of BDR hospital and then he went away therefrom talking with Naib Subedar Torab Ali. **After sometimes, Havildar Humayun came near the water pump taking a vacant pickup. However this accused and others lifted 4 dead bodies on the pickup. Havildar Humayun and pickup driver**

**went away through the front side of the Sadar Rifle Battalion taking the dead bodies.** After lifting the dead bodies, he along with 7 BDR rebels and Naib Subedar Torab Ali came to the line through brick-built ground leaving that place.

From the confessional statement of **Naib Subedar Torab Hossain CS accused No.181**, it is evident that on 25.02.2009, he was present in the Darbar Hall. When chaos and disorder were started in the Darbar Hall, he came to BDR hospital. Then he went to ICU-2 of the BDR hospital. From there, he went to operation theatre (OT). During his standing at the OT, Colonel Yasmin Akhter, Major Rukhsana, Major Farzana and one male doctor entered the OT getting down from the lift. While this accused was getting down from the upstairs and he was going towards the MI room, Sepoy Alauddin aiming arms at

him scolded him and compelled him to sit on the pickup. Havildar Humayun was with the pickup. Havildar Humayun then uttered that they needed more people. Sepoy Alauddin then caught and brought Naib Subedar Monoranjon there. **Then this accused and other BDR rebels were taken to gate No.5 of the Darbar Hall and in the middle place of the Darbar Hall and directed to lift the dead bodies on the vehicle.** He came to see a 3-ton truck there. At that time, Naib Subedar medical assistant Waliur Rahman came to that place. **Havildar Humayun brought some BDR rebels being armed with weapons and directed them to lift the dead bodies.** Sepoy Alauddin took this accused to get no 5 to make a telephone call, when this accused made a telephone call to MI room, **Havildar Hashem Sarwar received the phone and then this accused directed him to**

send people to lift the dead bodies. At that time, it was 2:00 p.m. After coming back he came to see that 3 dead bodies were lifted on the truck. He further came to see the dead bodies of DG and DDG lying in front of the Darbar Hall. They also lifted those dead bodies. This accused again made a telephone call. At 3:00 p.m Havildar Bashar along 2 BDR rebels came from the hospital. There were many dead bodies inside the Darbar Hall. When this accused again made a phone call, Naik Md. Muktar received the phone. At about 4:00 p.m Naik Md. Mukter came thereat taking Naik Asad and 4/5 BDR rebels. By the help of those BDR rebels, they lifted the dead bodies on the truck. At least 37 dead bodies were lifted on 2 trucks. The BDR rebels lifted the dead bodies on the truck till 5:00 p.m. Thereafter Havildar Humayun ordered the accused and

others to go to an empty house attached to water pump situated at the north side. **Going thereat he found 3 dead bodies. At the time of evening Havildar Humayun came there with a pickup and then the people of this accused lifted the dead bodies on the pickup.** Then this accused went to the barrack.

From the confessional statement of **Naik Mokter Hossian CS accused No.179**, it is apparent that on 25.02.2009, while he was at the MI room of BDR hospital, at around 3:00 p.m Naib Subedar Medical Assistant Torab Ali over telephone ordered this accused to send 10 Basic Trade Training (BTT) soldiers with Havildar medical assistant Bashar to the Darbar Hall right that time. This accused was also instructed to go there. Then this accused told him that there were no staffs in the MI room. Naib Subedar Torab Ali then told him to come there as there were no



necessity of people in the MI room. At that time this accused started looking for Havildar Bashar and came to hear that Havildar Bashar went to the Darbar Hall taking the soldiers. Then he again returned to MI room. At around 3:30 p.m Naib Subedar Torab Ali directed this accused to go to the Darbar Hall by a phone call which was received by Naik Habib. Following that order, this accused went to the Darbar Hall. **Going thereat, he came to see a 3-ton truck of the BDR in the south side of the Darbar Hall. He found 6/7 dead bodies on the truck. This accused also found 4/5 dead bodies lying on the ground. Looking at the dead body lying on the ground, one dead body appeared to him like the dead body of Doctor Lutfor Rahman.** Then this accused started looking for Naib Subedar Torab. This accused found Naib Subedar Torab in the north side of the Darbar

Hall. At that time, Naib Subedar Torab along with Havildar Bashar and other BDR rebels was looking for the dead bodies. Looking at this accused Naib Subedar Torab ordered him to stay there. **Thereafter, Naib Subedar Torab taking other BDR rebels went to 3-ton truck. They lifted the dead bodies on the truck by the BTT rebels. After lifting the dead bodies on the truck, this accused and other BDR rebels under the leadership of Naib Subedar Torab Ali went near the water pump situated in the north side of the Darbar Hall, recovered 3 dead bodies from the inside of the water pump and lifted the dead bodies on another pickup van. Another dead body was there in the pickup.** An ambulance came with the pickup van and Naib Subedar Medical Assistant Waliullah and others were there sitting inside the ambulance. Under the leadership of Naib Subedar

Medical Assistant Waliullah 3 dead bodies were taken to the east side. Then under the leadership of Naib Subedar Torab Ali, this accused and others started towards the hospital. On the way, Naib Subedar Torab Ali spoke that he had come doing practice of disposal of dead bodies. Then this accused came to the hospital. The aforesaid event of screening off the dead bodies has also been supported and corroborated by the confessional statements of **Sepoy Shahadat Hossian CS accused No.191, Sepoy Thai Yang Marma CS accused No. 197, Sepoy Razib Mia CS accused No.195, Sepoy Md. Rabiul Alam CS accused No.193 (BTT Soldier), Sepoy Md. Rezaul Islam CS accused No.194 and Sepoy Shahjalal Sikder CS accused No.190.**

From the confessional statement of **Havildar Driver Billal Hossain CS accused No.162**, it is

noticeable that this accused was a member of 15 Rifle Battalion and he was attached with Sadar Rifle Battalion as driver at the time of occurrence. **This accused would drive 3-ton truck No.1470 of the BDR.** On 25.02.2009 at around 1:45 p.m, Naik Abdul Latif of MT control room ordered this accused to go to the Darbar Hall with a vehicle as quickly as possible. **Thereafter this accused went to the Darbar Hall along the road beside the swimming pool taking a truck being No. Dhaka Metro-N-1470.** He took stand in right side of the Darbar Hall crossing the vehicle of DG BDR. At that time, Naik Subedar Monoronjon giving signal by hand directed this accused to go to the gate of the west side of the Darbar Hall. Then he came to see Naib Subedar Wali wearing uniform standing beside Naib Subedar Monoranjon. **At the order of Naib Subedar Monoranjon, he**

brought the vehicle under the Koroy tree in front of the Darbar Hall pushing back the vehicle from the main road and came to see 15/20 dead bodies of army officers wearing uniform at the vacant place near the Darbar Hall. He also found 7/8 BDR rebels standing wearing musk in the north-west corner of the Darbar Hall. At the order of Naib Subedar Monoranjon and Naib Subedar Wali, the BDR rebels handing over their arms and ammunitions in the hands of one Lance Naik lifted 7 dead bodies on the vehicle of this accused. At that time Naib Subedar Wali embarked on the vehicle and sat on the seat beside this accused and asked him to go towards the hospital road. After coming some ways, Naib Subedar Wali ordered him to stop and then as per instruction, he stopped the vehicle there. Naib Subedar Wali got down from the vehicle instructing this accused to keep

the vehicle in the corner of the field of 13 Rifle Battalion. He then went to the barrack keeping the vehicle in the corner of the field of 13 Rifle Battalion. When he was coming carrying the dead bodies at that time he came to see driver Havildar Solaiman along with some BDR rebels being armed with weapons going towards the Darbar Hall crossing him. At around 10:00 p.m MT Naik Abdul Latif again called this accused by a miking from the control room. When there was a delay in coming, another driver Naik Ali Hossain MT section asked this accused to go to vehicle as quickly as possible. At that time there was no electricity in that area. During his movement on the ways, he came to see Subedar Major Zobayer of 13 Rifle Battalion to come to him and then Subedar Major Zobayer ordered him to keep the vehicle in front of the mortuary. Getting instruction, this accused

kept the vehicle in front of the mortuary parking it south faced and then he went to the line. During that time firings inside the Pilkhana were continuing. At around 4:30 a.m Naik driver Ali Hossain came to him and told him to bring his vehicle as his vehicle was unloaded. At that time this accused along with Naik Ali Hossain went in front of the mortuary. **Going thereat he came to see that the dead bodies carried by his vehicle were kept in a ditch in the west side of the mortuary. The vehicle of this accused became tainted with blood. In that time he also came to see 2 vehicles, one 3-ton truck and a pickup in front of the door of the mortuary. He came to see at least 20/25 dead bodies in two vehicles.** Under the aforesaid situation, this accused came back to MT garage taking his vehicle.

The aforesaid incident of carrying dead bodies has been supported and corroborated by the confessional statement of **Naik Md. Ali Hossain CS accused No.184**, who was a member of 1 Rifle Battalion and was attached with Sadar Rifle Battalion as driver at the time of occurrence. On 25.02.2009 Naik Md. Ali Hossain drove 3-ton truck being No. Dhaka metro-E-2-11-0490.

**Dumping of dead bodies of the army officers and others in mass grave (Gono Kabor)**

The BDR rebels in collaboration with each other following the criminal conspiracy killed the army officers and others and then they removed the dead bodies from the different places and dumped those dead bodies in mass graves (Gono kabor). The evidence of dumping of the dead bodies has been vividly described by **PW 93 Sepoy Md. Shahjahan**



**Ahmed, PW 63 Lance Naik Md. Nazimul Islam,  
PW 38 Naib Subedar Moniruzzaman, PW 455  
Havildar Md. Ashraf Ali, PW 283 Lance Naik Md.  
Zamal Hossain, PW 341 Havildar Md. Delowar  
Hossain, PW 322 Lance Naik Assistant Md.  
Ashraful Alam, PW 71 Naib Subedar Medical Md.  
Hashim Uddin and PW34 Havildar Md. Abdul  
Malek.**

**PW 93 Sepoy Md. Shahjahan Ahmed** has stated in his evidence that on 25.02.2009, he was in service as Sepoy at Rifle Security Unit (RSU), Pilkhana and at that time, he was also the runner of Major Asad. On 25.02.2009 at 1:30 a.m this witness stood on the veranda of the 2<sup>nd</sup> floor of the Barrack and during that time he came to see JCO Yusuf Ali, Badge No. 5046 along with 3 armed BDR rebels who came at RSU. By that time No. 43347 Havildar Akter,

No. 39995 Havildar Zakir, No. 44274 Havildar Ikbal, No. 45596 Naik Kaiyum and No. 53442 Lance Naik Mozammel Haque of RSU invoked the other BDR rebels to come down from the upstairs. Yusuf Ali then told that if the BDR rebels did not get down they would be shot. When he came down from the upstairs, he came to see No. 42947 Havildar Shafiqul, who unlocked the store room of RSU by keys and Naik Kaiyum thereafter took spade and shovel from the store room and put them on the ambulance. At that time JCO-5259 Naib Subadar Rafiqul, of RSU was standing thereat. Subedar Yusuf, Habilder Zakir, Naik Kaiyum and other armed BDR rebels picked him up on the ambulance at gunpoint and dropped all of them at the BDR Hospital. He saw 3 vehicles thereat. **Going forward a little bit, he found the dead bodies on the 3 vehicles. He came to see to bury the dead bodies**

at the western side of the mortuary. The BDR rebels dug out the earth in order to cause disappearance of the dead bodies of the army officers. Among the BDR rebels who dug out the earth were No. 4887 JCO Torab Hossain, No. 5279 JCO Monoranjan, No. 39995 Havildar Zakir, No. 45596 Naik Kaiyum, No. 53442 Lance Naik Mozammel, JCO-5046 Subader Yusuf, No. 51857 Naik Nazrul, No. 57146 Sepoy Sayedul Islam, No. 52253 Naik Shahi Akter, No. 51668 Wahiuddin, No. 53109 Lance Naik Abed Ali, No. 46625 Havildar Assistant Rafiqul Alam, No. 51295 Joynal, No. 5259 Naib Subedar Rafiqul, No. 43347 Havildar Akter, No. 42947 Havildar Shafiqul, No. 44274 Havildar Masud Iqbal all members of RSU and No. 44190 Naik driver Ali Hossain. He saw all of them to bury the dead bodies thereat.

The evidence of burying dead bodies adduced by **PW 93 Sepoy Md. Shahjahan Ahmed** stands supported and corroborated by **PW 38 JCO-6317 Naib Subedar Moniruzzaman** who has stated in his evidence that from 05.2.2007 he was working as instructor at RSU. On 25.02.2009 the regular classes were going on. While classes were going on in the classroom at the 2<sup>nd</sup> floor of RSU he was supervising class activities as JCO. Before sunset it was known that the BDR rebels had killed many army officers and it was also announced through mike that no BDR members would remain in the Barrack and they also announced directing all the BDR members to take their stand beside the gate and the wall taking arms. It was also announced that if BDR rebels were found without arms he would be finished. This witness went to the west side of RSU canteen. On 25.02.2009 at

about 1:00 a.m he saw a ambulance entering RSU premises coming from the side of the Hospital. JCO Subedar Yusuf Ali being armed with weapons came down from the ambulance and with excited voice, he told all the BDR rebels to come down. Then in response to his call, No.45596 Naik Kaiyum, No.51857 Naik Nazrul, No.52602 Mojibur Rahman, JCO-5259 Rafiqul, No.43347 Havildar Akter, No.42947 Shafiqul, No.44274 Masud Iqbal, No.45199 Daud Ali, No.52253 Shahi Akter of RSU along with many others came down with arms and assembled with Subedar Yusuf. **The aforesaid Yusuf said that they had killed 50/60 army officers and as such, it would not be wise to keep their dead bodies lying on the earth and those dead bodies would have to be concealed and for concealing the dead bodies, digging of grave in the west side of the Hospital is**

**necessary. He told all of them to go with him.**

Hearing his call, somebody by ambulance and somebody on foot went to the side of the Hospital.

This witness went beside the mortuary and came to see the dead bodies of the army officers being buried in the mass graves.

**PW 341 No. 41794 Havildar Md. Delwar Hossain of 12 BGB** has stated in his evidence that on 25.02.2009 he was present in the Darbar. While this witness was at the soldiers line, at around 2300 hours, he felt pain in his chest. He went to the Hospital. Getting no doctor therein, **when he was coming back to his respective unit, he came to see many people beside the mortuary of the Hospital and then he went therein. Going therein he found the dead bodies of the army officers. He found DAD Nurul Huda with arms and other BDR rebels who were**

**digging earth for burring the dead bodies of the army officers. 2/1 BDR rebels were making delay in digging the grave and for that reason DAD Nurul Huda told the BDR rebels that they had killed the army officers by shooting but the BDR rebels were making delay in burring them. DAD Nurul Huda asked them to complete the work quickly.**

In the evidence of **PW34 Havildar Md. Abdul Malek**, it is noticeable that on 25.02.2009 this witness was present in the Darbar Hall. Upon hearing of firings of bullets, this witness came to his office building at 13 Rifle Battalion. He heard sound of vehicles whole night from the field of 13 Rifle Battalion. He came to see 2/3 pickups from the balcony. At that time he also found 10/12 BDR rebels talking with each other. He found Subedar Zobayer beside the MT garage. **Subsequently 3 trucks came**

**therein. One of the BDR rebels came down from the vehicle and then talked with Subedar Zobayer. After a while the truck went to the garage. He came to see to bring down the dead bodies from the vehicles whole night and to move the vehicles around that area. In the morning, he came to see some earth beside the MT garage of the 13 Rifle Battalion swelled. Killing the army officers, their dead bodies were buried therein.**

The evidence of aforesaid prosecution witnesses has also been reflected in the confessional statement of **No.45596 Naik Md. Abdul Kaiyum CS accused No.165**, member of Rifle Security Unit (RSU) who has stated in his confession, inter alia, that on 25.02.2009 at around 10.00 p.m Havildar Masud Iqbal told this accused that Subedar Yusuf wanted some people of RSU. **The BDR rebels brought ambulance**



**in the ground floor and they wanted people for digging graves (Kabor).** The BDR rebels would fire if any one refused to go there. Then he came down from the 4<sup>th</sup> floor. This accused along with Havildar Zakir, Naik Ershadul, Lance Naik Mozammel, Sepoy Shahjahan, Sepoy Saiful, Naik Shahi Akter, Lance Naik Enamul, Havildar Masud, Subedar Yusuf and Naik Nazrul came down and fell in. He came to see an ambulance along with 3/4 BDR rebels there. Subedar wanted belcha, spade and gati for digging earth from Havildar Shafiq who then told about it to storeman Sepoy Selim. Then storeman Sepoy Selim provided belcha, gati, shovel and spade to them. At the order of Subedar Yusuf and Havildar Masud this accused along with Zakir, Enamul, Nazrul, Shahi Akter embarked on the ambulance taking shovel and belcha. The remaining BDR rebels started going on foot. The BDR

rebels being armed with weapons were with them.

**The ambulance went to the morgue behind the hospital taking this accused and others. Going thereat, he came to see 3/4 BDR rebels with uniform digging the graves (Kabor). At a few distance, he found two 3-ton truck and one pickup containing the dead bodies of the army officers.**

When the graves were dug with a depth of 1-1½ hands, the BDR rebels who were digging the graves refrained from digging as soon as this accused and other BDR rebels reached there. **Thereafter this accused and others started digging the graves. It took a long time to dig the graves as the soil was very hard and full of concretes. On 26.02.2009 at 4:00 a.m the digging of graves was finished. One BDR supervised when graves were digging. The place was surrounded by the BDR rebels with**

arms. Then this accused and other BDR rebels started bringing down the dead bodies from the vehicle. He and BDR rebel Naik Obaidur were at the bottom of the grave. At the time of putting the 1<sup>st</sup> dead body in the grave, one BDR rebel told that the dead body was of DG. This accused and Naik Obaidur put the dead body at the grave. 3/4 BDR rebels brought dead bodies from the vehicle and this accused and Naik Obaidur put the dead bodies at the grave. In that way, they put in all 35 dead bodies at the same grave. Thereafter this accused along with other BDR rebels buried the dead bodies with mud. Since all the dead bodies were not accommodated in that grave, a pickup taking the remaining dead bodies went towards the 13 Rifle Battalion and the other armed BDR rebels went with the pickup. After burring the dead bodies, he went to the barrack

being tired. The aforesaid confessional statement of **No.45596 Naik Md. Abdul Kaiyum CS accused No.165**, stands corroborated by the confessional statements of **No.44274 Havildar Masud Iqbal CS accused No.164 and No.51857 Naik Md. Nazrul Islam CS accused No.182**.

From the confessional statement of **No.44274 Havildar Masud Iqbal CS accused No.164**, it appears that this accused lastly joined Rifle Security Unit (RSU) Dhaka zone on 03.12.2008, remained in the Pilkhana and performed his duties as admin. NCO. On 25.02.2009 he was present in the Darbar Hall. On 21.02.2009, he came to know from Naik Zahangir over mobile phone that one leaflet containing the charters of demands was attached beneath the stairs of an old building situated in front of the soldiers line of 24 Rifle Battalion. This accused informed senior JCO

Naib Sabedar Rafiqul Islam of the leaflet. Thereafter, this accused along with senior JCO Naib Sabedar Rafiqul Islam went to that place and came to see the leaflet there. Accordingly they informed the Zone Commander Major Hossain Sohel Shahnewaz of the leaflet. Then the Zone Commander directed them to look for the leaflet or poster if any in the other places at the Pilkhana. Getting order they moved and found leaflets from the different places. The leaflet was written addressing the Hon'ble Prime Minister stating some objectionable remarks against the DG and the army officers. On getting leaflet, Zone Commander Major Shahnewaz along with other officers went to the office of commanding officer Lieutenant Colonel Enshad Ibn Amin and therefrom all the officers went to Headquarters. At 2:45 p.m, Major Hossain Sohel Shahnewaz came to his office from the Headquarters

and gave briefing stating that Hon'ble Prime Minister would come at Pilkhana on 24.02.2009 and for that reason, Zone Commander thanked Naik Zahangir for giving information about the leaflet and directed all to perform their duties opening eyes and ears. From that night, the officers and DAD were entrusted with 24 hours duty at Kote and Magazine and the duties of this accused and others were also increased. On 25.02.2009 at about 9:30/9:45 p.m JCO Subedar Yusuf of RSU told this accused to get down from the upstairs. Coming to ground, he came to see one ambulance and 3/4 armed BDR rebels. Subedar Yusuf told him to provide people. At that time he called Naik Kaiyum, Naik Mobarok, Lance Naik Joynal, Lance Naik Abu Hasan, Naik Yunus, Lance Naik Mozibur and Sepoy Kalam to come down standing at the 3<sup>rd</sup> and 4<sup>th</sup> floor of RSU building. When Subedar Yusuf

told this accused to provide spade, belcha and gati, he ordered Sepoy Selim (storeman), to provide the same. Subsequently Sepoy Selim and Havildar Shafi provide 10/12 belcha, spade and gati. Thereafter he went to the upstairs and the ambulance went away. **In that night he could not sleep. In the morning after announcement of azan, Niak Kaiyum came and told him that the dead bodies of the army officers had been buried. The dead body of the DG was also there.** This accused was directed to make a camouflage over the graves taking 6/7 BDR rebels. Thereafter this accused along with Havildar Major Akter and 6/7 trainee BDR's who came at RSU for training purposes, went to the mortuary behind the hospital. **Going thereat, they came to see that the work of burring dead bodies were completed. Thereafter they covered the mass graves (gono**

**kabor) with the broken pieces of bricks, leafs of coconut trees and the dried leafs of mango and blackberry trees making camouflage over the mass graves so that none could understand that there were mass graves in that places.**

From the confessional statement of **Naib Subedar Yusuf Ali CS accused No.180**, it appears that on 06.02.2009 this accused was in service as Zone Commander at Rajshahi and he became attached with BDR headquarters getting message for the purpose of observing BDR week, 2009. On 24.02.2009, for the purpose of coming of Hon'ble Prime Minister and Home Minister at Pilkhana this accused was in intelligence security duty around the tea break stage and he performed his duty up to 2:00 p.m taking 9 soldiers. On 25.02.2009 this accused was at the 3<sup>rd</sup> floor of the soldiers barrack up to 8:30 p.m. When he



was going to take dinner towards the JCO mess, a ambulance came and stood there. One of the BDR rebels told by shouting that being entrusted by DAD Nasir he was cleaning the blood from the Darbar Hall but the senior members were sleeping snoring nose. Then that BDR rebels called the name of this accused in harsh voice. This accused went to him and then indentified him as Havildar Yusuf of 36 Rifle Battalion. Havildar Yusuf ordered him to get onto an ambulance giving a stroke of SMG at his belly. By that time he was also calling Subedar Mostafa. Thereafter he embarked on the vehicle and the same was stopped at the morgue of the hospital coming beside the 36 Rifle Battalion. **Pointing at two 3-ton trucks (big size) and one pickup, Havilder Yusuf told this accused that all the dead bodies were there on the vehicles. Giving a focus of light on a dead**

body by a small torch light, Havildar Yusuf told this accused that the dead body was of DG. He came to see that maximum dead bodies were there without any dress. The dead bodies were found wearing long underwears and Guernseys. Havildar Yusuf uttered that DAD Nasir had ordered him to burn down the dead bodies along with vehicles pouring patrol taking them in the field of 13 Rifle Battalion. This accused then told Havildar Yusuf that the dead bodies of Muslims could not be burned down in that way. After that this accused again came back to the morgue. Havildar Yusuf told him to provide some people. Then he went to RSU by a vehicle and told Havildar Masud to provide 10/12 people. Thereafter he along with 10/12 people came back to morgue of the hospital. Coming thereat he

came to see a slim man who was digging graves beside the morgue.

**Recovery of dead bodies from the mass graves (Gono Kabor) by the people of Fire Brigade and others.**

It may be mentioned that the BDR rebels following pre-planned criminal conspiracy together with common intention and common object barbarously killed 74 persons including 57 army officers in and around the Darbar Hall and different places at Pilkhana and then carried the dead bodies to mass graves using trucks and pickups. **Thereafter the BDR rebels concealed the dead bodies in mass graves and kept the mass graves under camouflage spreading the broken pieces of bricks, leafs of coconut trees and the dried leafs of mango and blackberry trees over the mass graves so that the**

**same could not be traced out.** On 27.02.2009 at around 10:30 a.m, the Commanding Officer of 17 East Bengal Regiment under 46 Independent Infantry Brigade along with other army officers and troops entered the Pilkhana premises in order to carry out search rescue operation. Before entering of Army, the personnel of Fire Service, Police, RAB and the Intelligence Organizations were there at Pilkhana. As per evidence of **PW 535 Colonel Md. Abdul Alim Tarafder**, when the officers and troops of 4 East Bengal and 2 East Bengal as a follow up team of 17 East Bengal entered the Pilkhana, Major Kamrul of 2 East Bengal found a dead body in the left side of the entry gate of the dairy farm but the said dead body could not be identified as the same was decomposed. After the occurrence, on 27.02.2009 **PW 536 Brigadier General Waker-Uz-Zaman**, Second In

Command (2IC) of 17 East Bengal also entered the Pilkhana with other army officers, **came to see the recovery of 38 dead bodies from the largest mass grave and identified the dead body of DG BDR Major General Shakil Ahmed and some other army officers.** This witness also went to other mass graves situated at the west side of the field adjacent to MT garage of 13 Rifle Battalion and **came to see the recovery of 10 dead bodies out of which the dead body of the wife of DG BDR was there.** The During the search, **the personnel of fire service, discovered 4 mass graves (Gono Kabor) and recovered as many as 48 dead bodies of the army officers and others therefrom and 8 dead bodies from the mortuary of the BDR hospital.** The chronicle of recovery of dead bodies has been described by **PW 389 Md. Rezaul Kabir, Station Officer of Fire**

**Service, who** has stated in his evidence that on 25.02.2009 and 26.02.2009, he was in service at Mirpur. On 27.02.2009 at 11:00 a.m, he came to Pilkhana for the purpose of recovery of dead bodies. He found his officers beside the mortuary and at their instruction, he discovered the mass graves digging earth beside the mortuary. **He recovered in all 38 dead bodies from there. Some of the dead bodies were in uniform and some of them were not in uniform. Some of the dead bodies were without garments.** In the afternoon, he picked up the dead bodies on the truck of army. Some of the dead bodies bore the name plates in their uniforms as a result of which he identified the dead bodies of Lieutenant Colonel Robee, Lieutenant Colonel Ershad, Lieutenant Colonel Lutfor Rahman, Major Khalid and Major Mostaque seeing their name plates. On 28.02.2009 he

again came to Pilkhana. **On search, he found 3 mass graves and recovered 4 dead bodies from the 1<sup>st</sup> mass grave, 4 dead bodies from the 2<sup>nd</sup> mass grave and 2 dead bodies from the 3<sup>rd</sup> mass grave beside the mortuary.** Of them, one of the dead bodies was of a lady who was the wife of DG Shakil. A truck of army came therein and carried away 10 dead bodies picking them on the truck. All the dead bodies were found penetrated by the bullets. The aforesaid fact of recovery of dead bodies has been supported and corroborated by **PW 388, Md. Ruhul Amin Molla, Station Officer of Fire Service,** who has stated in his evidence that on 25.02.2009, he was on training at fire service office at Mirpur. On 27.02.2009, he came to BDR Headquarters at 12:00 a.m taking his staffs and started search for dead bodies therein. **At 4:00 p.m, he recovered in all 38 dead bodies digging mass graves**

**beside the mortuary.** Among them, he identified Colonel Moshiur, DAD Masum, Lieutenant Colonel Earshad, Lieutenant Colonel (illegible), Major Rafique, Major Haider, Major Khalid, Colonel Nakib, Colonel Reza, Lieutenant Colonel Robee, Colonel Imam and Major Mosaddek. **In the next day on 28.02.2009, he discovered 3 more mass graves beside the mortuary. He recovered 4 dead bodies from the 1<sup>st</sup> mass grave, 4 dead bodies from the 2<sup>nd</sup> mass grave and 2 dead bodies from the 3<sup>rd</sup> mass grave.** He also recovered dead bodies of Major Mahabub, Major Mosharaf and Major Mokbul therefrom. He also recovered the dead body of Begum Naznin Shakil. Her dead body was wrapped by the curtain of the residence of DG. On 28.02.2009, he again started search for the dead bodies after the sunset. The evidence with regard to recovery of dead



bodies from the mass graves has also been supported and corroborated by **PW 385 Md. Abdur Rashid, Deputy Director, Fire Service, PW 386 Masudur Rahman, Deputy Assistant Director, Fire Service, PW 387 Quazi Amzad Hossain, Station Officer, Fire Service, PW 390 Md. Tanharul Islam, Ware House Inspector, Fire Service, PW 391 Md. Milon Gazi, Fire man, Fire Service, PW392 Md. Abul Khaiyer, Diver, Fire Service and PW393 Md. Masudur Rahman, Fire man, Fire Service.**

The evidence in respect to recovery of 8 dead bodies from the mortuary of the BDR hospital has been supported and corroborated by the evidence of **PW535 Colonel Md. Abdul Alim Tarafder.** Out of 38 dead bodies recovered from the largest mass grave (Gono Kabor), **PW 535 Colonel Md. Abdul Alim Tarafder** identified 30 dead bodies and he failed to

identify the remaining 8 dead bodies as those were decomposed. This witness also identified 6 dead bodies out of 8 dead bodies recovered from the mortuary of BDR hospital and he could not identify 2 dead bodies as the same were decomposed. Further this witness identified 5 dead bodies out of 10 dead bodies recovered from 3 mass graves (Gono Kabor) in the west side adjacent to MT garage of 13 Rifle Battalion. Apart from the aforesaid evidence of recovery of dead bodies from the mass graves, two dead bodies were recovered from the 1<sup>st</sup> floor of the residence of DG and one dead body from the drain, which was recovered by a driver. In this regard, **PW384 Dilip Kumar Ghosh, Assist. Director of Fire Service** has stated in his evidence that on 26.02.2009 in the afternoon at 5:30 p.m, under the leadership of one Monir Hossain, Assistant Director of

Fire Service, he went to police control room at Shahbagh. Therefrom, they went inside the Pilkhana through gate No.4 of BDR Headquarters, Pilkhana. Going therein, they searched for the alive and sound people by igniting lights. They found 2 dead bodies in the 1<sup>st</sup> floor of the residence of DG. They handed over the aforesaid 2 dead bodies to the police. On 27.02.2009 at 4:00 a.m, he went away going through the police control room. In the afternoon at 3:30 p.m he went near Abdur Rouf College taking a group of divers (duburi). The divers recovered one dead body from the drain. Thereafter, he was asked to go to the mortuary. He found many dead bodies therein and subsequently those were picked up on the truck. After a while he found so many dead bodies in a ditch (Gono Kabor) and he found in all 38 dead bodies in that place. The higher authorities were there and he

sought help from them. In the next day on 28.02.2009, he came to know that 3 more mass graves were found inside the BDR premises. He came to hear that 10 dead bodies including a dead body of a lady were found in those 3 mass graves. He came to know that the dead body of the lady was of the wife of DG.

The names of the army officers whose dead bodies were recovered from the largest mass grave and identified by **PW 535 Colonel Md. Abdul Alim Tarafder** are as follows:-

1. BA-1439 Major General Shakil Ahmed, ndc, psc, Director General, BDR.
2. BA-2441 Colonel Md. Akhter Hossain, psc, G+, Sector Commander, Chittagong.
3. BA-2508 Colonel Shamsul Arefin Ahmed, psc, Sector Commander, Kustia.

4. BA-2601 Colonel Md. Shawkat Imam, psc, G+,  
Sector Commander, Khagrachari.
5. BA-2440 Colonel Md. Rezaul Kabir, afwc,  
Director (Admin), Administrative Directorate.
6. BA-2409 Colonel Md. Naqibur Rahman, psc,  
Sector Commander, Comilla.
7. BA-2446 Colonel Nafiz Uddin Ahmed, psc,  
Commandant Rifle Training Centre and School  
(RTC&S).
8. BA-2526 Colonel Kazi Moazzem Hussain, psc,  
Sector Commander, Rangamati.
9. BA-2324 Colonel Mohammad Moshiur Rahman,  
psc, Director of Communication Directorate, Dhaka.
10. BA-2669 Colonel Md. Emdadul Islam, psc,  
Sector Commander, Khulna.
11. BA-2449 Colonel Quazi Emdadul Haque, psc,  
Sector Commander, Rajshahi.

12. BA-118018 Doctor Lieutenant Colonel Quazi Robee Rahman, Dental Surgeon, BDR Hospital, Dhaka.
13. BA-10086 Doctor Lieutenant Colonel Lutfar Rahman Khan, Psychology Specialist, BDR Hospital, Dhaka.
14. BA-2806 Lieutenant Colonel Md. Lutfar Rahman, psc, CO of 24 Rifles Battalion, Dhaka.
15. BA-2353 Lieutenant Colonel Md. Badrul Huda, CO of 13 Rifles Battalion Dhaka.
16. BA-2516 Lieutenant Colonel Md. Saiful Islam @ Saif @ Shahid, GSO-1 (Ops) Operation and Training Directorate, Dhaka.
17. BA-1891 Lieutenant Colonel Enshad Ibn Amin, G+, CO of Rifles Security Unit, Dhaka.
18. BA-3445 Major Humayun Haider, psc, Int Officer, 36 Rifle Battalion, Dhaka.

19. BA-3453 Major Md. Azharul Islam, psc, Second In Command(2IC), 23 Rifle Battalion, Khulna.
20. BA-2847 Major Mohammed Saleh, DAAG Administration, Dhaka
21. BA-4233 Major Mohammad Maksum-Ul-Hakim, Ops Officer, 24 Rifle Battalion, Dhaka.
22. BA-3393 Major Mustaque Mahmud @ Mahmud, psc, Second In Command(2IC), Sadar Rifle Battalion, Dhaka.
23. BA-3191 Major Mahmood Hasan, GSO-2 Sector HQ, Dhaka
24. BA-3396 Major Mahmudul Hasan, GSO-2 (Intelligence), Operation and Training Directorate, Dhaka.
25. BA-3716 Major Mahbubur Rahman.
26. BA-4098 Major Md. Mizanur Rahman, GSO-2 (Training) Training Branch, Dhaka.

27. BA-2711 Major Quazi Mosaddek Hossain,  
Second In Command (2IC), 33 Rifles Battalion.
28. BA-3689 Major Md. Khalid Hossain, GSO-2  
(Cods), Secretary of Director General, Dhaka.
29. BA-4762 Major Md. Rafiqul Islam, JAG Head  
Quarters, BDR, Dhaka.
30. RDO-161 DAD Masum Khan, A RO, Recordss  
Wing.

The 8 dead bodies which were recovered from the largest mass grave could not be identified by **PW 535 Colonel Md. Abdul Alim Tarafder** as the same were decomposed.

The names of the army officers and others whose dead bodies were recovered from the mortuary of the BDR hospital and identified by **PW 535 Colonel Md. Abdul Alim Tarafder** are as follows:-



1. BA-3550 Major Md. Humayun Kabir Sarker,  
GSO-2 (Ops), Training Directorate, Dhaka.
2. RDO-87 AD Khandaker Abdul Awal, DAA And  
QMG, Dhaka Sector.
3. JCO-4377 Subedar Assistant Md. Abul Kasem,  
Head Assistant, Admin. Branch.
4. Naik Assistant-60835, Md. Boshir Uddin, Clerk  
Q and Ord Branch.
5. Lance Naik-51932 Md. Manik Miah, 36 Rifles  
Battalion.
6. Sepoy-66524 Ruhul Amin @ Bulbul, 37 Rifles  
Battalion.

The 2 dead bodies which were recovered from the mortuary of the BDR hospital could not be identified by **PW 535 Colonel Md. Abdul Alim Tarafder** as the same were decomposed.

The names of the army officers and others whose dead bodies were recovered from the 3 mass graves situated at the west side of the field adjacent to MT garage of 13 Rifle Battalion and identified by **PW 535**

**Colonel Md. Abdul Alim Tarafder** are as follows:-

1. BA-5306 Major Muhammad Mosharof Hossain, ATO Q and Ord Branch, Dhaka.
2. BA-2480 Major Md. Mokbul Hossain, Second In Command(2IC), 36 Rifles Battalion, Dhaka.
3. BA-4711 Major Syed Md. Idris Iqbal, Operation Officer-30 Rifle Battalion, Panchari, Khagrachari
4. BA-2624 Major Hossain Sohel Shahnewaz, ZSO, Dhaka.
5. Mrs. Naznin Shakil Shipu (Wife of DG BDR)

The 5 dead bodies which were recovered from the 3 mass graves situated at the west side of the field adjacent to MT garage of 13 Rifle Battalion could not

be identified by **PW 535 Colonel Md. Abdul Alim Tarafder** as the same were decomposed.

It may be mentioned that the dead bodies which were not identified by **PW 535 Colonel Md. Abdul Alim Tarafder** were subsequently identified by the relatives of deceased and DNA test. The names of the army officers and others whose dead bodies were identified by DNA test as per evidence of **PW 317 Professor Doctor Sharif Akhteruzzaman** are as follows:-

1. BA-2527 Colonel Gulzer Uddin Ahmed, BPM (Bar), psc, Sector Commander, Sylhet.
2. BA-2358 Lieutenant Colonel Elahi Monzoor Chowdhury, SG Administration Branch, Dhaka.
3. BA-2790 Major Ahmed Azizul Hakim, DAQMG Protection and Construction Branch, Dhaka.

4. RDO-171 DAD Md. Fosi Uddin, GSO-3 (Cods),  
Deputy Direct General Office.

The BDR rebels made ruthless massacres in and outside the Darbar Hall and atrociously and barbarously killed 57 army officers, 9 BDR members, 7 civilians and one army person. The names of the martyred army officers are as follows:-

1. BA-1439 Major General Shakil Ahmed, ndc, psc, Director General, BDR.
2. BA-1892 Brigadier General Mohammad Abdul Bari, ndc, psc, Deputy Director General, BDR.
3. BA-1480 Colonel Md. Mojibul Haque, Sector Commander, Dhaka Sector.
4. BA-1931 Colonel Mohammad Anisuz-Zaman, ndc, Director of Operation and Training Directorate, Dhaka.

5. BA-2324 Colonel Mohammad Moshiur Rahman, psc, Director of Communication Directorate, Dhaka.
6. BA-2409 Colonel Quadrat Elahi Rahman Shafique, ndc, psc, Sector Commander, Dinajpur.
7. BA-2441 Colonel Md. Akhter Hossain, psc, G+, Sector Commander, Chittagong.
8. BA-2440 Colonel Md. Rezaul Kabir, afwc, Director (Admin), Administrative Directorate.
9. BA-2446 Colonel Nafiz Uddin Ahmed, psc, Commandant Rifle Training Centre and School (RTC&S).
10. BA-2449 Colonel Quazi Emdadul Haque, psc, Sector Commander, Rajshahi.
11. BA-2487 Colonel BM Zahid Hossain, psc, Sector Commander, Mymensingh.
12. BA-2508 Colonel Shamsul Arefin Ahmed, psc, Sector Commander, Kustia.

13. BA-2409 Colonel Md. Naqibur Rahman, psc,  
Sector Commander, Comilla.
14. BA-2526 Colonel Kazi Moazzem Hussain, psc,  
Sector Commander, Rangamati.
15. BA-2527 Colonel Gulzer Uddin Ahmed, BPM  
(Bar), psc, Sector Commander, Sylhet.
16. BA-2601 Colonel Md. Shawkat Imam, psc, G+,  
Sector Commander, Khagrachari.
17. BA-2669 Colonel Md. Emdadul Islam, psc,  
Sector Commander, Khulna.
18. BA-2770 Colonel Md. Aftabul Islam, psc, Sector  
Commander, Rangpur.
19. BA-100310 Colonel Md. Zakir Hossain, Dph,  
M.Phil, Director, Medical Services, Medical  
Directorate, Dhaka.
20. BA-1891 Lieutenant Colonel Enshad Ibn Amin,  
G+, CO of Rifles Security Unit, Dhaka.

21. BA-1969 Lieutenant Colonel Shamsul Azam,  
psc, CEME, EME Branch, Dhaka.
22. BA-2296 Lieutenant Colonel Golam Kibria  
Mohammad Niamatullah, psc, G, SRO Records Wing,  
Pilkhana, Dhaka.
23. BA-2353 Lieutenant Colonel Md. Badrul Huda,  
CO of 13 Rifles Battalion Dhaka.
24. BA-2358 Lieutenant Colonel Elahi Monzoor  
Chowdhury, SG Administration Branch, Dhaka.
25. BA-2369 Lieutenant Colonel Md. Enayetul  
Haque, psc, CO of 36 Rifles Battalion, Dhaka.
26. BA-2452 Lieutenant Colonel Abu Musa Md.  
Ayub Kaiser, psc, AQMG (Construction), Dhaka.
27. BA-2516 Lieutenant Colonel Md. Saiful Islam,  
GSO-1 (Ops) Operation and Training Directorate,  
Dhaka.

28. BA-2806 Lieutenant Colonel Md. Lutfar Rahman, psc, CO of 24 Rifles Battalion, Dhaka.
29. BA-3292 Lieutenant Colonel Mohammad Sazzadur Rahman, ADOS Q and Ads Branch, Dhaka.
30. BA-118018 Lieutenant Colonel Quazi Robee Rahman, Dental Surgeon, BDR Hospital, Dhaka.
31. BA-10086 Lieutenant Colonel Lutfar Rahman Khan, Psychology Specialist, BDR Hospital, Dhaka.
32. BA-2480 Major Md. Mokbul Hossain, Second In Command(2IC), 36 Rifles Battalion, Dhaka.
33. BA-2605 Major Md. Abdus Salam Khan, Records Officer-2 Records Wing, Dhaka.
34. BA-2624 Major Hossain Sohel Shahnewaz, ZSO, Dhaka.
35. BA-2711 Major Quazi Mosaddek Hossain, Second In Command (2IC), 33 Rifles Battalion.



36. BA-2790 Major Ahmed Azizul Hakim, DAQMG  
Protection and Construction Branch, Dhaka.
37. BA-2847 Major Mohammed Saleh, DAAG  
Administration, Dhaka
38. BA-3190 Major Kazi Ashraf Hossain, Ops  
Officer, 13 Rifels Battalion
39. BA-3191 Major Mahmood Hasan, GSO-2 Sector  
HQ, Dhaka
40. BA-3393 Major Mustaque Mahmud, psc, Second  
In Command(2IC), Sadar Rifle Battalion, Dhaka.
41. BA-3396 Major Mahmudul Hasan, GSO-2  
(Intelligence), Operation and Training Directorate,  
Dhaka.
42. BA-3445 Major Humayun Haider, psc, Int  
Officer, 36 Rifle Battalion, Dhaka.
43. BA-3453 Major Md. Azharul Islam, psc, Second  
In Command(2IC), 23 Rifle Battalion, Khulna.

44. BA-3550 Major Md. Humayun Kabir Sarker,  
GSO-2 (Ops), Training Directorate, Dhaka.
45. BA-3689 Major Md. Khalid Hossain, GSO-2  
(Cods), Secretary of Director General, Dhaka.
46. BA-3716 Major Mahbubur Rahman.
47. BA-4098 Major Md. Mizanur Rahman, GSO-2  
(Training) Training Branch, Dhaka.
48. BA-4233 Major Mohammad Maksum-Ul-Hakim,  
Ops Officer, 24 Rifle Battalion, Dhaka.
49. BA-4711 Major Syed Md. Idris Iqbal, Operation  
Officer-30 Rifle Battalion, Panchari, Khagrachari.
50. BA-4762 Major Md. Rafiqul Islam, JAG Head  
Quarters, BDR, Dhaka.
51. BA-5108 Major Abu Syed Ghazzali Dastagir,  
OIC, Eastern Desk RSU, Dhaka.
52. BA-5306 Major Muhammad Mosharof Hossain,  
ATO Q and Ord Branch, Dhaka.

53. BA-5344 Major Mohammed Mominul Islam Sarker, Int Officer, 24 Rifle Battalion, Dhaka.

54. BA-5558 Major Mostafa Asaduzzaman @ Asad, Ops Officer, 11 Rifle Battalion, Ramgarh.

55. BSS-100894 Major S A M Mamunur Rahman, DADMS, Medical Directorate, Dhaka.

56. BA-5987 Captain Mohammad Tanvir Haider Noor, Adjutant, 34 Rifles Battalion Rangpur.

57. BA-6119 Captain Md. Mazharul Haider, ADC to DG BDR, Dhaka.

The names of 9 BDR members who were killed by the BDR rebels during occurrence at Pilkhana are as follows:-

1. RDO-87 AD Khandaker Abdul Awal, DAA And QMG, Dhaka Sector.
2. RDO-161 DAD Masum Khan, A RO, Records Wing.

3. RDO-171 DAD Md. Fosi Uddin, GSO-3 (Cods),  
Deputy Direct General Office.
4. JCO-3849 Subedar Major Md. Nurul Haque,  
Central Subedar Major, Pilkhana, Dhaka.
5. JCO-4377 Subedar Assistant Md. Abul Kasem,  
Head Assistant, Admin. Branch, Pilkhana, Dhaka.
6. Naik Assistant-60835 Md. Boshir Uddin, Clerk Q  
and Ord. Branch, Pilkhana, Dhaka.
7. Lance Naik-51932 Md. Manik Miah, 36 Rifles  
Battalion, Pilkhana, Dhaka.
8. Sepoy-66524 Ruhul Amin @ Bulbul, 37 Rifles  
Battalion.
9. M-163 Mali Md. Firoz Miah, BDR Sector Sadar  
Doptor, Rangpur (Attach Sadar Rifles Battalion)

The names of 7 Civilians who were killed by the BDR  
rebels are as under:-

1. Lieutenant Colonel (Rtd) Delowar Hossain

2. Mrs. Naznin Shakil Shipu (Wife of DG BDR)
3. Rowsuni Fatema Akter Lovely (Wife of Lieutenant Colonel (Rtd) Delowar Hossain)
4. Maid Servant Kolpana Begum who was working at DG Bangalow.
5. Ridoy Bepary (Vegetable Seller)
6. Tareq Aziz (student)
7. Amzad Hossen (Rickshaw Puller)

The name of an army person who was killed by the BDR rebels is as follows:-

1. Sainik Md. Jahirul Islam, 43 Engineer Battalion.

Summary of the killings

1. Army Officers -	57
2. BDR Persons -	09
3. Civilians -	07
<u>4. Army person -</u>	<u>01</u>
In total -	74

The BDR rebels created a reign of terror in the Pilkhana premises by killing the innocent officers and also causing aimless firings and continued their violent acts till the night of 26<sup>th</sup> February, 2009. The general civilians living around the Pilkhana area were also traumatized by indiscriminate firings of BDR rebels. Many disgruntled BDR rebels participated in the killing and atrocities sharing their common intention and common object with the masterminded BDR rebels. The prosecution witnesses in their evidence disclosed the names of the BDR rebels and narrated how the BDR rebels committed offences during the commission of BDR revolt at Pilkhana. The aforesaid fact of killing along with other offences has been vividly described in the confessional statements made by as many as 538 accused. Subsequently, on the same day, the BDR revolt were also accelerated

and spread over in different BDR establishments across the country. The barbarous atrocities of the BDR rebels were exposed to the Nation with the greatest sorrow and sudden shock to all when the dead bodies of army officers were recovered from drains, manholes and mass graves (Gano Kabar at Pilkhana). The BDR rebels outside Dhaka ignored all the orders of the Commanding Officers. In spite of the order and call of the Commanding Officers directing the BDR members to remain calm and discipline within the chain of command, the BDR rebels broke open the armoury and Magazine, looted arms and ammunitions, chased some army officers to kill, kept some officers under hostage, burnt and looted properties of the army officers and their family members and created panic to the neighbouring place and people by opening indiscriminate firings.

The BDR rebels atrociously killed 74 people out of them 57 were high ranking, upright, brilliant, prospective and promising army officers including DG BDR, an officer of rank of Major General, who were valuable and precious assets of the Nation and who could glorify the country to a great extent if they would be alive. The army officers sustained injuries of bullets and bayonets of different shapes and sizes caused by the BDR rebels. The BDR rebels also ransacked, destroyed, and set fire to the army officer's private properties namely private cars and household valuable goods. They also vandalized and damaged the Government's properties including Government's vehicles and other valuable materials at Pilkhana. They also held army officer's family members and their children under hostage at gunpoint and put them



under fear in quarter guard causing serious trauma on their minds.

**Evidence with regard to post mortem reports of the dead bodies and the name of the witnesses who identified the dead bodies and made the inquest reports.**

1. The dead body of DG BDR **BA-1439 Major General Shakil Ahmed** was identified by **PW 212 Major SM Moniruzzaman** and the inquest report was prepared by **PW 165 Md Imran Hossian**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW 306 Doctor AKM Shafiuzzaman** and the post mortem report was exhibited as exhibit-271 and his signature was exhibited as exhibit-271/1.

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet injury-(a) Entry-One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found on the left side of the upper neck e lies just below the left angle of the mandible (b) Exit wound- measuring 1"x $\frac{1}{2}$ " found on the left side of the face e in  $\frac{3}{4}$  inch below the left Zygomatic bone (c) Direction-Directed upwards & medially. During its course-it has perforated skin soft tissue muscle & injury or fracture to the left angle of the mandible (2) Entry -(a) One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the right upper chest e lies  $1\frac{1}{2}$ " inch right from mid line & lies at the 5<sup>th</sup> ant intercostal space (b) exit - One exit wound measuring  $1\frac{1}{2}$ "x1" e lies middle of the left lateral side of the abdomen e lies  $9\frac{1}{2}$  inch left from mid line & 5 inch above from left Iliac crest (c) Direction- obliquely founds medially & to the left. During its course it has

perforated skin, soft tissue muscle right lung, small intestine & large intestine & 5<sup>th</sup> ribs of right sides. (3)

(a) Entry- One entry bullet wound in the left side of the lower chest e lies 1 inch below from left muscles 5 inch left from midline measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " (b) Exit-One

exit wound measuring 1"x $\frac{1}{2}$ " found in the back of the left lower chest e lies 3 inch left from mid line (c)

Direction-Directed forwards, upwards obliquely & medially to the right. During its course it has perforated skin, soft tissue, muscle, left 4<sup>th</sup> 6<sup>th</sup> ribs (upper margin), Lt. lung, heart & 8<sup>th</sup> ribs of Lt side of

the back of the chest. (4) (a) Entry-One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the right side of the

upper abdomen e lies 5 inch right from midline (b)

Exit-One exit wound measuring 1"x $\frac{1}{2}$ " found on the back of the right side of the abdomen e lies 1 inch

right from midline (c) Direction-Directed forwards & backwards, During its course it has perforated, skin, soft tissue, muscle, liver, & larger intestine. (5) Entry-One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found on the middle of the chest e lies just below the Xiphisternum.

(b) Exit-One exit wound found in the back of the right chest e lies 1 inch right from midline & the Rt 8<sup>th</sup> intercostal space (c) Direction-Directed, forwards, upwards backwards & to the right. During its course it has perforated, skin, soft tissue, muscles right lung & 8<sup>th</sup> ribs of back right side. (6) Entry-One entry bullet wound found in the medial aspect of the left arm measuring  $\frac{1}{3}$ "x $\frac{1}{3}$ " e lies 3 inch above from Lt elbow joint (b) Exit wound-One exit wound measuring  $\frac{3}{4}$ " x $\frac{1}{2}$ " found in the anterior lateral aspect of the left upper arm e lies 4 inch below from left shoulder joint (c)

Direction-Directed obliquely upwards & to the right. During its course it has perforated, skin, soft tissue & muscle. Mentioned injury are ante-mortem. Liquid & clotted blood found in the thoracic & abdominal cavity which was ante-mortem. Ante-mortem congestion found in the mentioned wound.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injury which was ante-mortem & homicidal in nature.

2. The dead body of **BA-1892 Brigadier General Mohammad Abdul Bari** was identified by wife of the deceased, Mrs. Farhana Bari and the inquest report was prepared by **PW-179 Md Shahinur Rahman**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW 260 Doctor Md**

**Habibuzzaman** and the post mortem report was exhibited as exhibit-218 and his signature was exhibited as exhibit-218(1).

**The findings of the post mortem report are reproduced verbatim:-**

Entry wound:

- (1) On the sub mental region side  $\frac{2}{3}$  "x $\frac{2}{3}$  "x cranial cavity deep edge inverted.
- (2) On the left shoulder  $\frac{1}{2}$  "x $\frac{1}{2}$  "x through & through-edge is inverted.

Exit wounds:

- (1) On the occipital region 3"x3". Edge is everted.
- (2) On the dorsal aspect of the left. Shoulder 2"x2"-edge is everted.

Entry wounds on the rt. arm  $\frac{1}{3}$ "x $\frac{1}{3}$ " & exit wound 5"x3" on the medial aspect of the rt. arm with fracture of the rt. humours.

**The opinion of the doctor is reproduced verbatim:-**

The death is due to shock resulted from brain injury caused by bullet (fire arm) which is ante-mortem & homicidal in nature.

3. The dead body of **BA-1480 Colonel Md. Mojibul Haque** was identified by **PW251 BJO-20780 SWO Komol Kanti Das** and the inquest report was prepared by **PW164 Md Sarwar Alam**, Sub Inspector, Kotoali Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-221 and his signature was exhibited as exhibit-221(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entry wound on the chin 1" rt. to midline measuring  $\frac{1}{3}$ " in diameter having inverted & circular margin (b) Exit wound 2" above rt. ear. 5" from occipital measuring  $2\frac{1}{2}$ "x1" having everted & irregular margin (c) Direction & dissection. From below upwards laterally & backwards causing injury & Perforation skin, soft tissue, bones, brain & cavity brain to expelled out. (2) Entry wound  $\frac{1}{2}$ " above the umbilicus &  $4\frac{1}{2}$ " from rt subcostal margin measuring  $\frac{1}{4}$ " in diameter having inverted margin (b) Exit wound on the back 4" B + to midline at the level of L4 having everted margin measuring  $2$ "x $\frac{1}{2}$ " (c) direction & dissection front to backward & medially causing perforation of skin soft tissue & small intestine. (3) (a)



entry wound 3" above the umbilicus & 2" from midline having  $\frac{1}{3}$ " in diameter & inverted margin (b) Exit wound on the back 3" from midline &  $2\frac{1}{2}$ " from subcostal margin having everted margin (c) Direction & dissection: From front to backwards & downwards causing injury to small intestine. (4) (a) entrance wound on the abdomen 3" rt to umbilicus & 4" below subcostal margin  $\frac{1}{3}$ " in diameter having inverted & circular margin (b) Exit wound: On the back 6" below subcostal margin &  $2\frac{1}{2}$ " from midline (c) Direction & dissection: Front to back medially & downwards causing injury to skin, soft tissue & liver. (B) Post mortem abrasion of the back of the body & extremities (c) Lacerated wound above left eye brow measuring  $1\text{''}\times\frac{1}{2}\text{''}$  (D) A stab wound on the left thigh 5"below the

lt. arm sup. iliac spine & 6" above the patella measuring  $4\frac{1}{2}$ "x3" causing injury to skin & soft tissue.

**The opinion of the doctor is reproduced verbatim:-**

The death was due shock & haemorrhage resulting from above mentioned bullet injuries which was ante-mortem & homicidal in nature.

4. The dead body of **BA-1931 Colonel Mohammad Anis-Uz-Zaman** was identified by the brother-in-law of the deceased, Samsul Islam and Doctor Atiar Rahman. The inquest report was prepared by **PW-169 Md Nurul Amin**, Sub Inspector, Kamragirchar Police Station. The post mortem on the dead body was done by **PW-260 Doctor Md Habibuzzaman** and the post mortem report was exhibited as exhibit-216 and his signature was exhibited as exhibit-216 (1).

**The findings of the post mortem report are reproduced verbatim:-**

(1) Entry wound: On the right side of the chin  $\frac{1}{3}$ "x $\frac{1}{3}$ "x cranial cavity, Exit wound: on the occipital area 4"x3" laceration & edge is everted.

(2) Entry wound on the back of the chest (right side)  $\frac{1}{3}$ "x $\frac{1}{3}$ "x chest cavity- exit is on the rt. side of the front of the chest  $2\frac{1}{2}$ "x2" (everted edge).

(3) Entry wound on the rt. arm back- $\frac{1}{3}$ "x $\frac{1}{3}$ " inverted & Exit on the front of the rt. arm 2"x $1\frac{1}{2}$ "-edge everted.

(4) Entry on the left hand  $\frac{1}{3}$ "x $\frac{1}{3}$ " inverted (on the palm) & exit on the dorsum of the left hand size 1"x $\frac{2}{3}$ " laceration edge is everted.

**The opinion of the doctor is reproduced verbatim:-**

The death is due to shock resulted from brain injury caused rifle bullet injuries which is ante-mortem & homicidal in nature.

5. The dead body of **BA-2324 Colonel Mohammad Moshiur Rahman** was identified by the relative of the deceased, Md. Monjurul Alam and the inquest report was prepared by **PW-184 Md Shafiqul Islam**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was exhibited as exhibit-247 and his signature was exhibited as exhibit-247 (1).

**The findings of the post mortem report are reproduced verbatim:-**

(1) One entry wound of bullet found on Right Frontal region of Forehead 1" right from right eye  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted and blackened. (II) One exit wound of bullet found left parietal temporal region  $1\frac{1}{2}$ "x1" found everted (III) One entry wound of bullet

found on back of right side of chest  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened inverted. (IV) One exit wound of bullet found on upper part of right side of chest 1" above right nipple  $1\frac{1}{2}$ "x1" in size found everted. (V) One entry wound of bullet found on back of left chest  $\frac{1}{2}$ "x $\frac{1}{2}$ " 2" left from midline blackened and inverted. (VI) One Exit wound of bullet found on left side of chest in front  $1\frac{1}{2}$ "x1" in size found everted. (VII) Entry wound of bullet found on right side of back of abdomen upper part  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted (VIII) One exit wound of bullet found on front of abdomen right side  $1\frac{1}{2}$ "x $\frac{1}{2}$ " in size found everted on detailed dissection –Injury No. (1) Bullet pierces the skin, muscle fractured the right side of frontal bone injured the meninges. Brain goes from right side to left side and right back side, Fractured the left parietal

temporal bone and goes out which is exit wound injury NO. (II). Brain, meninges found injured. Injury No. (III) and (IV), (V) and (VI) and (VII) and (VIII) Bullet injured the viscera and goes out. Right lung, left lung, heart, liver found injured. Chest and abdominal cavity contain liquid and clotted blood. Mentioned injuries are ante-mortem as ante-mortem congestion and liquid, clotted blood found on mentioned wound.

**The opinion of the doctor is reproduced verbatim:-**

The death was due to shock (Injury No. 1) as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**6.** The dead body of **BA-2409 Colonel Quadrat Elahi Rahman Shafique** was identified by wife of the deceased, Mrs. Lubi Rahman and **PW272 Sayed Anwar Hossain**. The inquest report was prepared by **PW-165 Md Amran Hossain**, Sub Inspector, Lalbag

Police Station. The post mortem on the dead body was done by **PW-306 Doctor A. KHA. M. Safiuzzaman** and the post mortem report were exhibited as exhibit- 273 and his signature was exhibited as exhibit- 273(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet wound-(a) Entry bullet wound found in the middle of the left side of the face measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " e lies just below the left maxilla. (b) Exit wound –exit wound found measuring 10"x8"x brain matter & e the expaletion of bone & brain matters (c) Directed and Dissected obliquely forwards, upwards & to the right. During its course, it has perforated skin, soft tissue, muscle, facial & intracranial bone, torn of meninges & laceration of brain. (II) Entry (a) Entry bullet wound found in the dorsal aspect of the right dorsum of the hand measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " e lies 2 inch distal to the right

wrist joint (b) Exit wound are exit wound found in the  
 plum aspect of the right thump,  $9\frac{1}{2}$  "x1" ē lies just  
 above the 1<sup>st</sup> carpometem carpal just of the right hand  
 (c) Direction-Directed, forward, upwards & medially,  
 During its course it has perforated skin, soft tissue  
 muscle & injury or fracture of the right thump.  
 Mentioned injuries are ante-mortem, ante-mortem  
 congestion found on the mentioned wound.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of  
 above mentioned bullet injuries which was ante-  
 mortem & homicidal in nature.

7. The dead body of **BA-2441 Colonel Md. Akhter Hossain** was identified by Brother of the deceased, Md. Mahmud Hossain and the inquest report was prepared by **PW-158 Din-E-Alam**, Sub Inspector, Lalbag Police Station. The post mortem on the dead



body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-236 and his signature was exhibited as exhibit-236 (1).

**The findings of the post mortem report are reproduced verbatim:-**

I(a) Bullet injuries entry wound is inverted margin on the middle of the chest  $\frac{1}{3}$ " in diameter circular 1" from the mid line lt. laterally & 4" from the xipisternum process. (b) Exit wound. on the back 1" Lt to the mid back line & 5 " lower to the scapular angle (Lt.). II. Abrasion & laceration present in different area of the body in different size & shape.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injury which was ante-mortem & homicidal in nature.

8. The dead body of **BA-2440 Colonel Md. Rezaul Kabir** was identified by brother of the deceased, **PW-284 Dr. Md. Fazlul kabir** and the inquest report was prepared by **PW-180 Md Kamal Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-246 and his signature was exhibited as exhibit-246(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injury (a) Entry wound central portion of forehead measuring  $\frac{1}{3}$  ". Margin inverted. Rounded entry point  $\bar{e}$  abrasion colour present. (b) Exit wound everted margin on the lt. maxillary region measuring  $1\frac{1}{2}$  " in size everted margin (B)(a) Entry wound at the front of Lt arm 3" below from the shoulder jt inverted

margin ē abrasion colour present (b) exit wound at the back of arm 4" below the tip of shoulder jt. everted margin, Direction of the bullet is downward forward & posteriorly. (II) Abrasion & bruise present in the Lt elbow jt.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death is due to shock resulted from above mentioned injuries caused by bullet injuries which is ante-mortem & homicidal in nature.

9. The dead body of **BA-2446 Colonel Md. Nafiz Uddin Ahmed** was identified by elder brother of deceased, **PW-267 ASM Rashed** and the inquest report was prepared by **PW-165 Md Amran Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was

exhibited as exhibit-249 and his signature was exhibited as exhibit-249(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on left side of lower part of neck in front side  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted and blackened. (II) One exit wound of bullet found on right side of chest on Auxiliary line 8" right from midline  $1\frac{1}{2}$ "x1" in size found everted by fracturing the 4<sup>th</sup> right sided rib.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**10. The dead body of BA-2449 Colonel Quazi Imdadul Haque was identified by brother-in-law of the deceased, PW-272 Sayed Anwar Hossain and the**

inquest report was prepared by PW-165 Md Amran Hossain, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by PW-304 Doctor Md Zubaidur Rahman and the post mortem report was exhibited as exhibit-252 and his signature was exhibited as exhibit-252(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on right side and front of neck  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size inverted, blackened. (II)

One exit wound of bullet found on back of neck and left side  $1\frac{1}{2}$ "x $1\frac{1}{2}$ " in size found everted and lacerated.

(III) One entry wound of bullet found on right side of middle of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size, inverted and blackened (IV) On Exit wound of bullet found on back

of the body 1" left of mid line  $1\frac{1}{2}$ "x1" in size found

everted. (V) One entry wound of bullet found on right side of face  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found blackened and inverted. (VI) One Exit wound of bullet found on left side of occipital right  $1\frac{1}{2}$  "x1" in size.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**11. The dead body of BA-2526 Colonel Kazi Moazzem Hussain** was identified by **PW-268 Md Rezaul Hossain** and the inquest report was prepared by **PW-141 Sheikh Abdul Motaleb**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was exhibited as exhibit-248 and his signature was exhibited as exhibit-248(1).

**The findings of the post mortem report are reproduced verbatim:-**

(1) One entry wound of bullet found on Right side of face 1" right from right eye  $\frac{1}{2}$ " x  $\frac{1}{2}$ " in size found inverted, blackening found. (II) One exit wound of bullet found on left side of head on occipital region 2" left from midline  $1\frac{1}{2}$ " x 1" in size found everted (III) One entry wound of bullet found on right side of chest 3" right from midline on 3<sup>rd</sup> inter costal space  $\frac{1}{2}$ " x  $\frac{1}{2}$ " in size found inverted. (IV) One exit wound of bullet found on right side of back of the chest  $1\frac{1}{2}$ " x 1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause death was due to shock as a result of bullet injury which was ante-mortem and homicidal in nature.

12. The dead body of **BA-3689 Major Md. Khalid Hossain** was identified by **PW-241 Lt Col Aminul Islam (Retd)** and the inquest report was prepared by **PW-159 Md Firoj Hossain**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-306 Doctor A. KHA. M. Safiuzzaman** and the post mortem report was exhibited as exhibit-270 and his signature was exhibited as exhibit-270(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet injury-(a) Entry-One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the right side of the upper abdomen e 1 inch right from mid line (b) Exit wound-  
e the corresponding exit wound measuring  $1\frac{1}{2}$ "x1" found in the left lateral sides of the abdomen e lies 4



inch above from left iliac crest &  $9\frac{1}{2}$  inch right from midline (c) Dissection-Directed obliquely & medially to right. During its course it has perforated skin, soft tissue, muscle, small intestine & large intestine. (2)

Entry wound (a) Entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " in the left side of the chest e lies 1 inch lateral to the left nipple of the breast (b) Exit –One exit wound found measuring  $1\frac{1}{2}$ "x $\frac{1}{2}$ " found in the back of the left chest e lies just below the inferior medial border of the scapula left (c) Direction-Directed backwards, medially & to the right. During its course it has perforated skin, soft tissue, muscle, injury to the left upper rib, heart, left lung. Mentioned injuries are ante-mortem.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injuries which was ante-mortem & homicidal in nature.

13. The dead body of **BA-10086 Lieutenant Colonel Lutfar Rahman Khan** was identified by wife of the deceased, Doctor Rousonara Begum and **PW-294 Public G.M. Tashid**. The inquest report was prepared by **PW-165 Md Amran Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was exhibited as exhibit-257 and his signature was exhibited as exhibit-257(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of face  $\frac{1}{2}$  "x $\frac{1}{2}$  " found inverted and blackened. (II) One Exit wound of bullet found on left side of occipital region  $1\frac{1}{2}$  "x1" in size found everted. (III) One Entry wound of bullet found on left upper arm Dorsal surface  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found inverted, (IV) One Exit wound of bullet found on left upper an ventral surface  $1\frac{1}{2}$  "x1 " in size found everted. (V) One deface wound found a left middle, Ring fingers (Amputation), Little fingers (partly amputated), (VI) One Entry wound of bullet found on Right upper part of shoulder  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found in verted and blackened (VII) One exit wound of bullet found on back of right side  $1\frac{1}{2}$  " in size everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**14.** The dead body of **BA-2806 Lieutenant Colonel Md. Lutfar Rahman** was identified by **PW-282 Md Abul Basher Talukder** and the inquest report was prepared by **PW-159 Md Firoj Hossain**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was exhibited as exhibit-251 and his signature was exhibited as exhibit-251(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on left side of forehead  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened (II) One exit wound of bullet found on right side of forehead  $1\frac{1}{2}$

"x1" in size found everted. (III) Multiple bullet injury found on Different parts of the body of both entry and exit wound found.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**15.** The dead body of **BA-4711 Major Syed Md. Idris Iqbal** was identified by wife of the deceased, and **PW-289 Md Abdul Mannan** and the inquest report was prepared by **PW-163 Sharee Bishnath Das Gupto**, Sub Inspector, Kamragirchar Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was exhibited as exhibit-261 and his signature was exhibited as exhibit-261(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side back of chest  $\frac{1}{2}$  "x  $\frac{1}{2}$  " in size under the scapula found blackened inverted. (II) One Exit wound of bullet found on right side of chest 5" right from midline on 3<sup>rd</sup> intercostal space  $1\frac{1}{2}$  "x1" in size found everted. (III) One Entry wound of bullet found on right thigh in front side  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found inverted, blackened. (IV) One Exit wound of bullet found on back side of right thigh both hands found tied from  $1\frac{1}{2}$  "x1 " in size found everted. (V) One Entry wound of bullet found on left thigh back side in front side  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found inverted, blackened, (VI) One Exit wound of bullet found on back side of left thigh  $1\frac{1}{2}$  "x1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**16.** The dead body of **BA-100310 Colonel Zakir Hossain** was identified by daughter of the deceased, **PW-302 Dr. Sadia Hossain** and the inquest report was prepared by **PW-163 Sharee Bishnath Das Gupto**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-266 and his signature was exhibited as exhibit-266(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of chest  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened through

the 2<sup>nd</sup> intercostal space 3" left from mid line. (II) One Exit wound of bullet found on back of the chest 4" left from midline  $1\frac{1}{2}$ "x1" in size found everted. (III) One Entry wound of bullet found on right shoulder in front  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened, inverted. (IV) One exit wound of bullet found on back of the right shoulder  $1\frac{1}{2}$ "x1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

17. The dead body of **Public Ridoy Bepary** (Vegetable Seller) was identified by brother of the deceased, Jashim Bapary and the inquest report was prepared by Mohammad Fokhrul Haque, Sub Inspector, Dhanmondi Police Station. The post



mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-245 and his signature was exhibited as exhibit-245(1).

**The findings of the post mortem report are reproduced verbatim:-**

(1) One entry wound of bullet found on left partial region behind left ear  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, margin of hair found, (II) One exit wound of bullet found a left temporal region  $1\frac{1}{2}$ "x1" in size. (III) One entry wound of bullet found on left leg back side upper part  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size (IV) One exit wound of bullet found on left found on left leg front side upper part  $1\frac{1}{2}$ "x1" in size.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due haemorrhage and to shock as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**18.** The dead body of **Public Tareq Aziz (Student)** was identified by **PW-303 Mohammad Shihab Uddin Ahmed** and the inquest report was prepared by **Mohammad Fokhrul Haque, Sub Inspector, Dhanmondi Police Station.** The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-244 and his signature was exhibited as exhibit-244(1).

**The findings of the post mortem report are reproduced verbatim:-**

After removing the bandages from head (1) One entry wound of bullet found on right mastoid  $1\frac{1}{2}$ " behind right ear  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found everted, Scapes of hair,

(II) One Exit wound of bullet found on back of left ear  
1  $\frac{1}{2}$ "x1" in size (dens) found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of  
above mentioned bullet injury which was ante-mortem  
and homicidal in nature.

**19.** The dead body of **BA-5108 Major Abu Syed Ghazzali Dastagir** was identified by **PW-275 Md. Shofiullah** and the inquest report was prepared by **PW-162 Md. Abdul Kader**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-264 and his signature was exhibited as exhibit-264(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on right side of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened  $4\frac{1}{2}$ " right from midline 3" below umbilicus. (II) One Exit wound of bullet found on back of the abdomen  $1\frac{1}{2}$ "x1" of the body 3" right from midline at 12<sup>th</sup> thoracic vertebra level. (III) One Entry wound of bullet found on right side of abdomen 1" right from umbilicus inverted blackened. (IV) One Exit wound of bullet found on back of the body (abdomen)  $1\frac{1}{2}$ "x1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**20.** The dead body of **BA-3453 Major Md. Azharul Islam** was identified by wife of the deceased, Mst.

Sahina and the inquest report was prepared by **PW-165 Md Amran Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-254 and his signature was exhibited as exhibit-254(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on right side of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size 2" right from midline 2" above umbilicus found everted and blackened. (II) One exit wound of bullet found on right side of back of the body  $1\frac{1}{2}$ "x1" in size found everted. (III) One entry wound found of bullet found and on back of right side of chest  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackned. (IV) On exit wound of bullet found on front of chest left

side though 2<sup>nd</sup> Intercostal space found everted 2" left from mid line.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above wound by sharp cutting and pointed weapon which was ante-mortem and homicidal in nature.

**21.** The dead body of **BA-3396 Major Mahmudul Hasan** was identified by Mainul Hasan Tapon and the inquest report was prepared by **PW-165 Md Amran Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-255 and his signature was exhibited as exhibit-255(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on left side of forehead  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found  $\frac{1}{2}$ " above from left eye found inverted, blackened. (II) One exit wound of bullet found on left parietal temporal region  $1\frac{1}{2}$ "x1" in size found everted. (III) One stab wound found on the back of right side of the body  $1\frac{1}{2}$ "x $\frac{1}{2}$ "x cavity depth.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**22.** The dead body of **BA-2508 Colonel Shamsul Arefin Ahmed** was identified by Mehedi Hossain and the inquest report was prepared by **PW-140 Read Mahmud**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report

was exhibited as exhibit-248 and his signature was exhibited as exhibit-248(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injuries (A)(a) Entry wound-In the rt hypochondrium region of the abdomen measuring  $\frac{1}{3}$ " inverted margin rounded point  $\bar{e}$  abrasion & color present. (b) Exit wound-In the back 2" from the mid back line rt. sided 3" above from post iliac chest. (B)(a) Entry point-In the middle of the rt. thigh  $\frac{1}{2}$ " measuring inverted margin, (b) Exit wound is the back of the rt. thigh 1" measuring everted margin II. Abrasion & laceration present in the different size & shape in the different part of the body.

**The opinion of the doctor is reproduced verbatim:-**



The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**23.** The dead body of **BA-3393 Major Mustaque Mahmud** was identified by wife of the deceased, Sahapar Khan Samia and **PW-291 Dr. Joy Hazra.**

The inquest report was prepared by **PW-140 Read Mahmud**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-249 and his signature was exhibited as exhibit-249(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injuries (I)(a) Entry wound-over the lt. temporal region 2" above the ala of Lt ear measuring  $\frac{1}{2}$ " size inverted margin, circularly, abrasion color

present (b) Exit wound over the Lt occipital region 2" above from occipital protuberance size is 2", everted margin through which brain is expelled out partly.

II(a) Entry wound Lt chest region 2" laterally to the Lt nipple & another  $2\frac{1}{2}$ " Lt lateral to the Lt nipple (b) Exit

wound on the back of the body 4" & 5" Lt lateral from the mid back line everted margin 8" below the tip of

shoulder. III(a) Entry wound Lt hypochondriac region size  $\frac{1}{2}$ " inverted margin, 1" below the subcostal angle

& 5" Lt lateral from the umbilicus (b) Exit wound on the wrist in mid back line 1" above the coccy

measuring 1" in size everted margin. (B) Laceration present in the chest & back region.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

24. The dead body of **BA-4098 Major Md. Mizanur Rahman** was identified by brother of the deceased, **BA-5842 Major Md. Fardous-Ur-Rahman Khan** and **PW-273 Nur Hossain** the inquest report was prepared by **PW-140 Read Mahmud**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-251 and his signature was exhibited as exhibit-251(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet injuries (A)(a) Entry wound- in the rt. sided of the neck  $\frac{1}{3}$  " in diameter, inverted margin, rounded entry point  $\bar{e}$  abrasion & colour present. (b) Exit wound in the Lt. occipital region behind the Lt. ear measuring  $2'' \times 1\frac{1}{2}''$  in size. Through this brain matter is

expelled out. During the course of injuries it passes the skin, scalp, temporal bone & occipital bones & brain matter.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock (neurogenic) resulting from above mentioned bullet injury which was ante-mortem & homicidal in nature.

**25.** The dead body of **BA-2624 Major Hossain Sohel Shahnewaz** was identified by brother of the deceased, Hossain Shamim Ifthakhar and the inquest report was prepared by **PW-157 Riton Ray Chowdhury**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-262 and his signature was exhibited as exhibit-262(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on front of chest right side  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened 2" right from midline at 3<sup>rd</sup> intercostal space. (II) One Exit wound of bullet found on back of the chest  $1\frac{1}{2}$ "x1" in size found everted 3" right from midline at 4<sup>th</sup> thoracic vertebra level. (III) One Entry wound of bullet found on front of abdomen left side 2" left from midline and 1" above umbilicus  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened. (IV) One Exit wound of bullet found on  $1\frac{1}{2}$ "x1" in size everted both hands tied with red ribbon on back of the abdomen  $2\frac{1}{2}$ " left side at 15 lumbar vertebra level. (V) One Entry wound of bullet found on right side of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened 3" right from midline and 1"

above the umbilicus, (VI) One Exit wound of bullet found on back abdomen right side 4" from midline at 11<sup>th</sup> thoracic vertebra level  $1\frac{1}{2}$ "x1" in size found everted. (VII) One entry wound of bullet found on right thigh in front  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened, inverted, (VIII) One Exit wound of bullet found on right thigh back side  $1\frac{1}{2}$ "x1" in size found blackened.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**26.** The dead body of **BA-3190 Major Kazi Ashraf Hossain** was identified by Professor Doctor Mizanul Hoque, Forensic Medicin and the inquest report was prepared by **PW-157 Riton Ray Chowdhury**, Sub Inspector, Kamragichar Police Station. The post

mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-268 and his signature was exhibited as exhibit-268(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of chest  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened and inverted, (II) One Exit wound of bullet found on back side of chest  $1\frac{1}{2}$ "x1" in size found everted. (III) One Entry wound of bullet found on right side of chest  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened. (IV) One exit wound of bullet found on back of the chest  $1\frac{1}{2}$ "x1" in size found inverted. (V) One entry wound of bullet found on left side of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened. (VI) One exit wound of bullet found on left

side of back of chest found everted. (VII)One injured wound found on left forearm 2"x $\frac{1}{2}$ " muscle depth.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**27.** The dead body of **BA-1891 Lieutenant Colonel Enshad Ibn Amin** was identified by wife of the deceased, Doctor Royena Motin and the inquest report was prepared by **PW-165 Md Amran Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-306 Doctor A. KHA. M. Safiuzzaman** and the post mortem report was exhibited as exhibit-269 and his signature was exhibited as exhibit-269(1).

**The findings of the post mortem report are reproduced verbatim:-**



(I) Bullet wound-(a) Entry-One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the left lateral chest e lies 3 inch below from the left maxilla at the level of the 4<sup>th</sup> intercostal space and 10 inch lies left from mid line (b) Direction-Directed forwards medially & to the right. During its course it has perforated skin soft tissue subcutaneous muscle injury to the upper margin of the left fourth rib injury to the left side of the pleura left lung & heart & injury to the left medial aspect of the left fourth thoracic vertebra. One deformed bullet recovered from the body of the left thoracic vertebra & given to the constable no 19265 as alamot (2) About 2"x $\frac{1}{2}$ " One perforated wound found is the lateral aspect of the left upper arm e lies 5 inch below from left shoulder joint e the corresponding exit wound measuring 2 $\frac{1}{2}$ "x1" found in the post aspect of the left

upper arm e lies 2 inch below from left maxilla.

Mentioned injury are ante-mortem.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injuries which was ante-mortem & homicidal in nature.

**28.** The dead body of **RDO-171 DAD Md. Fosi Uddin** was identified by **PW-317 Professor Dr. Sharif Aktaruzzaman** and the inquest report was prepared by **PW-180 Md Kamal Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-231 and his signature was exhibited as exhibit-231(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A)(1) Bullet injury (a) Entry wound  $\frac{1}{3}$ " in diameter on the head 1" below & behind the left ear having inverted round margin (b) Exit wound 5"x3" on the back of the head in the occipital area (c) direction & dissection: Runs forwards to backwards medially & upwards causing perforation & injury to skin, soft tissue, scalp, bones (temporal, occipital) & brain comes out. (2) Bullet injury (a) entry wound  $1\frac{1}{2}$ " on the lateral aspect of rt wrist joint (b) Exit wound 3"x4" on the medial aspect of the wrist & dorsum of right palm (c) Direction & dissection: From lateral to medially causing injury & perforation of the skin, soft tissue, bones (Lower end of rt radius & ulna, carpal bones) & dislocation of rt. wrist joint. (B) Stab wound: Three stab wounds on the rt. chest 4cm, 2cm, 3cm

from midlines respectively in the 4<sup>th</sup>, 4<sup>th</sup> & 6<sup>th</sup> intercostal spaces respectively spindle shaped measuring  $1\frac{1}{2}$ "x1" having clear cut margin & pointed ends causing injury & perforation to skin, soft tissue & laceration of right lungs.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock resulting from the above mentioned (No. 1) bullet injury which was ante-mortem & homicidal in nature.

**29.** The dead body of **BA-118018 Lieutenant Colonel Quazi Robee Rahman** was identified by wife of the deceased, Doctor Fouzia Rashid and the inquest report was prepared **PW-180 Md Kamal Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Doctor Mohammad Maksud** and the post mortem

report was exhibited as exhibit-247 and his signature was exhibited as exhibit-247(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injury (A)(a) Entry wound-at the 2" behind & posterior to Lt. ear &  $\frac{1}{2}$ " above from Lt mastoid process measuring  $\frac{1}{3}$ " round, inverted margin  $\bar{e}$  abrasion color present. (b) Exit wound 1" posterior to rt ear &  $\frac{1}{2}$ " above in rt. mastoid region, everted margin, through the opening portion of brain & meninges comes out (c) Direction & dissection note lt. to rt. downwards forward & medially, during its course skin, scalp, bones & brain matter perforate, liquid & clotted blood found in the skull cavity. (B) (a) Entry wound at the central portion of the back 1" rt. of mid back line  $\frac{1}{2}$ " in size & circular inverted margin  $\bar{e}$

abrasion color present. (b) Exit wound rt. sided of the chest size 1" & 3" rt. to the rt. nipple everted margin (c) Direction & Dissection Lt to rt. downwards, forwards & medially, during the course skin, subcutaneous tissue, fat, pleura, lungs pierced & heart pierced liquid & clotted blood present in the chest cavity, (II) Abrasion present in the different places of the chest & back region.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to & shock haemorrhage resulted from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**30.** The dead body of **BA-4762 Major Md Rafiqul Islam** was identified by brother of the deceased, Md. Asifur Rahman and the inquest report was prepared by **PW-180 Md Kamal Hossain**, Sub Inspector, Lalbag

Police Station. The post mortem on the dead body was done by **PW-306 Doctor A. KHA. M. Safiuzzaman** and the post mortem report was exhibited as exhibit-274 and his signature was exhibited as exhibit-274(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet wound-(a) Entry-one entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the right upper chest  $\bar{e}$  lies  $\frac{3}{4}$  inch right from midline & lies in the line of right nipple & at the level of 4<sup>th</sup> intercostal space (b) Exit wound –one exit wound found measuring 1"x $\frac{1}{2}$ " in the back of the right chest  $\bar{e}$  lies 3 inch right from midline at the level of 6<sup>th</sup> intercostal space. (c) Direction-Dissected forwards, backwards, medial & to the right. During its course it has perforated skin, soft tissue, muscle, 4<sup>th</sup> rib heart & left lung (2) Entry wound-one

entry wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " e lies in the face just above the right mid eye brow (b) Exit wound one exit wound found in the posterior aspect of the skull above the occipital region measuring 1"x $\frac{1}{2}$ " (c) Direction-Directed obliquely, forward, & medially, During course it has perforated skin, soft tissue muscle, frontal laceration of frontal & occipital lobe of the brain & occipital bone of the skull. (3) Entry (a) One entry bullet wound found in the right side of the upper neck measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " e  $1\frac{1}{2}$  inch below the right angle of the mandible &  $1\frac{1}{2}$  inch right from midline. (b) exit wound-one exit wound found in the back of the Lt upper neck e,I. 1"x $\frac{1}{2}$ " e lies  $\frac{1}{2}$  inch below the Lt mastoid process. (c) Direction-Directed forwards, upwards oblique & to the left. During its course it has perforated, skin, soft tissue, muscle & great vessels of



the neck, injury or parietal Lt. temporal bone & laceration of the temporal lobe of brain (regal). Liquid & clotted blood found in the thoracic cavity. Ante-mortem congestion found on the mentioned wound. Mentioned injuries are ante-mortem.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injury which was ante-mortem & homicidal in nature.

**31.** The dead body of **BA-2409 Colonel Md. Naqibur Rahman** was identified by **PW-212 Maj SM Moniruzzaman** and the inquest report was prepared by **PW-180 Md Kamal Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-306 Doctor A. KHA. M. Safiuzzaman** and the post mortem report were

exhibited as exhibit-F and his signature was exhibited as exhibit-276(1).

**The findings of the post mortem report are reproduced verbatim:-**

- (I) Bullet injury- (a) Entry bullet wound measuring  $\frac{1}{2}$  "x $\frac{1}{2}$ " found in the right side of the forehead e lies  $\frac{3}{4}$  inch above the right brow. (b) exit-Exit wound measuring 1"x $\frac{1}{2}$ " found on the Lt temporal region of the scalp e lies  $\frac{1}{2}$  inch above the left mastoid (illegible)
- (c) Direction-Directed obliquely forwards & to the left. During its course it has perforated skin, soft tissue, frontal bone, muscle, frontal lobe of the brow & temporal lobe of the brain, Lt temporal bone & scalp.
- (2) Entry- one entry bullet wound in the right upper chest measuring  $\frac{1}{2}$  "x $\frac{1}{2}$ " e lies 1 inch right from right nipple &  $6\frac{1}{2}$  inch right from midline & at lies at the 4<sup>th</sup>

intercostal space (b) exit-Exit wound measuring in the back of the right chest e lies in the right from midline at the level 6 intercostal space (c) Direction-Dissected forwards, backwards, medially. During course it has perforated skin, soft tissue muscle, heart, left lung, 4<sup>th</sup> ribs of ant. Aspect & 6th ribs of post aspect. (3) (a) Entry -one entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the left upper chest e lies 4 inch left from midline & lies at the 3<sup>rd</sup> intercostal space. (b) exit- exit wound found in the back of the left chest e lies 5<sup>th</sup> inch from midline at the level of 5<sup>th</sup> intercostal space. During its course it has perforated, skin, soft tissue, muscle, 4<sup>th</sup> ribs of Lt anterior aspect, left lung & 5<sup>th</sup> ribs of the back of Lt. Chest & directed forearm & backwards. Ante-mortem congestion found on the mentioned wound. Liquid & clotted blood found on the thoracic, cavity. Mentioned injuries are ante-mortem.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injury which was ante-mortem & homicidal in nature.

**32.** The dead body of **BSS-100894 Major SAM Mamunur Rahman** was identified by Relative of the deceased, SM Masudur Rahman and the inquest report was prepared by **PW-180 Md Kamal Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md Zubaidur Rahman** and the post mortem report was exhibited as exhibit-256 and his signature was exhibited as exhibit-256(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on the right side of face  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted and blackened.

(II) One Exit wound of bullet found on left parietal temporal region  $1\frac{1}{2}$ "x1" in size found everted. (III)

One Entry wound of bullet found on left side of abdomen 2" left and 1" below the umbilicus  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened. (IV) One Exit wound of bullet found on right and back side of the body  $1\frac{1}{2}$ "x1" found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned Bullet Injury which was ante-mortem and homicidal in nature.

**33. The dead body of BA-3191 Major Mahmood Hasan was identified by PW-197 Md Iqbal Hossain and the inquest report was prepared by PW-158 Din-**

**E-Alam**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-235 and his signature was exhibited as exhibit-235(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injury (A)(a) Entry wound over the lt mastoid region  $1\frac{1}{2}$ " below the ala of lt. ear. inverted margin abrasion  $\bar{e}$  color size.  $\frac{1}{2}$ " present (b) Exit wound-everted margin over the lt. shoulder area measuring  $1" \times 1\frac{1}{2}"$  in size (B)(a) Entry wound over the Rt. knee jt. measuring  $\frac{1}{2}"$  inverted margin (b) Exit wound back of the Rt. leg 2" below the knee jt. measuring  $1" \times \frac{1}{2}"$  in size everted margin. (C)(a) Entry wound over the lt hypochondrium region  $\frac{1}{3}"$  in size. circular, (b) Exit

wound back of the body 2" lt laterally from mid back line & 3" above from post occipital protuberance everted margin, II. Abrasion present over the chest area & lacerated area present over the Rt. mid arm measuring 2"x3" in size.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**34. The dead body of BA-2790 Major Ahmed Azizul Hakim was identified by PW-317 Professor Dr. Sharif Aktaruzzaman and the inquest report was prepared by PW-184 Md. Shafiqul Islam, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by PW306 Doctor AKM Shafiuzzaman.**

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet wound-(a) Entry-One entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the left side of the upper neck e lies just below middle of the left side of the mandible. (b) Exit –One exit wound found on the post aspect of the scalp over the occipital bone measuring 2"x1 $\frac{1}{2}$ ". (c) Direction-Directed forwards, upwards & backwards to the right. During its course it has perforated skin, soft tissue muscle fractured of Lt side of the mandible injury to the great vessels of the left side of the neck, bone of the brain & occipital lobe of the brain meninges & occipital bone of the skull (2) one entry bullet wound found in the left side of the chest measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " e lies in the 2 $\frac{1}{2}$  inch left from midline & at the 3<sup>rd</sup> intercostal space (b) e



corresponding exit wound in the left lateral side of the chest measuring  $1\frac{1}{2}$ "x $\frac{1}{2}$ " e lies  $3\frac{1}{2}$  inch below from left maxillary fold & joint left from midline (c) Direction- Dissected obliquely, forward, lateral & to the left. During its course it has perforated skin, soft tissue, muscle, 4<sup>th</sup> ribs of left ante-mortem, heart lung (left) & 3<sup>rd</sup> ribs of the Lt. lateral chest, subcutaneous, muscle, skin. Mentioned injuries are ante-mortem, ante-mortem congestion found in the mentioned wound. Liquid & clotted blood found on the thoracic cavity which was ante-mortem.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injuries which was ante-mortem & homicidal in nature.

**35.** The dead body of **BA-2669 Colonel Md. Emdadul Islam** was identified by brother of the deceased, Major Md. Halal Islam and the inquest report was prepared by **PW-138 Md Shaha Jahan Khan**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW306 Doctor AKM Shafiuzzaman** and the post mortem report was exhibited as exhibit-278 and his signature was exhibited as exhibit-278(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet wound- (a) Entry -  $\frac{1}{2}$ "x $\frac{1}{2}$ " bullet wound in the left side of the face just in front of the left ear (b) Exit wound found in the right side of the parietal area of the scalp measuring 1"x $\frac{1}{2}$ " (c) Direction-Directed obliquely upwards medially & to the right. During its it has perforated skin, soft tissue, muscle, left temporal

zygomatic bone meninges left temporal lobe of the brain. Rt. parietal lobe of the brain meninges & right parietal bone & scalp of right parietal region. (2) Entry (a) One entry bullet wound in the front of the left upper chest e lies  $\frac{1}{2}$  inch above from left nipple & 5 inch left from midline at the level of 3<sup>rd</sup> intercostal space (b) exit wound in the back of the right lateral chest e lies 3 inch below from right maxilla & 10 inch right midline i.s  $1" \times \frac{1}{2}"$ . (C) Direction-Directed forwards medially & to the right. During its course it has perforated skin, soft tissue, muscle, heart both lung. 3<sup>rd</sup> ribs of the left side of chest & 4<sup>th</sup> ribs of right side of the chest. Liquid & clotted blood found in the thoracic cavity. Ante-mortem congestion found in the mentioned wound. Mentioned injuries are ante-mortem.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injuries which was ante-mortem & homicidal in nature.

**36.** The dead body of **BA-2847 Major Mohammed Saleh** was identified by brother of the deceased, Md. Nurul Haque and the inquest report was prepared by **PW-156 Sharojid Biswas**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-245 and his signature was exhibited as exhibit-245(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. (a) Entry wound of bullet injury is found at 1" below the chin margin is inverted rounded  $\frac{1}{2}$ " in diameter. (b) Exit wound of bullet is found at in the occipital region

1" from the occipital protuberance 1" in diameter everted margin. 2.A. stab injury elliptical shape two pointed end present in the Lt hypochondrium region, measuring 3"x1  $\frac{1}{2}$ ". 3.A. Stab over the Rt thumb measuring 1"x1" in size.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injury which was ante-mortem & homicidal in nature.

**37.** The dead body of **BA-2369 Lieutenant Colonel Md. Enayetul Haque** was identified by Sanik Farhadd and the inquest report was prepared by **PW-162 Md. Abdul Kader**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-230 and his signature was exhibited as exhibit-230(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entrance wound on rt. chest 3" above rt. nipple & 4" below rt. midclavicular line measuring  $\frac{1}{2}$ " in diameter having circular & inverted margin. (b) Exit wound on the back 5" rt. from midline &  $6\frac{1}{2}$ " from tip of rt. shoulder measuring  $1"x\frac{1}{2}"$ . (c)

Direction & dissection: From front to backward, upward causing injury & perforation of skin, soft tissue & rt. lung. (2)(a) entrance wound  $1\frac{1}{2}$ " rt nipple & 3" from midline having inverted & circular margin measuring  $\frac{1}{3}$ " in diameter (b) Exit wound on the back 2" rt. to midline & 4" from rt scapula angle measuring  $1\frac{1}{2}"x1"$  having everted & irregular margin (c)

Directions & dissection: From front backwards & medially causing injury & perforation of the rt. lungs.

(3)(a) on rt. chest 4" from midline & 2" below rt. nipple measuring  $\frac{1}{3}$ " in diameter having inverted & circular margin (b) on rt back 2" from midline &  $4\frac{1}{2}$ " from scapular lower end measuring  $2" \times \frac{1}{2}"$  having everted & Irregular margin (c) Direction & dissection: From front to backward medially, downwards causing perforation of rt. lung (4)(a) entrance on rt. abdomen. 1" below costal margin & 4" rt to midline measuring  $\frac{1}{2}"$  in diameter having inverted & circular margin (b) Exit wound on the rt. back 6" lateral to midline  $2" \times 1"$  at the level of L3 vertebra having everted & irregular margin (c) Dissection & direction: From front to backward, laterally, downwards causing perforation of liver, (5)(a) entrance 2" rt from umbilicus measuring  $\frac{1}{3}"$  diameter having inverted & circular, margin (b) Exit wound on the back  $1\frac{1}{2}"$  rt. to midline

at the level of L5 (c) direction & dissection : Front to backward, laterally, downwards; (6)(a) entrance wound 3" above & rt to symphytic pubis measuring  $\frac{1}{2}$ " in diameter having inverted & circular margin (b) Exit wound on the back (rt) 5" Medial to ant. sup. iliac skins and 4" above coccyx, measuring  $1 \times \frac{1}{2}$ " having everted margin (c) Direction & dissection : Front to backward & laterally causing perforation of urinary bladder, (7) Entrance wound on the back of rt. leg  $2 \times 3$ " & exit on the front of the leg measuring  $5 \times 6$ " causing # Rt tibia & fibula.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from the above mentioned bullet injuries which was ante-mortem & homicidal in nature.



**38.** The dead body of **BA-5344 Major Mohammed Mominul Islam Sarker** was identified by Relative of the deceased, Sanjana Sonia and **PW-282 Md Abul Basher Talukder**. The inquest report was prepared by **PW-138 Md Shaha Jahan Khan**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-250 and his signature was exhibited as exhibit-250(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on occipital region  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size 1" left from mid line; (অপাঠ্য) of hair and blackening found. (II) One exit wound of bullet found on right postal region  $1\frac{1}{2}$ " in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet injury which was ante-mortem and homicidal in nature.

**39.** The dead body of **Mrs. Naznin Shakil Shipu** was identified by the relative of the deceased, Yesmim Akther and **PW-285 Sheik Nahar Mahmud**. The inquest report was prepared by **PW-138 Md Shaha Jahan Khan**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-258 and his signature was exhibited as exhibit-258(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of chest on upper part of breast 2" left from midline  $\frac{1}{2}$ " x  $\frac{1}{2}$ "

" in size through 2<sup>nd</sup> inter costal space found blackened inverted. (II) One Exit wound of bullet found on the back of the chest 3" left from midline (III) One Entry wound of bullet found on upper part of breast (left), 1" left from midline on 3<sup>rd</sup> inter costal space level  $\frac{1}{2}$  "x  $\frac{1}{2}$  " in size found inverted and blackened, (IV) Corresponding exit wound found everted on back of the chest left side (V) One entry wound of bullet found on lower part of left breast  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found inverted and blackened on 5<sup>th</sup> inter costal space 3" left from midline. (VI) Corresponding exit wound found on back of the right side of the body found everted. (VII) One Entry wound of bullet found on middle of chest on sternum  $\frac{1}{2}$  "x $\frac{1}{2}$  " in size found blackened. (VIII) One Exit wound of bullet  $\frac{1}{2}$  "x1" found on back of the chest right side of 3<sup>rd</sup> intercostal

space 3" right from midline. (IX) One entry wound of bullet found on 1" left of previous injury No. (VII) found  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size, blackened. (X) One Exit wound of bullet found on back of the body 2" left from midline on 3<sup>rd</sup> intercostal space  $1\frac{1}{2}$ "x1" in size found everted (XI) One Entry wound of bullet found on lower part of breast (left),  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened, on 4<sup>th</sup> intercostal space  $3\frac{1}{2}$ " left from midline. (XII) One Exit wound of bullet found on back of the body left side 3" left from midline on 5<sup>th</sup> intercostal space found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**40.** The dead body of **BA-5987 Captain Mohammad Tanvir Haider Noor** was identified by wife of the deceased, Tasnuva Maha and **PW-293 Md Mujiber Rahman**. The inquest report was prepared by **PW-138 Md Shaha Jahan Khan**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-265 and his signature was exhibited as exhibit-265(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on right temporal region  $\frac{1}{2}$  "x $\frac{1}{2}$ " in dim found inverted, blackened. (II)

One Exit wound of bullet found on occipital region  $1\frac{1}{2}$  "x1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**41.** The dead body of **BA-2296 Lieutenant Colonel Golam Kibria Mohammad Niamatullah** was identified by wife of the deceased Mst. Sharmin Kibria and **PW-270 Md Monir Hossain**. The inquest report was prepared by **PW-136 Md Shaha Jalal**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-237 and his signature was exhibited as exhibit-237(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injuries, A(a) Entry wound at the back of the skull 1" above the occipital protuberance  $\frac{1}{2}$ " in size &

inverted margin abrasion & color present circularly (b) Exit wound on the Lt lower mandible everted margin 1" in size. II(a) Entry wound- in the upper part of the chest wall  $\frac{1}{2}$ " in size 1" rt to the mid line & 3" from the xipisternum & inverted margin (b) Exit wound on the back 2" Lt sided from mid back line measuring 2" in size everted margin.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock (neurogenic) which was resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**42.** The dead body of **JCO-4377 Subedar Assistant Md. Abul Kashem** was identified by brother of the deceased, **PW-229 Rajob Ali** and the inquest report was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post mortem on

the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-223 and his signature was exhibited as exhibit-223(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entrance wound on the middle of the chest (on the body of the sternum) at the level of 5<sup>th</sup> rib, circular & inverted margin  $\frac{1}{3}$ " in diameter, (b) Exit wound on the left side of the back  $2\frac{1}{2}$ " left from midline & 3" from Lt scapular angle measuring  $2" \times 1\frac{1}{2}$ " (c) direction & dissection: From front to backwards, laterally causing laceration of heart and left lung.

(2) (a) entrance wound 4" rt. from midline & 5" from umbilicus measuring  $\frac{1}{3}$ " in diameter (b) Exit wound on the rt. side of the back 2" right from 5<sup>th</sup> lumbar



vertebrae measuring  $1'' \times \frac{1}{2}''$  (c) direction & dissection:

From front to backwards & downwards, medially

causing perforation & injury of skin, soft tissue, (3) (a)

entrance wound on the rt side of the back 4'' rt. from

1<sup>st</sup> lumber vertebrae having inverted margin  $\frac{1}{3}''$  in

diameter (b) Exit wound on the front of the abdomen

just above the umbilicus (c) direction & dissection:

From back to forward & Medially causing perforation

& injury to skin, soft tissues and intestine (small

intestine) (3) (a) entrance wound  $1\frac{1}{2}''$  above left pianna

of the ear & 4'' from occipital measuring  $\frac{1}{3}''$  in

diameter having circular & inverted margin (b) Exit

wound just lateral to rt. angle of the mandible

measuring  $3'' \times \frac{1}{2}''$  having everted, irregular margin (c)

direction & dissection: From left to right, downwards,

laterally causing injury & perforation to skin, soft

tissues, bone, brain, bones, soft tissue (scalp) & skin causing fracture of Lt temporal, sphenoid and laceration of the brain.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock and haemorrhage resulting from the above mentioned bullet injuries which was ante-mortem and homicidal in nature.

**43.** The dead body of **Rowsuni Fatema Akter Lovely** was identified by brother of the deceased, **Chowdhury Aminul Islam Shohal** and **PW-276 Nasir Uddin**. The inquest report was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-225 and his signature was exhibited as exhibit-225(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entry wound  $\frac{1}{3}$ " diameter on the back of the chest in below 3-4<sup>th</sup> ribs having inverted & circular margin (b) Exit wound: 2"x $1\frac{1}{2}$ " on the front (lt side)  $1\frac{1}{2}$ " above the midclavicle (2) (a) entry wound:  $\frac{1}{3}$ " diameter on the back 2" below occipital &  $1\frac{1}{2}$ " lateral to midline having inverted & circular margin (b) exit wound, 2"x1" on the front (Lt.) side  $\frac{1}{2}$ " above & lateral to 1<sup>st</sup> exit wound (3) (a) Entry wound left chest 2" above the nipple on 3<sup>rd</sup> intercostal space measuring  $\frac{1}{3}$ " diameter (b) exit wound| On the left side of back  $1"x\frac{1}{2}$ " in measurement 5<sup>th</sup> intercostal space 2" from midline having everted & irregular margin (4) (a) entry wound  $\frac{1}{2}$ " on rt. chest 1"

above rt nipple &  $2\frac{1}{2}$ " from midline, inverted & circular margin (b) Exit wound on the back 2" from midline & 3" medial to lower end of scapula measuring  $2"x\frac{1}{2}$ " having everted & irregular margin

(5) (a) entry wound: on the right breast  $4\frac{1}{2}$ " from midline measuring  $\frac{1}{3}$ " in diameter (b) Exit wound:  $1\frac{1}{2}$ "

"x1 on the back 4" from midline & just medial to lower end of the scapula having everted margin (6)

Entry wound: on the left breast just above the nipple  $\frac{1}{3}$ "

diameter, bullet found within the heart. (7) (a) Entry

$\frac{1}{2}$ " on left breast 1" below the nipple in 6<sup>th</sup> intercostal

space (b) Exit on the back 2" below the lower end of

scapular &  $3\frac{1}{2}$ " from midline measuring  $2"x1\frac{1}{2}$ " (8)

(a) Entry: On the back at the level of L3 vertebra, 2"

lateral to it,  $\frac{1}{2}$ " in diameter (b) Exit on the left side of

the abdomen 3" lateral to umbilicus &  $3\frac{1}{2}$ " above the ast. sup iliac spine measuring  $2\frac{1}{2}$ "x $1\frac{1}{2}$ " (9) (a) Entry on the abd.  $\frac{1}{2}$ " below the sub costal margin & 4" from midline measuring  $\frac{1}{3}$ " diameter (b) Exit on the back  $1\frac{1}{2}$ "x1" on the back 4" from midline & just medial to lower end of scapula. (10) (a) Entry  $1$ "x $\frac{1}{2}$ " on the medial aspect of the Lt wrist 1" above the wrist joint (b) Exit on the lateral aspect of wrist joint 2" above the Lt wrist joint measuring  $2\frac{1}{2}$ "x $1\frac{1}{2}$ " (11) (a) Entry  $1$ "x $\frac{1}{2}$ " on the medial side forearm on the cubital fossa (b) Exit on the lateral side of forearm 1" below elbow joint measuring  $1\frac{1}{2}$ "x1".

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from the above mentioned bullet injury which was ante-mortem & homicidal in nature.

44. The dead body of **RDO-161 DAD Masum Khan** was identified by brother of the deceased, **PW-269 Md Mohibur Rahman Khan** and the inquest report was prepared by **PW-138 Md Shaha Jahan Khan**. The post mortem on the dead body was done by **PW306 Doctor AKM Shafiuzzaman** and the post mortem report was exhibited as exhibit-275 and his signature was exhibited as exhibit-275(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet wound-(a) Entry-  $\frac{1}{2}$ "x $\frac{1}{2}$ " entry bullet wound found on the right upper chest e lies 3 inch right from midline & at 3<sup>rd</sup> intercostal space (b) exit 1"x $\frac{1}{2}$ " exit bullet wound found on the back of the right lower chest e lies 3 $\frac{1}{2}$  inch right from midline & at the 5<sup>th</sup> intercostal space (c) Direction-Directed forwards,

backwards, and downwards slightly. During its course it has perforated skin, soft tissue, muscle, pleura & right lung injury to 4<sup>th</sup> ribs of right intestine chest & 6<sup>th</sup> rib of the back of the right side of the chest. (2) Entry- entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found on the right side upper neck e lies  $\frac{3}{4}$  inch below right side of the mid chin. During its course it has perforated skin, soft tissue muscle, injury or frontal of the right side of the mandible & one deformed bullet recovered from the right side of chin just above the mandible & deformed bullet is given to the constable No. 12993 as alamot. (3) Entry (a) entry bullet wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found on the dorsal as at aspect of the Lt hand e lies  $\frac{1}{2}$  inch above from Lt wrist joint (b) exit- wound found in the palmer aspect of the Lt pal of the palm of the hand i.e. 1"x $\frac{1}{2}$ " e lies just attached to Lt wrist joint.

During its course it has perforated, skin, soft tissue, muscle, lacerated end of the left radius & left temporal bone. Mentioned injuries are ante-mortem. Ante-mortem congestion found on the mentioned wound. Liquid & clotted blood found in thoracic cavity.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock as a result of above mentioned bullet injury which was ante-mortem & homicidal in nature.

**45.** The dead body of **BA-2770 Colonel Md. Aftabul Islam** was identified by wife of the deceased, **Nasima Mosaraf** and **PW-276 Nasir Uddin**. The inquest report was prepared by **PW-166 Md Abdul Woahab**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271**



**Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-226 and his signature was exhibited as exhibit-226(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entry wound: On the back in lumber region at the level of L2 in the midline (b) Exit wound: On the right chest  $3\frac{1}{2}$ " left to right nipple &  $2\frac{1}{2}$ " from midline measuring  $1\frac{1}{2}$ " x  $\frac{1}{2}$ " having everted, irregular margin (c) Direction & dissection: From backward to forward laterally & upwards causing perforation & injury to skin soft tissue, vertebrae L2-L3, Rt lungs. (2)(a) entry wound on the back  $1\frac{1}{2}$ " right to midline at the level of L2 vertebrae measuring  $\frac{1}{2}$ " in diameter having inverted circular margin (b) exit wound on right chest 2" below the rt nipple &  $5\frac{1}{2}$ " rt

from midline measuring  $1 \times \frac{1}{2}$  " having everted & irregular margin (c) Direction & dissection from backward to forward, laterally, upwards causing injury & perforation to skin, soft tissue, rt lungs.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from the above mentioned bullet injury which was ante-mortem & homicidal in nature.

46. The dead body of **Maid Servant Kolpana Begum** was identified by husband of the deceased, Md. Rezaul Karim and **PW-276 Nasir Uddin**. The inquest report was prepared by **PW-166 Md Abdul Woahab**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-227 and his signature was exhibited as exhibit-227(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entrance wound on the front of rt. chest 3" above rt. nipple &  $3\frac{1}{2}$ " from midline on 3<sup>rd</sup> intercostal space measuring  $\frac{1}{3}$ " in diameter having circular and inverted margin (b) Exit wound on the rt. side of the back  $2\frac{1}{2}$ " from midline on 4<sup>th</sup> intercostal space measuring  $2\frac{1}{2}$ " having everted & irregular margin (c) Direction & dissection: From front to backward laterally & slightly upwards causing injury perforation of skin, soft tissues, rt. lung soft tissue, skin (2)(a) entrance wound 1" left from Lt. nipple & 5" from midclavicular line measuring  $\frac{1}{2}$ " in diameter having circular & inverted margin (b) Exit wound on the left side of the back 3" left from midline. Measuring 2"x1" having everted & irregular margin

(c) Direction & dissection: From front to backward medially causing injury & perforation of this skin, soft tissue, Lt lung & heart, soft tissue & skin.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from the above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**47.** The dead body of **No-51932 Lance Naik Md. Manik** was identified by relative of the deceased, **Md. Sawkot Akbor** and **PW-276 Nasir Uddin**. The inquest report was prepared by **PW-166 Md Abdul Woahab**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-228 and his signature was exhibited as exhibit-228(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) Entry wound on the Lt. groin  $3\frac{1}{2}$  " below & medial to Lt ant supilliae spine measuring  $\frac{1}{2}$  " in diameter having inverted & circular margin (b) Exit wound on the back of Lt thigh  $2\frac{1}{2}$  " above the cubital fossa measuring  $1\frac{1}{2}$  "x $\frac{1}{2}$  " in diameter having everted & irregular margin (c) Direction & dissection from above downwards, laterally causing injury & perforation of the skin, soft tissue, muscles, Lt. femoral artery. Profuse haemorrhage within the left thigh found.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from the above mentioned bullet injury which was ante-mortem & homicidal in nature.

**48.** The dead body of **Lieutenant Colonel (Retd) Deloar Hossen** was identified by relative of the deceased, Md. Sawkot Akbor and **PW-276 Nasir Uddin**. The inquest report was prepared by **PW-166 Md Abdul Woahab**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-229 and his signature was exhibited as exhibit-229(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entrance wound on left chest 2" for midline &  $2\frac{1}{2}$ " from midclavicular line measuring  $\frac{1}{3}$ " having inverted & circular margin (b) On the back 5" below the tip of Lt. shoulder & 3" from midline measuring  $1\frac{1}{2}$ "x $\frac{1}{2}$ " having everted & irregular

margin (c) Direction & dissection front to backward, laterally causing perforation & Lt lung (2)(a) entrance wound  $2\frac{1}{2}$ " from midline & 3" from midclavicular line measuring  $\frac{1}{3}$ " having inverted margin (b) exit wound on the back 4" from tip of Lt shoulder &  $3\frac{1}{2}$ " from midline measuring  $2" \times \frac{1}{2}"$  having everted & irregular margin (c) Directions & dissection from front backward, laterally (3)(a) entry wound on the chest  $3\frac{1}{2}$ " Lt from midline on 4<sup>th</sup> intercostal space measuring  $\frac{1}{3}$ " in diameter, inverted & circular margin (b) Exit wound on the back 6" from midline & 2" from lower part of scapula measuring  $2" \times 1"$  everted margin (c) Direction & dissection: Front to backward & laterally causing perforation of Lt. lungs (4)(a) entrance wound 4" from midline 1" above subcostal margin measuring

$\frac{1}{3}$ " in diameter & having inverted, circular margin (b)

Exit wound on the back 2" below sub costal sub costal margin and  $4\frac{1}{2}$ " from midline measuring  $2 \times \frac{1}{2}$ " (c)

Direction & dissection: From front to backward & laterally causing injury & perforation of skin, soft tissue, liver (5) entry wound on Lt ant. auxiliary fold

$4\frac{1}{2}$ " from tip of shoulder measuring  $\frac{1}{2}$ " in diameter

inverted margin (b) Exit wound on rt lat. wall of chest

9" from midline at the level of 6<sup>th</sup> intercostal space

passes to rt arm on medial side & exit on lateral aspect

of arm (c) direction from front to backwards causing

injury to skin. left lung, heart, rt. lung, (6)(a) Entry

wound on the abdomen 3" above the umbilicus having

inverted & circular margin (b) Exit wound on the back

$1\frac{1}{2}$ " rt. to 5<sup>th</sup> lumber vertebra (c) direction & dissection



: From front to backward & laterally downwards causing perforation of small intestine.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from the above mentioned bullet injuries which was ante-mortem and homicidal in nature.

**49.** The dead body of **BA-2480 Major Md. Mokbul Hossain** was identified by relative of the deceased, Colonel Md. Zakaria and the inquest report was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-260 and his signature was exhibited as exhibit-260(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of abdomen 4" above from umbilicus and 2" left from midline  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened, inverted. (II)

One Exit wound of bullet found on right side of back of abdomen  $1\frac{1}{2}$ "x1" in size found everted 2" right from midline at 2<sup>nd</sup> lumbar vertebra level.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**50.** The dead body of **BA-5306 Major Muammad Mosharof Hossain** was identified by brother of the deceased, **PW-230 Md Mobarak Hossain** and the inquest report was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post

mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-263 and his signature was exhibited as exhibit-263(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of fore head on left. Frontal region  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened. (II) One Exit wound of bullet found on right side of occipital region  $1\frac{1}{2}$ "x1" in size found everted. (III) One Entry wound of bullet found on back of the chest right side 3" right from midline  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened. (IV) One Exit wound of bullet found on right side of chest in front 1" above right nipple  $1\frac{1}{2}$ "x1" in size everted. (V) One Entry wound of bullet found on back of the bone, 3"

right from mid line  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, (VI)

One Exit wound of bullet found on left side of upper abdomen  $1\frac{1}{2}$ "x1" in size found everted from which stomach comes out 1" left from midline (VII). One entry wound of bullet found on right side of back of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted blackened.

(VIII) One Exit wound of bullet found on right side front of abdomen  $1\frac{1}{2}$ "x1" in size found everted. (IX)

One entry wound of bullet found on right side back of abdomen  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found blackened inverted. (X)

One exit wound of bullet found on front of abdomen 1" left from midline at umbilical level  $1\frac{1}{2}$ "x1" in size.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned Bullet Injury which was ante-mortem and homicidal in nature.

**51.** The dead body of **JCO-3849 Subeder Major Md. Nurul Haque** was identified by wife of the deceased, **Asia Begum** and **PW-310 Shibli**. The inquest report was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-267 and his signature was exhibited as exhibit-267(1).

**The findings of the post mortem report are reproduced verbatim:-**

- (I) One entry wound of bullet found on front of forehead  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted, blackened. (II) One Exit wound of bullet found on left side of occipital region  $1\frac{1}{2}$ "x1" in size found everted. (III) One Entry wound of bullet found on right mid

auxiliary line at the right nipple level  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted. (IV) One exit wound of bullet found on left side of abdomen in front 1" left from umbilicus  $1\frac{1}{2}$ "x1" in size found everted. (V) One entry wound of bullet found on back of the abdomen right side 6" right from midline  $\frac{1}{2}$ "x $\frac{1}{2}$ " in size found inverted. (VI) One exit wound of bullet found on left side of abdomen  $1\frac{1}{2}$ "x1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**52. The dead body of Amzad Hossen (Rickshaw Puller) was identified by wife of the deceased, PW-231 Rasheda Begum and the inquest report was prepared by PW-175 Md Kamal Hossen, Sub**

Inspector, Hajaribag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-246 and his signature was exhibited as exhibit-246(1).

**The findings of the post mortem report are reproduced verbatim:-**

(1) One entry wound of bullet found on  $\frac{1}{2}$ " left of Mid line of a vault of the skull,  $\frac{1}{2}$ "x $\frac{1}{2}$ " size found inverted and surgery of hair present.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock as a result of bullet injury which was ante-mortem and homicidal in nature.

**53. The dead body of No-1442120 Snk Md. Zahirul Islam** was identified by **PW-250 BJO-15153 SWO Md Akmol Hossain** and the inquest report was

prepared by **PW-155 SI Md Afzal Hossain**, Sub Inspector, Dhaka Cantonment Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-259 and his signature was exhibited as exhibit-259(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One entry wound of bullet found on left side of left parietal region of head  $\frac{1}{3}$ "x $\frac{1}{3}$ " in size after removal of bandage. (II) One Exit wound of bullet found on  $\frac{1}{2}$ " right from midline on occipital region  $1\frac{1}{2}$ "x1" in size found everted.

**The opinion of the doctor is reproduced verbatim:-**



The cause of death was due to shock as a result of above mentioned bullet Injury which was ante-mortem and homicidal in nature.

**54.** The dead body of **BA-2358 Lieutenant Colonel Elahi Mozoor Chowdhury** was identified by **PW-317 Professor Dr. Sharif Aktaruzzaman** and the inquest report was prepared by **PW-141 Sheikh Abdul Motaleb**, Sub Inspector, Kamragichar Police Station. The post mortem on the dead body was done by **PW-306 Doctor A. KHA. M. Safiuzzaman** and the post mortem report was exhibited as exhibit-277 and his signature was exhibited as exhibit-277(1).

**The findings of the post mortem report are reproduced verbatim:-**

Bullet injury- (a) Entry wound measuring  $\frac{1}{2}$ "x $\frac{1}{2}$ " found in the left lower chest e lies  $3\frac{1}{2}$  inch left from midline at the level 5<sup>th</sup> intercostal space. (b) Exit- measuring

1½" found in the left lateral chest & lies 7 inch below from left auxiliary fold & 9½ inch left from midline (c)

Direction-Directed obliquely laterally to the left.

During its course it has perforated skin, soft tissue, muscle, 5<sup>th</sup> ribs left lung & heart 8<sup>th</sup> ribs of the left lateral chest. Liquid & clotted blood found on the thoracic cavity. Mentioned injuries are ante-mortem.

Ante-mortem congestion found on mentioned wound.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage followed by shock resulting from above mentioned bullet injury which was ante-mortem & homicidal in nature.

**55. The dead body of No-60835 Naik Assistant Md. Boshir Uddin** was identified by brother of the deceased, Md. Abdul Mutalab and **PW-276 Nasir**

**Uddin.** The inquest report was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-222 and his signature was exhibited as exhibit-222(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) entrance wound on the back 1" rt from midline at the level of L4 vertebra measuring  $\frac{1}{3}$ " in diameter having circular & inverted margin (b) Exit wound on the left side of the abd.  $5\frac{1}{2}$ " left from midline measuring 5"x3" having everted & irregular out line (c) Direction & dissection: From back to forward laterally & downwards causing injury & perforation skin, soft tissue, vena cava & exit of intestine outside the abdomen.

(2) (a) entrance wound on the back  $1\frac{1}{2}$  " rt. from midline at the level of L2 vertebra measuring  $\frac{1}{2}$  " in diameter having circular, inverted margin (b) Exit wound 2" left & below the umbilicus & 6" below the Xihoid process measuring 2"x1" having everted & irregular outline (c) Direction & dissection: From back to front, laterally. Downwards causing injury & perforation of skin, soft tissues and intestine (small intestine).

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from the above mentioned gunshot injuries which was ante-mortem and homicidal in nature.

**56.** The dead body of **M-163 Mali Md. Firoz Miah** was identified by the Mother of the deceased, **Fatima Akther** and **PW-276 Nasir Uddin**. The inquest report

was prepared by **PW-167 Md Jamal Uddin**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-232 and his signature was exhibited as exhibit-232(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A)(1) Bullet injury (a) entrance wound on the left cheek 1" left from Lt angle of mouth, measuring  $\frac{1}{3}$ " in diameter having circular & inverted margin, (b) Exit wound  $2\frac{1}{2}$ " behind the rt. ear & 3" from occipital on rt. occipital area measuring  $3" \times 1\frac{1}{2}"$  having everted & irregular margin (c) Direction & dissection: Upward, backward & laterally causing perforation & injury to skin, soft tissue, bone, brain, scalp & brain comes out.

(2) Bullet injury (a) entrance wound 2" at from midline at the level of C4 having circular & inverted margin 3"x2" (b) Exit wound on rt. axilla measuring 3"x2" having everted, irregular margin (c) Direction & dissection: From back to forward, laterally & downwards causing perforation & injury to skin, soft tissue, things, soft tissue & skin.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from above mentioned bullet injuries which was ante-mortem and homicidal in nature.

**57.** The dead body of **BA-2605 Major Md. Abdus Salam Khan** was identified by brother of the deceased, Md. Mobarak Hossain and **PW-308 Md Habul**. The inquest report was prepared by **PW-156 Sharojid Biswas**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done

by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-245 and his signature was exhibited as exhibit-245(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injury (A) Entry wound- on the Lt sided of the forehead measuring  $\frac{1}{3}$ " inverted margin round with abrasion colour present 2" above the rt. supra-orbital ridge (B) Exit wound on the occipital area of the skull measuring 3"x2" in size everted margin, 2" above from occipital protuberance. II. Abrasion & laceration present in the different places of the body.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to neurogenic shock resulted from above mentioned bullet injury which was ante-mortem & homicidal in nature.

58. The dead body of **BA-2527 Colonel Gulzer Uddin Ahmed** was identified by **PW-317 Professor Dr. Sharif Aktaruzzaman** and the inquest report was prepared by **PW-169 Md. Nurul Amin**, Sub Inspector, Kamragi Police Station. The post mortem on the dead body was done by **PW260 Doctor Md. Habibuzzaman** and the post mortem report was exhibited as exhibit-213 and his signature was exhibited as exhibit-213(1).

**The findings of the post mortem report are reproduced verbatim:-**

- \* Entry wound: On the sub mental region  $\frac{1}{3}$  "x $\frac{1}{3}$  x cranial cavity.
- \* Exit on the occipital region  $1\frac{1}{2}$  "x $\frac{1}{2}$  " edge is everted.
- \* On the left arm for arm entry-02= each  $\frac{1}{3}$  "x $\frac{1}{3}$  " & exit -02=each  $1\frac{1}{4}$  x $\frac{1}{4}$  " edge.



\* On the rt. arm & forearm same as left arm.

6(six) entry on the back of the chest each  $\frac{1}{3}$ "x $\frac{1}{3}$ "x chest cavity edge inverted & 6 (six) exit wound on the front of the chest each about  $1\frac{1}{4}$ "x1" to  $\frac{2}{3}$ "x $\frac{2}{3}$ " edge everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death is due to shock resulted from above mentioned rifle bullet injuries which is ante-mortem & homicidal in nature.

**59.** The dead body of **BA-6119 Captain Md. Mazharul Haider** was identified by elder brother of the deceased, Mahbubul Haidar and the inquest report was prepared by **PW-169 Md. Nurul Amin**, Sub Inspector, Kamragi Police Station. The post mortem on the dead body was done by **PW260 Doctor Md. Habibuzzaman** and the post mortem report was exhibited as exhibit-214 and his signature was exhibited as exhibit-214(1).

**The findings of the post mortem report are reproduced verbatim:-**

\* Entry wound: On the face at the right side of the nose  $\frac{1}{3}$ " x  $\frac{1}{3}$ " x cranial cavity deep-edge is everted.

\* Exit wound:- On the left side of the occipital area  $3\frac{1}{2}$ " x 3" edge is everted & extrusion of meninges tissue .

**The opinion of the doctor is reproduced verbatim:-**

The cause of death is due to shock resulted from brain injury caused rifle bullet which is ante-mortem & homicidal in nature.

**60.** The dead body of **BA-2487 Colonel BM Zahid Hossain** was identified by relative of the deceased, Anwar Hossain and the inquest report was prepared by **PW-169 Md. Nurul Amin**, Sub Inspector, Kamragi Police Station. The post mortem on the dead body was done by **PW260 Doctor Md. Habibuzzaman** and the

post mortem report was exhibited as exhibit-215 and his signature was exhibited as exhibit-215(1).

**The findings of the post mortem report are reproduced verbatim:-**

(1) Entry wound on the front of the right side of the chest  $\frac{1}{3}$ "x $\frac{1}{3}$ "x chest cavity deep. Exit wound on the back of the right side of the chest  $1\frac{1}{2}$ "x $1\frac{1}{2}$ " edge is everted.

(2) Entry wound on the front of the rt. shoulder  $\frac{1}{3}$ "x $\frac{1}{3}$ " & through- Exit wound on the back of the rt. shoulder (edge is inverted) x through (3"x2"x edge everted.

(3) Entry wound on the lateral (Radial) aspect of the rt. wrist  $\frac{1}{3}$ "x $\frac{1}{3}$ "x through & through-Exit wound on the rt. wrist 2"x $1\frac{1}{2}$ "-edge is everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death is due to haemorrhage & shock resulted from above mentioned rifle bullet injuries which is ante-mortem & homicidal in nature.

**61.** The dead body of **BA-1969 Lieutenant Colonel Shamsul Azam** was identified by Warrant officer Shamsul Haque and the inquest report was prepared by **PW-142 Md Mokbul Hossen**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-239 and his signature was exhibited as exhibit-239(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury I(a) Entry wound-over the rt. eye  $\frac{1}{2}$ " above rt. orbit inverted margin, abrasion & colour present measuring  $\frac{1}{3}$ " (b) Exit wound- over the central portion of the skull 3 " apart from the rt. supra-orbital

ridge on the frontal area everted margin size 2"x1". II

(a) Entry wound over the Lt. palm inverted margin

size is  $\frac{1}{2}$ " (b) Exit wound back of the Lt palm through

& through opening. Through which skin,

subcutaneous tissue, metacarpal bone pierced.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**62.** The dead body of **BA-2516 Lieutenant Colonel Md. Saiful Islam** was identified by cousin brother of the deceased, **PW-213 Md Aiyub Ali** and the inquest report was prepared by **PW-142 Md Mokbul Hossen**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and and the post mortem report

was exhibited as exhibit-240 and his signature was exhibited as exhibit-240(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury I(a) Entry wound-over the Lt temporal region 2" Lt lateral to the ala of Lt. ear. inverted margin size  $\frac{1}{3}$ " e abrasion & colour present  
 (b) Exit wound over in occipital region 1" downwards of occipital protuberance size 2" in size everted margin II(a) Entry wound over the Rt chest cage 2" Lt from the Lt nipple size  $\frac{1}{3}$ " (b) exit wound in the back 2" Lt lateral to the mid back line size  $\frac{3}{4}$ " III(a) Entry wound Lt hypochondrium region measuring  $\frac{1}{2}$ " in size inverted margin (b) Exit wound on the back of Lt thigh 2" in size everted margin (IV) (a) entry wound over the front of the Lt thigh measuring  $\frac{1}{2}$ " (VI) Exit

wound back of the lower Lt thigh measuring  $\frac{1}{2}$ " in size everted margin.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**63.** The dead body of **BA-2353 Lieutenant Colonel Md. Badrul Huda** was identified by brother of the deceased, **Tasrirul Huda, PW-279 Md Hafizur Rahman** and **PW-142 Md Mokbul Hossen**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-141 and his signature was exhibited as exhibit-141(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet injury (A) Entry wound-over the occipital region 1" from the occipital region above measuring  $1\frac{1}{2}$ "x1" rounded, inverted margin, through which brain is expelled out. (B) Exit wound over the rt. temporal region measuring 2"x1" in diameter, everted region of margin. II(A) Entry wound over the rt. chest 1" below the rt nipple measuring  $\frac{1}{3}$ " inverted margin, abrasion & colour present (B) Back of the body everted margin 2" in size 6" from the rt. shoulder jt. everted margin exit wound. III(a) Entry wound on the Lt leg in groin region measuring  $\frac{1}{2}$ " inverted margin abrasion & color present. (b) Exit wound back of the mid portion of the thigh everted margin, measuring 2" in size.

**The opinion of the doctor is reproduced verbatim:-**



The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**64.** The dead body of **BA-3716 Major Mahbubur Rahman** was identified by brother of the deceased, **PW-211 Md Mahfuzur Rahman** and the inquest report was prepared by **PW-142 Md Mokbul Hossen**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-242 and his signature was exhibited as exhibit-242(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) Bullet injury (A)(a) Entry wound-1" Lt sided below the Lt nipple measuring  $\frac{1}{3}$ " inverted margin, abrasion & colour present. (b) Exit wound Lt back of the body

$1\frac{1}{2}$ "x1" in size everted margin  $1\frac{1}{2}$ " from the mid back line (B)(a) Entry wound In the Lt hypochondrium  $\frac{1}{3}$ " inverted margin (b) Lt back exit wound  $\frac{1}{2}$ " in size 3" Lt from mid back line. (C)(a) Entry wound Rt abdomen  $\frac{1}{3}$ " diameter margin inverted abrasion & colour present (b) Exit wound in the back 3" below Lt shoulder jt. everted margin (II) Lacerated injury over the calf muscle of the Lt leg & abrasion over the different parts of the body.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**65.** The dead body of **BA-4233 Major Mohammad Maksum-Ul-Hakim** was identified by elder brother of the deceased, **PW-236 Md Khairul Anam** and the

inquest report was prepared by **PW-142 Md Mokbul Hossen**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-243 and his signature was exhibited as exhibit-243(1).

**The findings of the post mortem report are reproduced verbatim:-**

Bullet injuries I(a) Entry wound- Rt sided of the hypochondric region measuring  $\frac{1}{2}$ " inverted margin (b) exit wound measuring 2" everted margin in the Lt hypochondriac region II(a) on the Rt sided of the chest entry wound  $\frac{1}{2}$ " diameter, inverted margin (b) exit wound is on the back 2" from the mid back line. III(a) front of the Lt leg entry wound  $\frac{1}{2}$ " inverted margin (b) back of the leg 1" diameter everted margin IV(a) entry

wound Rt mid arm region 4" from the tip of shoulder  $\frac{1}{2}$ " diameter inverted margin (b) exit wound –Back of Rt mid arm everted margin 1" in size, shaft of rt. humerus fractured (V)(a) entry wound on the knee jt of Lt leg 1" from knee jt  $\frac{1}{2}$ " diameter (b) exit wound is back of left lower thigh everted margin.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was haemorrhage & shock resulting from above mentioned bullet injuries which were ante-mortem & homicidal in nature.

**66.** The dead body of **BA-2601 Colonel Md. Shawkat Imam** was identified by relative of the deceased, **PW-253 Md Elias Shah** and the inquest report was prepared by **PW-142 Md Mokbul Hossen**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was

exhibited as exhibit-238 and his signature was exhibited as exhibit-238(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injuries, A(a) Entry wound on the chest rt. sided 2" from the rt nipple, on the rt. sided 3" & another is 4" from the rt sided of the chest margin is inverted circular abrasion & color present measuring size is  $\frac{1}{3}$  " & rounded 3 in no (b) Exit wound 3 in no. on the back of the body margin is everted on the back 3",4" & 5" from the rt. mid back line.

**The opinion of the doctor is reproduced verbatim:**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which was ante-mortem & homicidal in nature.

**67.** The dead body of **BA-2452 Lieutenant Colonel Abu Musa Md. Ayub Kaiser** was identified by elder brother of the deceased, Md. Anamul Haque and the inquest report was prepared by **PW-169 Md. Nurul Amin**, Sub Inspector, Kamragi Police Station. The post mortem on the dead body was done by **PW-260 Doctor Md. Habibuzzaman** and the post mortem report was exhibited as exhibit-217 and his signature was exhibited as exhibit-217(1).

**The findings of the post mortem report are reproduced verbatim:-**

\* Entry wound: On the back of the right side of the upper part of the chest  $\frac{1}{2}$ "x $\frac{1}{2}$ "x chest cavity & neck.

\* Exit wound on the front of the neck below the thyroid cartilage size  $1\frac{1}{2}$ "x $1\frac{1}{4}$ " lacerated & edge is everted.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death is due to haemorrhage & shock resulting from above mentioned rifle bullet injury which is ante-mortem & homicidal in nature.

**68.** The dead body of **BA-3550 Major Md. Humayun Kabir Sarker** was identified by sister of the deceased, Shakila Akter and the inquest report was prepared by **PW-168 Md Delowar Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-224 and his signature was exhibited as exhibit-224(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (1) (a) Entry wound  $\frac{1}{3}$ " diameter on the back of the chest,  $1\frac{1}{2}$ " left from midline at the level

of T2 vertebra (b) Exit wound on the front  $\frac{1}{2}$ " above the jugular notch measuring  $1\frac{1}{2}$ "x1". (2) (a) Entry wound  $\frac{1}{2}$ " in diameter on the back of the left chest 1" left from midline at the level of T4 vertebra (b) Exit wound  $1\frac{1}{2}$ "x $\frac{1}{2}$ " on the front of the chest 4" lateral to midline & at the level of 5<sup>th</sup> & 6<sup>th</sup> ribs (3) (a) entry wound on the back 2" Lt from midline & 3" from Lower end of scapula measuring  $\frac{1}{3}$ " in diameter (b) Exit wound on the front of rt. chest  $\frac{1}{2}$ " lateral to midline between 5<sup>th</sup> & 6<sup>th</sup> rib measuring 2"x $1\frac{1}{2}$ " (4) (a) entry wound 1" below behind the left ear measuring  $\frac{1}{3}$ " in diameter (b) Exit wound on the rt side of the head  $\frac{1}{2}$ " above the pianna of rt ear measuring 2"x1" (B)

Multiple gunshot injuries of various size are found in different part of the body, two pallets like substance



found on the front of right chest at the level of 3<sup>rd</sup> & 4<sup>th</sup> rib and 5<sup>th</sup> & 6<sup>th</sup> ribs.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to shock resulting from the above mentioned firearm injuries which was ante-mortem & homicidal in nature.

**69.** The dead body of **No-66524 Sepoy Ruhul Amin @ Bulbul** was identified by father of the deceased, **Bazlur Rahman** and **PW-276 Nasir Uddin**. The inquest report was prepared by **PW-168 Md Delowar Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-219 and his signature was exhibited as exhibit-219(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) (1) Bullet injury (a) entrance wound 1" below the rt. angle of mandible &  $3\frac{1}{2}$ " below the rt. mastoid process. Margin is inverted & circular measuring  $\frac{1}{3}$ " in diameter. (b) Exit wound 2" below the Lt mastoid process and  $1\frac{1}{2}$ " behind the Lt angle of mandible measuring  $2\frac{1}{2}$ "x1" margin is everted, irregular (c) Direction & dissection: From right to left upwards, backwards and laterally during its course it has perforated and injured skin, soft tissues, muscles, rt. carotid vessels trachea, Lt carotid vessels, soft tissues and skin.

(2) Bullet injury (a) entrance wound on the rt. side of the back 5" lateral from midline & 2" from scapular angle measuring  $\frac{1}{2}$ ". Circular inverted margin. (b) exit wound on the rt. chest measuring  $1\frac{1}{2}$ "x1", situated  $2\frac{1}{2}$ " from midline &  $5\frac{1}{2}$ " from rt. midclavicular line having

everted & irregular Margin (c) Direction & dissection; From back foreland, medially causing perforation of rt. lungs & soft tissues & skin (B) Abrasion on forehead and rt. cheek which is ante-mortem in nature.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from above mentioned bullet injuries which was ante-mortem and homicidal in nature.

**70.** The dead body of **RDO-87 AD Khandaker Abdul Awal** was identified by son of the deceased, Major Monir Hossain and **PW 276 Nasir Uddin**. The inquest report was prepared by **PW-168 Md Delowar Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW271 Doctor Snigdha Sarker** and the post mortem report was exhibited as exhibit-220 and his signature was exhibited as exhibit-220(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) A stab injury spindle shaped on the left side of the chest 5" left from midline &  $5\frac{1}{2}$ " below the left midclavicular line measuring  $2\frac{3}{4}$ " in size margin is clean cut & everted, two ends of the wound are pointed, directing from front to backwards, downwards & laterally in the 5<sup>th</sup> intercostal during its course it has perforated skin, soft tissues and Ltd. lung, Liquid & clotted blood found in the chest cavity.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock resulting from above mentioned stab injury caused by sharp cutting pointed weapon which was ante-mortem and homicidal in nature.

71. The dead body of **BA-2711 Major Quazi Mosaddek Hossain** was identified by elder brother of

the deceased, **PW-196 Kazi Md. Moniruzzaman** and the inquest report was prepared by **PW-158 Din-E-Alam**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-234 and his signature was exhibited as exhibit-234(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injuries (A)(a) Entry wound at Lt sided of the chest measuring  $\frac{1}{2}$  " in size inverted margin with abrasion & color present (b) Exit wound on the back of the body 3" rt from the mid back line everted margin. (b)(a) Entry wound on the front of the thigh measuring  $\frac{1}{2}$  " inverted margin (b) On the back of the thigh measuring  $\frac{3}{4}$  "x1" everted region (C)(a) Entry

wound-on the lt hypochondrium region measuring  $\frac{1}{3}$ " inverted margin (b) exit wound-on the back 5" lt from the mid back line & 3" from post iliac creast abovely.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulting from above mentioned bullet injuries which was ante-mortem & homicidal in nature.

**72.** The dead body of **BA-3445 Major Humayun Haider** was identified by brother of the deceased, **PW-198 Hamim Daneyel Haider** and the inquest report was prepared by **PW-158 Din-E-Alam**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-233 and his signature was exhibited as exhibit-233(1).

**The findings of the post mortem report are reproduced verbatim:-**

I. Bullet injury (a) Entry wound on the rt eye brow measuring  $\frac{1}{3}$  " inverted margin, rounded entry point abrasion color present (b) Exit wound- on the rt. sided of the throat measuring 2"x1" everted margin just below the chin.

II. Abrasion present in the different size of the body one lacerated wound over the chest measuring 4"x3" in size.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage & shock resulted from above mentioned bullet injuries which was ante-mortem & homicidal in nature.

**73. The dead body of BA-3292 Lieutenant Colonel Mohammad Sazzadur Rahman** was identified by wife of the deceased, Sarmin Nishat and **PW-274**

**Mehedi Hasan.** The inquest report was prepared by **PW-140 Read Mahmud,** Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-286 Dr. Mohammad Maksud** and the post mortem report was exhibited as exhibit-250 and his signature was exhibited as exhibit-250(1).

**The findings of the post mortem report are reproduced verbatim:-**

(A) Bullet injury (I)(a) Entry wound-over the occipital area of the skull, inverted margin  $\bar{e}$  abrasion & colour present  $\frac{1}{2}$ " size (b) Exit wound over the occipital area of the skull 2" above the entry wound everted margin measuring 2" in size through which brain expelled out.

(2)(a) Entry wound on the back 2" Lt lateral to the mid back line inverted margin (b) Exit wound through the umbilical region measuring 1" everted margin (3)(a) On the waist 1" above the post occipital protuberance



& 1" from mid back line (lt laterally) measuring 6"x1"  
 in size (b) Exit wound Lt upper thigh inverted margin  
 8"x2" in size (4)(a) Entry wound over the back of rt.  
 thigh  $\frac{1}{2}$ " (b) Exit wound over the front of rt. thigh 1"  
 size everted margin 5(a) Entry wound over the rt.  
 buttock 3 in no measuring  $\frac{1}{3}$ " inverted margin (b) Exit  
 wound upper part of the rt thigh measuring about 2" in  
 size everted region B(a) Abrasion & laceration present  
 over the Lt elbow jt & different size & shape in  
 different parts of the body.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage &  
 shock resulting from above mentioned bullet injuries  
 which were ante-mortem & homicidal in nature.

**74.** The dead body of **BA-5558 Major Mostafa Asaduzzaman** was identified by the brother-in-law of deceased, **PW-218 Abdullah Al Morshed** and the

inquest report was prepared by **PW 165 Md. Amran Hossain**, Sub Inspector, Lalbag Police Station. The post mortem on the dead body was done by **PW-304 Doctor Md. Zubaidur Rahman** and the post mortem report was exhibited as exhibit-253 and his signature was exhibited as exhibit-253(1).

**The findings of the post mortem report are reproduced verbatim:-**

(I) One Entry wound of bullet found on left Forearm  $\frac{1}{2}$  "x $\frac{1}{2}$ " in size blackened and inverted on ventral side (II)

One exit wound of bullet found on left forearm  $1\frac{1}{2}$  "x1" in size on Dorsal side found everted. (III) One punctured wound found on right side of upper chest in front 2"x1"x Thoracic cavity depth near right shoulder.

**The opinion of the doctor is reproduced verbatim:-**

The cause of death was due to haemorrhage and shock as a result of stab wound by sharp cutting and pointed weapon which was ante-mortem and homicidal in nature.

**Steps/Solutions taken by the Hon'ble Prime Minister Sheikh Hasina to resolve the crisis.**

However, the Hon'ble Prime Minister Sheikh Hasina after hearing the shocking incidents came to the office, discussed the matter with responsible persons and authorities. Many persons suggested solutions in many ways. In order to find out a solution to the crisis, on 25.02.2009 at about 1.30-2.00 pm, the Hon'ble Prime Minister Sheikh Hasina with her own wit, wisdom and farsightedness sent Mr. Jahangir Kabir Nanak, MP and Whip Mr. Mirza Azam MP of the National Parliament of Bangladesh to Pilkhana for making communication with the BDR members in

order to settle the crisis in a peaceful manner through discussion. Getting order from the Hon'ble Prime Minister, Mr. Jahangir Kabir Nanak, MP and Whip Mr. Mirza Azam, MP went to the Pilkhana, tactfully met the BDR members, conveyed the instructions of the Hon'ble Prime Minister, held a long discussion and negotiation with the BDR rebels and at one stage, they persuaded the BDR rebels to lay down the arms and they showed interest to resolve the crisis through discussion with the Hon'ble Prime Minister, Sheikh Hasina. As a result, a 14 members delegation under the leadership of DAD Touhidul Alam met the Hon'ble Prime Minister Sheikh Hasina at Jamuna, an official residence of the Hon'ble Prime Minister Sheikh Hasina on the same day at 4:00 p.m, but in order to implement their demands and evil designs, the BDR rebels concealed the killings and massacres they

committed at Pilkhana. At one stage of discussion with the Hon'ble Prime Minister, the BDR rebels agreed to surrender their arms and release the army officers and their family members from their confinements. The BDR rebels claimed to have general clemency from the Hon'ble Prime Minister but the Hon'ble Prime Minister told them that they might be excused and pardoned if they would not commit any harm, injury and damage to the army officers and their family members. Here it may be mentioned that the BDR rebels at the time of starting the discussion displayed utter disregard and disrespect to the Chief of Army Staff, Navy and Air force compelling them to go out of the office of the Hon'ble Prime Minister Sheikh Hasina as they disagreed to have a discussion with the Hon'ble Prime Minister in presence of Chief of Army Staff, Navy and Air force.

In that time, the Hon'ble Prime Minister Sheikh Hasina handled the situation with great patience and wisdom. After completion of meeting at Jamuna, Mr. Jahangir Kobir Nanok, MP and Mr. Mirza Azam, MP and Whip of the National Assembly taking the BDR delegates on their vehicles dropped them at the BDR gate, Pilkhana. Thereafter, the BDR delegates entered the Pilkhana to discuss the matter of surrender of arms and release of army officers and their family members with the other BDR rebels and Mr. Jahangir Kobir Nanok, MP and Whip Mr. Mirza Azam, MP starting waiting at the Ambala restaurant and they waited there for a long time. After passing one and a half hours, they made communication with the BDR rebels over cell phone but the BDR rebels adopted delaying tactics in surrendering arms for materializing their ill designs, screened off the dead bodies along with material

alamots of the offences and told them that the BDR rebels would not surrender. However, on the request of Mr. Jahangir Kobir Nanok, MP and Mr. Mirza Azam, MP, the representatives of the BDR rebels again sat at Hotel Ambala for discussion in which the Hon'ble Home Minister, Hon'ble State Minister for Law, Justice and Parliamentary Affairs and local MP Mr. Tapash were present. As per decision of the meeting, at 12:00 a.m, the Hon'ble Home Minister, State Minister for Law, Justice and Parliamentary Affairs, Inspector General of Police and Dhaka Metropolitan Police Commissioner went inside the Pilkhana for recovery of the army officers and their family members from the confinements of the BDR rebels. At 3:00 a.m, the Hon'ble Home Minister and others came out of the Pilkhana with some army officers and disclosed that all the BDR rebels would

surrender in the morning. On 26.02.2009 at 8:00 a.m Mr. Jahangir Kobir Nanok, MP and others assembled at Ambala restaurant and asked the BDR rebels to surrender their arms but the BDR rebels took dillydallying approach in surrendering the arms. Being anxious and depressed and finding no other ways, Mr. Jahangir Kobir Nanok, MP and Whip Mr. Mirza Azam, MP talked with the Hon'ble Prime Minister about the latest situation over cell phone at 1:30 p.m. Eventually, at 2:00 p.m, the Hon'ble Prime Minister delivered a speech for the Nation and ordered the BDR rebels to surrender in no time. Following the speech of the Hon'ble Prime Minister, the BDR rebels wanted to surrender their arms. Thereafter, Mr. Jahangir Kabir Nanok MP, Whip Mr. Mirza Azam, MP, Hon'ble Home Minister, Finance Minister, Whip Amili MP, Rashed Khan Menon MP, Hasanul Haque



MP, Chumki MP and Sanjida MP entered the Pilkhana premises. Then the BDR rebels surrendered their arms to the Hon'ble Home Minister. Apart from these, Mr. Jahangir Kabir Nanok MP, Whip Mr. Mirza Azam, MP, Home Minister and State Minister for Law, Justice and Parliamentary Affairs embarking on a pickup made a miking in all places of the BDR Headquarters at Pilkhana, and visited different places and recovered the army officers and their family members from the Operation Theatre (OT) of BDR hospital and other places. Following the decision of the Hon'ble Prime Minister Sheikh Hasina, the aforesaid Ministers and MPs and others went inside the Pilkhana taking a huge risk for their lives and displayed extreme courage by going to the BDR Headquarters during the armed revolt on 25 and 26 February, 2009. The aforesaid facts have been

supported and corroborated by the evidence of **PW 321 Whip Mr. Mirza Azam MP**, Building No.4, Flat No.902, NAM Bhaban, Manik Miah Avenue, Sangsad Bhaban Area, Tejgaon, Dhaka who has stated in his evidence that at the relevant time of the occurrence he was the member of parliament as well as Whip of the National Assembly. On 25.02.2009 in the morning Advocate Janagnir Kabir Nanok, the State Minister for Local Government as well as Chairman of Awami Jubo League informed him over cell phone that firings were being happened at BDR Headquarters, Pilkhana. He also told him that he was going to the residence of the Hon'ble Prime Minister and told him to come to Jamuna later. Subsequently, he went to Jamuna and came to see Mr. Nanok, Senior Ministers and the senior leaders of Awami League therein. Mr. Jahangir Kabir Nanok was there from before. The senior

leaders was discussing the matters with the Hon'ble Prime Minister. At about 1:30- 2:00 p.m, the Hon'ble Prime Minister directed him and Mr. Nanok to make communication with the BDR members at Pilkhana and to resolve the dispute in a peaceful manner through discussion. Having ordered by the Hon'ble Prime Minister they thought over the matter and started for BDR coming out of the Jamuna. In spite of huge risk for life they proceeded towards the BDR beside the road of City College. At that time they heard sounds of firings. Having found the road traffic free they went up to Ambala Sweets and stood by the side of Standard Chartered Bank. Going therein they found many media men and police personnel and came to know that many military persons and civil persons were killed by the firings. Having received the hand mike from the police, they told the BDR rebels

about the direction of the Hon'ble Prime Minister for stopping the firings and for discussion about the peaceful settlement of the disputes. But they heard scolding from the BDR rebels. He gave his personal mobile number to them. The Chief of RAB and the members of different organizations were present therein. Subsequently, with the help of police a big microphone was brought and then they asked the BDR rebels to surrender by the microphone but they opened fires frequently. He received a phone call in his personal mobile and then he told them about the discussion for settlement of their dispute but they asked him for sending the Hon'ble Prime Minister to them. They uttered to them that they are mighty than the Bangladesh Army. They would continue the fighting. Thereafter, they started telling about their claims. They told the BDR rebels very humbly to sit in

a meeting for discussion and at one stage the BDR rebels agreed to sit with them for discussion and told them to go to the BDR gate. Thereafter, they started approaching the BDR gate raising white flags. He was carrying the white flag while Mr. Nanok was carrying a hand mike. When they went to the BDR gate they wanted to kill them by opening fires. They became frightened. Subsequently, they started proceeding ahead. They stood outside the gate and found 100/150 BDR rebels inside the gate and their faces were wrapped with clothes and they were armed with weapons. Some of them wore guernsey and trousers and some of them were uniformed in full dress. Giving reference to the Hon'ble Prime Minister, they asked the BDR rebels about the chaotic situation but they excitedly informed them that allowances were not given properly to them, they were not allowed to go to

Mission, the army officers misbehaved with them and they had also misappropriated the money incurred from the Dal-Vhat Programme. If their demands were not fulfilled they would continue their fighting and if necessary they would blow up the secretariat and Dhaka University. They told them that they were making communications with all the border out posts. They again asked them to send the Hon'ble Prime Minister therein. At one stage they agreed to sit with the Hon'ble Prime Minister for discussion. Thereafter, they informed the Hon'ble Prime Minister of the matter and told her that they were coming to the Jamuna taking the BDR rebels with them. Thereafter, a delegation consisting of 12/14 BDR rebels went to Jamuna riding on the vehicles of this witness and Mr. Nanok MP. A sitting arrangement for them was made in a room. Then the Hon'ble Prime Minister came in

front of them and asked about firings. The Hon'ble Prime Minister also asked the BDR delegates about the DG, army officers and their family members but in reply they told the Hon'ble Prime Minister that all of them were in good condition staying together. During that time one of them standing before the Hon'ble Prime Minister told that they would not talk anything if any army officers remained present therein. At the order of the Hon'ble Prime Minister, the officers of SSF went outside the room. At the time of discussion they introduced themselves as BDR members and at that time he came to know that the delegation was led by DAD Touhid and DAD Rahim. At one stage of discussion they told about their surrender and the release of the confined army officers and their family members. The Hon'ble Prime Minister asked the BDR rebels that they would be pardoned if the army officers

and the family members were not injured and damaged. Subsequently, they came out of the Jamuna with BDR members and dropped them at the BDR gate by their vehicles. Thereafter, they started waiting at the Ambala restaurant. After 1/1½ hours they also made communication with the BDR members but they spent time this and that way. After 2 hours they again talked with them over cell phone and told them that they would not surrender and they handed over cell phone to other BDR members. Thereafter, they humbly requested them to surrender and then the BDR members of new team and the earlier team sat at Hotel Ambala for discussion. In the discussion meeting, the Hon'ble Home Minister, Hon'ble State Minister for Law, Justice and Parliamentary Affairs and local MP Mr. Tapash were present. At 12:00 a.m, Hon'ble Home Minister, Hon'ble State Minister of Law,



Justice and Parliamentary Affairs, DMP commissioner and I.G.P went inside the Pilkhana for recovery of the confined army officers and their family members. At 3:00 a.m, they came out of the Pilkhana taking the army officers and informed that all the BDR rebels would surrender in the morning. On 26.02.2009 at 8:00 a.m, they went to Ambala Restaurant and talked with the BDR rebels over cell phone. The BDR rebels spent the time telling that they were being prepared to surrender. Having disappointed, they talked with the Hon'ble Prime Minister over cell phone at 1:30 p.m. At 2:30 p.m, the Hon'ble Prime Minister delivered a speech for the Nation. Thereafter, when BDR rebels wanted to surrender, they went to gate No. 5 of the BDR Headquarters, Pilkhana. Then, this witness along with Mr. Jahangir Kabir Nanok MP and Hon'ble Home Minister, Finance Minister, Whip Amili MP,

Mr. Rashed Khan Menon MP, Mr. Hasanul Haque Inu MP, Mrs. Chumki MP, Mrs. Sanjida MP went inside the BDR Headquarters, Pilkhana. Thereafter, this witness along with Mr. Nanok MP, Home Minister and State Minister for Law, Justice and Parliamentary Affairs riding on a pickup made a miking in all areas of the BDR Headquarters, Pilkhana and came to see 8/10 vehicles in a burned condition and many arms and ammunitions were found scattered here and there. He came to see blood in the vehicle of DG and also came to see a dead body. During that time they received a phone call from the Hon'ble Prime Minister and as per direction of the Hon'ble Prime Minister, they recovered army officers from the Operation Theatre (OT) of BDR Hospital. When they came in front of the Kote they found Major Monir who came out from the ceiling of the Darbar Hall and thereafter

they sent him to his residence. Subsequently, they came to know that many dead body were recovered from different places namely Kamrangirchar and Hazaribag. In the next day on 27.02.2009 they came to know about the mass graves inside the BDR Headquarters, Pilkhana. They went there and recovered dead bodies from the mass graves. Many army officers broke into tears as a result of which they all became very perplexed.

In this regard, **PW 328, Mr. Jahangir Kabir Nanok, State Minister for Local Government, Rural Development and Co-operative Ministry** has stated in his evidence that on 25.02.2009 at around 10:00 a.m, he started for his Ministry. When he reached near fishery building (Matshaw Bhaban) he came to know over phone that firings were being opened at the Pilkhana. He received information from 2/1 more

sources. Instantly he informed this matter to Whip Mr. Mirza Azam, Member of Parliament and requested him to come at Jamuna. Thereafter, he went to the residence of Hon'ble Prime Minister at Jamuna. Entering into Jamuna, he found a panic situation therein. Hon'ble Prime Minister discussed the matter with the cabinet minister and the National senior leaders. At 1:00 p.m, Hon'ble Prime Minister told this witness and Whip Mr. Mirza Azam to go to the Pilkhana in order to resolve the problem by discussing with the BDR members. He started thinking over the matter. Thereafter, they started for Pilkhana via City College. When they reached Ambala Sweets they came to hear intermittent sounds of firings. He along with DG RAB, DGFI and higher officials of the police was present there. Taking hand mikes from the police he and Mr. Mirza Azam announced the instructions of

the Hon'ble Prime Minister going after 4/5 shops of Ambala Sweetmeats and told the BDR rebels to resolve the matter peacefully. At one stage they felt that most probably the announcements made by them through the hand mikes were not heard by the BDR rebels. Thereafter, police brought a powerful mike and gave opportunity to speak thereat. He and Whip Mr. Mirza Azam gave their phone numbers to the BDR rebels and requested them to make contact with them over the cell phones. At one stage the BDR rebels started firings looking at them but they requested them for discussion. The BDR rebels scolded them in a filthy languages. Thereafter, they started proceeding towards the Pilkhana carrying white flag in their hands. The BDR rebels again scolded them in a filthy languages. In the greater interest of the country and holding the order of the Hon'ble Prime Minister as

important one they proceeded towards the Pilkhana. Then the BDR rebels told them to send the Hon'ble Prime Minister therein. They also uttered that they are more powerful than the Bangladesh Army as all their centres were in their favour. They told that nobody would be spared and all would be flown off. They found the BDR rebels wrapped with white clothes in faces and some of them wearing trouser and some of them in BDR uniform. They aimed their Rifle at them. They requested them for discussion holding commendable passions. When they reached gate No.4 of the BDR they told them that the army officers in BDR had misappropriated the money arising out of Dal-Vhat programme. The Army officers took everything and they did not send the BDR members to the missions. They further told them that all the BOP's were under their control. At one stage they made a

team consisting of 12/14 persons for discussion. They informed this matter to the Hon'ble Prime Minister. At 4:00 p.m, he and Mr. Mirza Azam MP started for the office of Hon'ble Prime Minister taking the BDR members on 2 vehicles. They sat with the BDR members reaching Jamuna. At that time Hon'ble Prime Minister went to the room where the BDR members were there and told them why they were making chaos and opening fires and what were the conditions of DG, army officers and their family members but they in one voice told that army officers were in good condition with their family members staying together. The BDR members proposed that they would not talk if any member of Army, Air force, and Navy remained present in the meeting. Thereafter, the Hon'ble Prime Minister told the army officers to go out of the room. Then 5/6 BDR persons under the leadership of DAD

Touhid and DAD Rahim talked with the Hon'ble Prime Minister. In the meeting they raised their charters of demands and told the Prime Minister that they would release all the persons under hostage. The BDR members claimed for general clemency. Then Hon'ble Prime Minister said that general clemency might be given if they would not make any harm to the army officers and their family members. After the meeting, taking the BDR delegation, they started for Pilkhana at about 6:00-6:30 p.m. Going at Pilkhana they started waiting at Ambala Sweets Shop for 1/1½ hours. Thereafter, they told them that the BDR members were not agreed to surrender. After a while Hon'ble Home Minister and the State Minister for Law, Justice and Parliamentary Affairs came at Ambala Sweets Shop therein. The Hon'ble Home Minister and State Minister for Law, Justice and



Parliamentary Affairs went inside the Pilkhana and came out at 2:00 p.m taking a few number of people. In the next day on 26.02.2009 he and Whip Mr. Mirza Azam MP went to Ambala Sweets Shop at 8:00 a.m, stayed and waited therein. Without getting any message about surrender of the BDR rebels till 2:00 p.m, they became very anxious as a result of which they started feeling that the BDR rebels were wasting time for doing some unlawful acts. At 2:00 p.m, they informed about the matters to the Hon'ble Prime Minister. At 2:30 p.m, the Hon'ble Prime Minister delivered a speech for the Nation and in the meantime the national leaders, Members of the Parliament and many others came to gate No.4 of the BDR Headquarters, Pilkhana. During that time, at the entry point of the street of Jigatala, some people chanted slogans stating that let the BDR brothers be proceeded

on and they were with them. At 5:00 p.m, the BDR rebels agreed to surrender. At that time, this witness and Whip Mr. Mirza Azam MP along with Hon'ble Home Minister and State Minister for Law, Justice and Parliamentary Affairs entered the Pilkhana. Going therein they found many arms scattered here and there. They also felt smell of ammunitions which was not dissolved by that time. This witness came to see the house of DG tainted with blood and the goods of the house of DG scattered. They also found a dead body and 5/7 vehicles in burnt condition. The Hon'ble Prime Minister told them over phone to recover the army officers from the Hospital. This witness and Mr. Mirza Azam MP recovered the army officers and their family members and sent them to the safe place by the Ambulance of Red Crescent. In the meantime he came to know that many dead bodies of the army officers

were found from the Hazaribag sewerage line. On 27.02.2009 he came to know that the police and the army soldiers were searching inside the Pilkhana. This witness and Mr. Mirza Azam entered the Pilkhana. They found many dead bodies therein. They also came to see many dead bodies digging the mass graves. On that situation, they became astonished.

With regard to the steps taken by the Hon'ble Prime Minister, **PW634 Advocate Sahara Khatun, Hon'ble Minister for Post and Telecommunication Ministry of Government of Bangladesh** has stated in his evidence that at the time of occurrence she was the Home Minister. The alleged occurrence took place on 25.02.2009. In the morning of that day at around 9:30 a.m, she was informed of the firings at the BDR Headquarters from a nearby place of BDR Headquarters at Zigatala. Having received the

information she decided to go to Jamuna, the Government residence of the Hon'ble Prime Minister and accordingly went therein. Before going there, as part of her duty as a Home Minister, She informed IGP Nur Mohammad, DMP Commissioner Naim Ahmed and DG RAB Khandaker Mahmud Hasan of the incident of BDR Headquarters over telephone and directed them to take necessary steps having observed the situation of the incident. As soon as she reached the residence of the Hon'ble Prime Minister she found her very anxious and depressed. However, in the meantime, the Hon'ble Prime Minister summoned the 3 Chiefs of 3 forces. The Hon'ble Prime Minister directed them to deploy army soldiers around the BDR Headquarters and to bring tanks therein. The Chief of Army Staff informed the Hon'ble Prime Minister that it would take two hours to deploy the army soldiers.

The Hon'ble Prime Minister also asked them to send Helicopters there. Some of the Helicopters went there and flew over the Pilkhana several times. She came to know that the BDR rebels had opened fires aiming at the Helicopters. At around 10:30- 11:00 a.m, the leaders of Awami League and the different political parties and the members of the cabinet came to the residence of the Hon'ble Prime Minister and sat with her for discussions. The Hon'ble Prime Minister directed the State Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP to go to the BDR Headquarters and gave necessary directions to resolve the problem talking with them assessing the situation of the place of occurrence. In that context Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP went to the BDR Headquarters and requested the BDR rebels to talk with them over microphones and

for that purposes they made a huge endeavour to talk with them. After having made several request, at one stage the BDR rebels under the leadership of DAD Touhid informed Mr. Jahangir Kabir Nanok MP that they would like to talk with Hon'ble Prime Minister. Having received the information she talked with Hon'ble Prime Minister and after taking her permission a group of the BDR rebels consisting of 13/14 members under the leadership of DAD Touhid at the instance of Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP came to the residence of the Hon'ble Prime Minister in the afternoon at 3:30 p.m. The members of the group who came under the leadership of DAD Touhid started discussion with the Hon'ble Prime Minister. In that meeting DAD Touhid, DAD Rahim, DAD Nasir, DAD Jalil, Sepoy Selim and others were present. The Hon'ble Prime Minister

directed them to surrender immediately. Then they disclosed that they were ready to surrender provided that general clemency should have been declared. Then the Hon'ble Prime Minister told the BDR rebels to release the army officers and their family members from their confinements and to surrender all of them. Then the prayer for general clemency might be considered. Thereafter, the members of the group under the leadership of DAD Touhid told the Hon'ble Prime Minister that they were ready to surrender before the Home Minister. Thereafter, at the order of the Hon'ble Prime Minister, this witness along with State Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP taking the group of 13/14 members who came there under the leadership of DAD Touhid reached the gate of BDR Headquarters at Pilkhana. After reaching there, the members of the

group under the leadership of DAD Touhid told them to wait a bit telling them that the BDR rebels would take them inside the Pilkhana taking permission from the other BDR rebels. They put their faith on their speeches and started waiting therein but in spite of a long waiting the BDR rebels did not come back and then they started calling them repeatedly. After a huge calling they came back and told them that the BDR rebels who were inside the Pilkhana did not agree to surrender. Then another group under the leadership of Touhid came there for discussion with them. Then they taking them went to a room of the 1<sup>st</sup> floor of the Ambla Hotel and started discussions with them. In that meeting this witness along with State Minister for Law, Justice and Parliamentary Affairs namely Mr. Kamrul Islam MP, LGRD State Minister Mr. Jahangir Kabir Nanok MP, Whip Mr. Mirza Azam MP and



Barrister Fazle Noor Tapash MP was present. The main focus of the discussions was that the confined army officers along with their family member must have been released and all the BDR rebels should have surrendered and the group of rebels who went to the Hon'ble Prime Minister under the leadership of DAD Touhid had accepted the same. They had discussion over the issue for 3/4 times. Subsequently, in that night after 12.00 hours the BDR rebels agreed to take them inside the Pilkhana. Then they boarding the bullet proof vehicle sent by the Hon'ble Prime Minister went inside the Pilkhana. This Witness along with State Minister for Law, Justice and Parliamentary Affairs, Mr. Kamrul Islam MP, IGP Nur Mohammad, her gunman Jamiruddin and her nephew Sarwar was present therein. When they boarded the vehicle it was very dark all around the place and the vehicle being

guarded by the BDR rebels was moving very slowly and the environment was so alarming that all things appeared very ghostly. Sacrificing themselves to the All Mighty Allah and reciting verses from the Holy Quran they started approaching towards a place and thereafter they dropped them at a place taking them in a slow motion. They provided 3 chairs for sitting and thereafter all the lights lit up. They came to see that the place where they were taken and seated was a parade ground and they were surrounded by the armed BDR rebels. She then told them particularly to DAD Touhid that they were supposed to take them at the Kote for the purpose of surrendering arms but why they had been brought there. Then they started talking to the effect that they had some speeches to talk with and for that reason they had brought them there. Then they started talking different speeches standing here

and there. The BDR rebels wanted to say one thing that if they would surrender they would be killed by the army personnel. She along with State Minister for Law, Justice and Parliamentary Affairs and IGP tried to convince them for a long time and also told the BDR rebels that you had made a promise to the Hon'ble Prime Minister for surrendering arms but now why did you disagree with the same? At one stage this witness became very angry and stated that as their minister she was telling that they would not be killed. She further told them that the BDR rebels must comply with the speeches what you had made to the Hon'ble Prime Minister. After a long lapse of time they took them in front of the Kote. Going there in the BDR rebels present over there started surrendering arms to her one after another. Thereafter, they told the BDR rebels to hand over the confined army officers to

them and to bring them in front of them. Then the BDR rebels replied that the army officers were in the Hospital and they would be released in the next day. They wanted to go to the Hospital but the BDR rebels never agreed to take them there at any costs. Then they told the BDR rebels to take them to the confined army officer's family members but the BDR rebels made dilly dally tactics and told them to take therein in the next day and it was not possible to take them thereat on that day. Then she reminded about the promise made by the BDR rebels to the Hon'ble Prime Minister that the BDR rebels would take them to the family members of the army officers. Thereafter, the BDR rebels compelled to take them to the family members of the army officers. She found all the household materials in a scattered position. She found some people in some quarters but in spite of calling,

she could not find anyone from other quarters. On that day they were able to recover family members of 10/12 families including the daughter of IGP Noor Mohammad. Among them one army officer and his family members were present. When they came out of the BDR premises it was around 4:30 a.m. After coming out of the BDR gate she went to the residence of Hon'ble Prime Minister. It was then 5:00 a.m and going therein she disclosed all the facts to the Hon'ble Prime Minister and then returned to her own residence. In the next day, that is, on 26.02.2009 in the morning many leaders went to the BDR gate. At the order of the Hon'ble Prime Minister she along with State Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP and many others entered the BDR Headquarters, Pilkhana in the afternoon. Announcing by microphone, they told the persons who

were either confined or concealed anywhere to come out and they came there to recover themselves. In that day, she recovered some army officers from their hideouts and one army officer from the manhole. Subsequently, they went to visit the Kote. Going therein she came to see arms and ammunitions lying scattered. She then directed police commissioner Mr. Naim Ahmed to collect the same. Immediately after the evening DAD Touhid handed over a bunch of key to her who then handed over those to the hand of police commissioner and told him to take control of all things. At one stage she directed him to lodge a case on the incidents. Subsequently, she came to know that 57 army officers along with DG BDR Major General Shakil Ahmed, his wife, friend of DG and his wife were killed by the BDR rebels under the leadership of DAD Touhid. Apart from them some general people

were also killed by the BDR rebels in an inhuman, diabolical and illegal manner which could not be expressed in language. In that way they killed in all 74 persons. In the meantime, the Hon'ble Prime Minister formed an inquiry committee making this witness as head of the same. After one day an inquiry committee was formed under the leadership of a retired Secretary namely Mr. Anisuzzaman. The said committee after making through inquiry into the matter published the report to the mass people by making a press briefing. On 27.02.2009 some persons of the army went to the BDR Headquarters at Pilkhana in order to recover the arms and ammunitions that were found lying scattered here and there. Then all the BDR members were directed to go inside the BDR Hospital. Following the said instruction only 400 BDR members assembled therein and the remaining BDR members fled away.

After the incident she came to know that some of the BDR members went to her Government residence but they could not meet her. In the said incident, the BDR members committed mutiny in 22 Districts. Then she through her Secretary, Ministry of Home Affairs directed the BDR rebels to surrender before the DC's and SP's of the concerned Districts. As per her instruction the BDR rebels surrendered their arms.

The aforesaid fact also stands supported by **PW 368 Mr. Kamrul Islam, State Minister for Law, Justice and Parliamentary Affairs**, who has stated in his evidence that at the time of occurrence he was in charge of State Minister of the Ministry of Law, Justice and Parliamentary Affairs. On 25.02.2009 he was at his residence in the morning. On the way to Secretariat at 10:00 a.m, he got message of firings at Pilkhana and also received the same kind of message



after arrival at office. He watched the incident of firings on TV sitting in the office room. At around 2:30-3:00 p.m, he came to the residence of the Hon'ble Prime Minister at Jamuna and found many leaders and the Chiefs of Army, Air and Navy forces. After a while he started for the Parliament. In the evening, watching Television, he came to see the Hon'ble Home Minister along with Minister for LGED and Whip Mr. Mirza Azam MP to have discussion with the BDR members sitting at Ambala Restaurant. Thereafter, he started for Ambala Restaurant situated near gate No.4 of BDR. He reached the Ambala Restaurant very quickly. Going therein he found 10/15 BDR members under the leadership of DAD Touhid discussing with some political leaders and then he also participated in that discussion. The BDR rebels raised their charters of demands. Some of the BDR rebels

consulted with the other BDR rebels going inside the BDR premises and came back again. Discussion was started again and during the discussion the BDR rebels went inside and came therefrom several times. A delegation under the leadership of DAD Touhid stayed at the Ambala Restaurant. At around 12:00 a.m the BDR rebels agreed to surrender before the Hon'ble Home Minister. The Hon'ble Home Minister taking permission from the Hon'ble Prime Minister went inside the BDR Headquarters premises. This witness along with Hon'ble Home Minister and IGP went inside the Pilkhana. A cameraman was with them. Thereafter, they were taken at the gallery of parade ground. Allowing them to sit there, the BDR rebels started delivering a huge speeches regarding their charters of demands. The Hon'ble Home Minister also delivered a speech for making them calm and quite.

This witness also delivered a speech to make them clam and quite. At one stage they took them in front of the Kote and handed over 20/25 arms. When they inquired about the DG and other army officers, the BDR rebels could not give any satisfactory answer in that regard. Thereafter, DAD Touhid discussing with other BDR rebels informed them that they would surrender the remaining arms in the morning. Then they asked the BDR rebels to take them to the other officers but the BDR rebels did not do so. Subsequently, the BDR rebels took them in different quarters. They recovered 10/12 family members from the dark quarters. They also recovered the daughter of IGP from the officers mess. One lady could not come with them leaving her husband. All them were in terrified condition. At 4:00 a.m, they came to the Jamuna, informed the Prime Minister of the incident at

Jamuna and then went to his residence. On 26.02.2009 at 11:00 a.m, he again came to Ambala Restaurant situated near gate No.4 of the BDR Headquarters. At that time DAD Touhid instead of surrendering went inside and came out of the Pilkhana frequently like the previous dates. At 5:00 p.m, the BDR rebels allowed them to go inside the Pilkhana and agreed to surrender. Thereafter, they went inside the Pilkhana and the BDR rebels surrendered. In 2 days they at least killed more than 50 army officers. The TV journalists were with them.

With respect to the steps taken by the Hon'ble Prime Minister, **PW 575 Barrister Mr. Fazle Noor Tapash, MP** has stated in his evidence that he is a member of the parliament from constituency No.12 in Dhaka. He started his election campaign having nominated from Awami League in 2008. His election

office was at road No.32 (old) at Dhanmondi. During the election campaign in November of 2008 some civil uniformed persons came to his election office and introduced themselves as the members of BDR as well as voters of his election area. In the context of election discussions they told him to inform about their grievances to the people's leader Sheikh Hasina regarding their 100% ration facilities, promotion and going abroad in mission and then he assured them to apprise those grievances to the people's leader Sheikh Hasina. Accordingly, he informed the people's leader of their grievances. In the middle of December, 2008 some BDR members under the leadership of Zakir came to him again and then he told them that he had already informed the people's leader of their grievances. On the date of election on 29.12.2008 he inspected the vote centres of his election area. On that

day he went to Hazaribag area through gate No.2 of the Pilkhana. He inspected the vote centres inside the Pilkhana and while he was there, the BDR members again placed their charters of demands to him. On 24.02.2009 he got invitation letter of the occasion of annual parade of BDR at the Headquarters, Pilkhana, Dhaka being a local MP. He was present while the Hon'ble Prime Minister went there to visit the parade. On 25.02.2009 at around 9:30 a.m, while he was taking preparation to go his Motijheel office he came to know over phone about the firings inside the Pilkhana. He wanted to know about the incidents by making phone to the OCs of Hazaribag, New market and Dhanmondi Police Stations. The OCs of Dhanmondi and New market Police Stations informed him of the firings in BDR and coming out of smoke therefrom. He requested them to keep the innocent

mass people in the safe places. The OCs informed him of their presence therein. In order to inform the incident to the Hon'ble Prime Minister he appeared at Jamuna at 11:00 a.m. Going therein he came to see all the concerned persons anxious in the ground floor. He was happened to meet the Hon'ble Prime Minister while she was talking with the Military Secretary. In the meantime, the army were asked to cordon off the Pilkhana area and also ordered the concerned authority to keep watching over the Pilkhana by flying Helicopters over there. The Chief of Army Staff along with the high officials was asked to appear at the Jamuna. After a while the Chief of Army Staff came therein and thereafter the Hon'ble Prime Minister talked with him in the ground floor. Many leaders and ministers talked with the Hon'ble Prime Minister over the incident. Many BDR members talked with him

over phone. He stayed in the Jamuna since the Hon'ble Prime Minister was trying to take necessary steps. He tried to understand the situation and waited therein. While he was in Jamuna, a group of 14 BDR members under the leadership of DAD Touhid came to Jamuna at the effort of Hon'ble State Minister Mr. Jahangir Kabir Nanok MP and Hon'ble Whip Mr. Mirza Azam MP. According to the speech of BDR rebels, the 3 Chiefs of 3 forces were asked to remain outside the room. He was present while the Hon'ble Prime Minister talked with the BDR members in presence of Mr. Jahangir Kabir Nanok MP, Whip Mr. Mirza Azam MP and Major General Tariq Ahmed Siddique (Retd). The BDR rebels placed their charters of demands in disorderly and indiscipline manner. They informed that they would not serve under the subordination of army. Their own officers should have been appointed



in the manner of BCS cadre. A separate law like the police should have been enacted mitigating the differences of salaries, including 100% ration facilities, promotion, increasing of their Border Allowances and sending them in missions. The Hon'ble Prime Minister told them to release the officers from their confinements and to be disciplined by surrendering arms, then their charters of demands would be considered. Thereafter, the BDR rebels went away therefrom. In the night of 25.02.2009 at around 8:00 p.m, Hon'ble Home Minister Shahara Khatun MP, State Minister for Law, Justice and Parliamentary Affairs namely Advocate Kamrul Islam MP and this witness came at gate No.4 for the purpose of receiving arms to be surrendered by the BDR rebels. Before that the BDR rebels under the leadership of DAD Touhid entered the Pilkhana. They stayed in the Ambala Hotel

till the return of the BDR rebels. Without surrendering arms the BDR rebels started making delay in surrendering arms. In the night from 10:00 p.m, they held meetings with the BDR rebels for several times. In the night at 12:00 a.m they asked the BDR rebels to release the army officers from their confinements by surrendering their arms. According to that plan and at the order of Hon'ble Prime Minister, by taking a special official jeep of the Hon'ble Prime Minister and a bus, the Hon'ble Home Minister Shahara Khatun MP, State Minister for Law, Justice and Parliamentary Affairs namely Advocate Kamrul Islam MP and IGP entered the Pilkhana for the purpose of receiving arms from the BDR rebels. He took his position at the Ambala Hotel. The members of army families informed him over phone of their hidings inside the Pilkhana. Instantly, he informed this matter to the

Hon'ble Home Minister and the State Minister for Law, Justice and Parliamentary Affairs and thereafter they brought out them recovering therefrom. On 26.02.2009 at around 5:00 a.m, many army officers and their family members were recovered and brought them through official jeep, ambulance and bus. After receiving some arms from the BDR rebels, they came out. Subsequently, the BDR rebels without surrendering the arms started making a delay and raised different demands. Again they held meeting with the BDR rebels under the leadership of DAD Touhid and gave final ultimatum at 12:00 noon. They told them that if they did not surrender their arms within 1:30 p.m, the army would enter the Pilkhana. Getting news from different media and having heard the speeches of the BDR rebels he could comprehend that the BDR rebels had committed the offences of

murder of army officers including arson and other offences. After completion of meeting they went to their residence at Gulshan and heard speeches of the Hon'ble Prime Minister. After delivery of speech, he came to Jamuna and directed the concerned OCs to provide safety and security to the mass people. The BDR rebels did not hold any discussion with him regarding their charters of demands from 29.05.2008 to 25.01.2009. He was not conversant with any leaflet or letter.

With reference to the roles and steps taken by the Hon'ble Prime Minister, **PW 316 Mr. Nur Mohammad**, Inspector General of Police, Police Bhaban, 6 Mintu Road, DMP Dhaka has stated in his evidence that at present he has been serving as Ambassador in Morocco. Before joining as Ambassador in Morocco he served as IGP of

Bangladesh Police. On 25.02.2009 while he was on duty in his office DG of RAB informed him of the firings at BDR Headquarters, Pilkhana and then he informed the incident to the Hon'ble Home Minister. On hearing she directed to take legal steps. He conveyed this message to the commissioner of Dhaka Metropolitan Police (DMP) and ordered him to deploy forces. He watched everything in TV channels. At around 10:00 a.m, DG of RAB, DMP Commissioner and DIG Battalion came to his office. He ordered them to deploy forces. The Hon'ble Home Minister informed him that the Hon'ble Prime Minister was discussing the matter with the chiefs of respective forces. Thereafter, he came to know that State Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP were entrusted with the responsibility by the Hon'ble Prime Minister to

resolve the problems through discussions. At 10:30 a.m, he went to the police control room and tried to know about all the matters of the incidents. When they were asked to attend the Jamuna they went therein being directed. At 1600 hours the BDR rebels numbering about 12/14 persons being accompanied with State Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP came at Jamuna. The BDR rebels who went to the office of Hon'ble Prime Minister at Jamuna were DAD Touhid, DAD Nasir, DAD Jalil, DAD Rahim, Sepoy Selim Reza and Monir. From the Jamuna they went to gate N0.4 of BDR Headquarters, Pilkhana. At around 12:00 a.m, when the BDR rebels agreed to surrender, the Hon'ble Home Minister, State Minister for Law, Justice and Parliamentary Affairs and this witness entered the BDR Headquarters at 1:00 p.m. They were taken

inside the Pilkhana being escorted by the BDR rebels who were armed with weapons and were also excited. The BDR rebels took them to the parade ground and told them that they would not surrender unless their demands were fulfilled. They were not taken to the Darbar Hall and to the family members of the army officers by the BDR rebels. Since the BDR rebels were armed with weapons they could not make pressure on them. The Hon'ble Home Minister and the State Minister for Law, Justice and Parliamentary Affairs tried to convince them as a result of which they arranged a meeting for surrendering of arms. From there they went to the staff quarters and brought some family members of the army officers. The daughter of this witness was residing in the officer's mess. The son-in-law of this witness namely Captain Mazahar was the ADC to DG BDR. The Hon'ble

Home Minister and the State Minister for Law, Justice and Parliamentary Affairs entered into the officer's mess and recovered the daughter of this witness along with some family members of the army officers. They came out of the BDR premises at 4:00 p.m. In the next day, that is, on 26.02.2009 till 12:00 noon, they were in the street beside Ambala Sweetmeats near gate No. 4. Subsequently, this witness found the dead body of his son-in-law at Hajaribag at 12:00 a.m and thereafter he came back therefrom.

In relation to the steps taken by the Hon'ble Prime Minister, **PW 331 Hassan Mahmud Khandaker, IGP and former DG of RAB** has stated in his evidence that he was in active service joining as Inspector General of Bangladesh Police on 31.08.2010. He joined as DG of RAB on 20.08.2007 and performed his duty up to 30<sup>th</sup> August, 2010. On



25.02.2009 at 9:30 a.m, he was coming to the police headquarters for the purpose of Government work. On that time Lieutenant Colonel Shamsuzzaman Commanding Officer of RAB-2 informed him over cell phone that firings and chaos were being happened at the Darbar Hall of BDR Headquarters, Pilkhana. On receiving information this witness gave him necessary direction and informed this matter to the IG of Police. He reached the Police Headquarters at 10:00 a.m in the morning. The IG of Police was discussing the matter with the other officers of the Police. Thereafter, he directed Additional Director General and his commandant of RAB to take necessary steps in that regard. At around 10:30 a.m to 11:00 a.m the members of RAB took their position around the BDR Headquarters. The first group went near the BDR Headquarters and got intermittent sounds of firings. At

around 11:30 a.m, the advanced group of army took position at Gigatala. After 11:00 a.m, when BDR rebels installed heavy weapons at the BDR Headquarters, the operation of the RAB members became very risky. On that day at 10:30 a.m, this witness along with IG and other officers went to Metropolitan Police Control Room and discussed the matter with Police Commissioner Mr. Naim Ahmed and others and gave necessary directions. At 4:00 p.m, this witness along with IG of Police went to the residence of Hon'ble Prime Minister at Jamuna. Going therein he found 12/14 members under the leadership of DAD Touhid who were in discussion. After completion of discussion the delegation consisting of 12/14 members went out of Jamuna under the leadership of DAD Touhid. He came to know that in the discussion there was a compromise for surrender

of the BDR rebels. He received necessary directions from Jamuna to observe the situation and thereafter he and IGP went to Pilkhana. Subsequently, they reached gate No.4 of BDR Headquarters near Ambala and waited therein and observed the situation together with other government officers. At that time Hon'ble State Minister Mr. Jahangir Kabir Nanok MP, Hon'ble Whip Mr. Mirza Azam MP and other leaders were trying to come to a compromise by discussing the matter with the BDR rebels. Thereafter, the BDR rebels decided to surrender at 12:00 p.m. Subsequently, the Hon'ble Home Minister, the Hon'ble State Minister for Law, Justice and Parliamentary Affairs and IGP entered inside the BDR Headquarters. On 26.02.2009 at 4:00 a.m, the Hon'ble Home Minister, the State Minister for Law, Justice and Parliamentary Affairs and IGP came out of the BDR

Headquarters recovering hostages therefrom. At that time the daughter of IGP was recovered therefrom. The BDR rebels introduced DAD Touhid as DG of BDR. DAD Touhid was found very active in giving leadership. On that time at 1:00 p.m, RAB and police made announcement for shifting mass people in safe places. Many BDR members who tried to flee away were arrested and many goods looted from the family quarters of army officers were recovered from the possession of the BDR rebels.

Regarding the steps taken by the Hon'ble Prime Minister, **PW 447 Md. Naim Ahmed, Additional IGP** has stated in his evidence that at present he has been working as Principal in Police Academy at Sarda, Rajshahi. His rank is Additional IG of Police. On 25.02.2009, he had been working as Police Commissioner in Dhaka. In the morning at 9:50 a.m of

25.02.2009, he came to know about the firings at the Pilkhana over wireless conversations with Joint Commissioner (Traffic). As soon as he got the message he went to the Police Headquarters and discussed with IGP over the matters and then he came to police control room at Shahbag. Sitting in the control room, he directed DC Ramna and Lalbagh to deploy officers and forces to the respective area. He came to comprehend that something was happened inside the BDR premises. He started delivering order to all concerned in that regard. He got information to the effect that the State Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP would be appeared at gate No.4. For that reason he directed DC Ramna to remain with them. He transmitted 4 microphones there from Rajarbag. He came to know over radio that one farmer and one police constable

having received bullet injury found lying at gate No.4. For the purpose of their recovery he sent an Ambulance therein. Thereafter, he came to know that 2 dead bodies of army officers were found to have been recovered from Kamrangirchar and he told the DC Lalbagh to take necessary steps. After noon he came to know that the Hon'ble Minister Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP along with 15 BDR rebels started for Jamuna to have discussion with the Hon'ble Prime Minister. In the evening at 6:30 p.m, he along with IG of Police, DG RAB and many others started for gate No.4 of the BDR premises and stayed in Ambala Restaurant. He came to see Ministers, Whip and MP Tapash therein. At that time Hon'ble Home Minister was also there at the Ambala Restaurant. He brought 10 buses and 4 trucks from the Rajarbag in order to shift the family

members of the army officers elsewhere. He directed DC Ramna to control a huge number of crowds assembled therein. At that time the discussion in between the BDR rebels and the Ministers and MPs on behalf of the Government was going on. In the night of 26.02.2009 at 12:30 a.m the Hon'ble Home Minister along with State Minister for Law, Justice and Parliamentary Affairs and IG of police entered the BDR premises by a Jeep. He sent a vacant bus with them. After 4:00 a.m, the team of the representatives came out taking some ladies and children by a bus. On 26.02.2009 at 1:00 p.m, he started to participate in a meeting at the Ministry of Home Affairs and came to gate No.4 in the afternoon at 3:00 p.m. At that time the meeting among the Government representatives and the BDR rebels was going on at Ambala Restaurant. Some of the Government representatives started for

BDR gate. In the afternoon at 4:00 p.m, some army personnel came out being freed from the hostage of BDR rebels. In the afternoon at 5:00 p.m, Hon'ble Home Minister, State Minister for Law, Justice and Parliamentary Affairs, Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP entered the BDR Headquarters and thereafter the Hon'ble Home Minister ordered this witness to enter the BDR premises while surrendering of arms under the leadership of DAD Touhid was going on. According to the order he along with DC Ramna appeared in front of the central Kote and witnessed the process of surrendering arms under the leadership of DAD Touhid. After surrender of arms the Hon'ble Home Minister directed him to take the responsibility of the security of the BDR and as per order he took up the responsibility in that respect. Many arms were found



scattered lying in and outside the Kote. He brought 2 platoon police forces inside the BDR premises and deployed 1 platoon forces in front of central Kote. Thereafter, they went to the Kote of BDR sector. The BDR rebels surrendered their arms under the leadership of DAD Touhid. He found the lock and key of the Kote broken therein. Many arms were found scattered lying here and there. After the surrender of arms DAD Touhid handed over key of the Kote to the Hon'ble Home Minister as a symbol of surrender of arms. The Hon'ble Home Minister handed over the keys to this witness and as per order of the Hon'ble Home Minister, this witness took over all the responsibilities of security of the BDR premises. Thereafter, he deployed 1 (one) platoon police therein. Gradually he deployed police forces in 4 gates of the BDR premises. In the night at 8:15 p.m, the Hon'ble

Home Minister left the BDR Headquarters. At that time, there were lights in some places and no lights in some other places. The situation in that place was so dreadful that there was a risk of death. In such situation they started the recovery activities and recovered 11 dead bodies along with a huge arms and ammunitions. At 9:15 p.m, he went to the police control room and directed the DC Ramna to take steps on security concerns. He also directed the DC Ramna to devise a plan and following the same he made arrangement for security concerns. In the morning of 27.02.2009 at 10:30 a.m, the army officers and forces under the leadership of Brigade Commander of 46 Independent Infantry Brigade entered BDR premises. In the morning at 11:30 a.m, he along with Hon'ble Home Minister entered the BDR Headquarters. The BDR rebels were assembled together at the BDR

Hospital before entering the army. He got message to the effect that the mass graves were found beside the mortuary. Going therein he and others recovered 38 dead bodies and then sent them to the morgue. In the afternoon at 4:30 p.m, he went to Jamuna and then came back to police control room at 5:00 p.m. In the evening at 7:00 p.m, he went to a meeting held in the Ministry of Home Affairs. At 9:30 a.m, he returned to the police control room. At noon at 2:30 p.m of 28.02.2009, he along with Hon'ble Home Minister went to the BDR Headquarters.

As to the steps taken by the Hon'ble Prime Minister, **PW 313 BA-1967 Major General Miah Md. Zainul Abedin** has stated in his evidence that at present he is in service as Military Secretary to Hon'ble Prime Minister. He served as Director General of SSF from 19.01.2009-27.11.2011. On

25.02.2009 he was in routine briefing of SSF at the Prime Minister's office. At 9:30 a.m, he got information that chaos was being happened at the Darbar Hall of BDR Headquarters, Pilkhana. Thereafter, he came to Jamuna, the Government residence of the Hon'ble Prime Minister at 10:15 a.m. The high officials and the security officers started coming to the Jamuna. He came to hear that firings were being opened at the Darbar Hall, BDR Headquarters, Pilkhana. Then he was trying to collect information of the incident. At 3:45 p.m, he got news to the effect that some BDR members had been brought at the main gate of Jamuna for the purpose of discussions with the Hon'ble Prime Minister. When the BDR members entered the main building of Jamuna through the main gate their bodies were searched at the archway. At that time he wrote down

their names on a white paper. There were no name plates in their uniforms. He wrote down the names as stated by them. He could not know more than that. The persons whose name he wrote down were DAD Touhid, DAD Rahim, DAD Habib, DAD Nasir, DAD Jalil, Havildar Rafique, Havildar Shahid, Naik Salam, Naik Shafique, Sepoy Selim, Sepoy Rezwan and Sepoy Razzak. All the soldiers came to Jamuna under the leadership of DAD Touhid but they went back from Jamuna at 6:00 p.m. The said paper in which their names were written was exhibited as exhibit-279. The writings were of his own hand. On 30.12.2009 the Investigation Officer (IO) of the case took a video disk from him, which showed the coming and going of the BDR members. The aforesaid disk was produced and exhibited as exhibit-LXXXIV.

With regard to the aforesaid video disk and a list containing the names of the BDR representatives who came to Jamuna for discussions and went away therefrom making discussions with the Hon'ble Prime Minister, **PW 314, BA-2962 Lieutenant Colonel Syed Ahmed Ali**, has stated in his evidence that he is the director (operation) of Special Security Force (SSF) of Prime Minister's Office, Dhaka. This witness further stated that on 30.12.2009 at 2:15 p.m, Major General Joynul Abedin DG SSF, **PW 313** handed over a video CD and a list of names of BDR representatives who came to Jamuna on 25.02.2009 and went away therefrom after holding discussions with the Hon'ble Prime Minister during the time of BDR revolt and massacres at Pilkhana, BDR Headquarters happened on 25.02.2009, to Mr. Abdul Kahar Akand, the Investigating Officer (IO), The CD and a list

contained the names of the BDR representatives This witness watched the video. He put his signature on the seizure list and on the alamats. The seizure list was exhibited as exhibit-280 and his signature was exhibited as exhibit-280(1). He put his signature on the CD which was exhibited as exhibit-LXXXIV+A. The CD was displayed before the Court. He signed the list containing the names of 12 persons. His signature was exhibited as exhibit-279(1).

Concerning the aforesaid video and the list of names of BDR representatives, **PW 315, BD-8880 Squardon Leader Md. Khalid Bin Salam, Deputy Director, Special Security Force (SSF), Prime Minister's Office, Dhaka** has stated in his evidence that he was Deputy Director of SSF. On 30.12.2009 at 2:15 p.m, a video CD and a list containing the names of BDR representatives were handed over to

Investigating Officer (IO) at the office room of DG, SSF in presence of this witness and **PW314 Lieutenant Colonel Syed Ahmed Ali**. The said CD was displayed before handing over the same to the Investigating Officer (IO). Subsequently, he put his signature on the same as witness. The signature on the seizure list was exhibited as exhibit-280(2) and his signature on the disk was exhibited as exhibit-LXXXIV (B) and his signature on the list of the names of 12 persons was exhibited as exhibit-279(2).

As regards the steps taken by the Hon'ble Prime Minister, **PW 288 Vice Admiral Zahiruddin Ahmed** has stated in his evidence that he has been performing his duty as Chief of Bangladesh Navy from 29.01.2009. On 25.02.2009 at around 10:00 a.m, he was informed by his director (intelligence) of the chaotic situation which was being committed at the



BDR Headquarters, Pilkhana, Dhaka. Subsequently, at about 1300 hours this witness was asked to meet the Hon'ble Prime Minister at Jamuna from the office of the Hon'ble Prime Minister. Having received the information he started for Jamuna instantly and reaching there he came to see Chief of Army Staff and Chief of Air Force. At that time the Hon'ble Prime Minister was in meeting with the members of cabinet at the 1<sup>st</sup> floor. During that time Major General Tarek Ahmed Siddiqui (Retd.), Security Adviser to the Hon'ble Prime Minister was present there. **After an hour the Hon'ble Prime Minister came down and seated in the office taking them. During discussions Hon'ble Prime Minister said that there were 2 ways opened before them for resolving the issue arisen at BDR Headquarters, Pilkhana - one is compromise and another is Military Operations and on that**

**effect the Hon'ble Prime Minister wanted their opinions. Since at that time the situation inside the Pilkhana was not clear to them, all of them gave opinions in favour of compromise first and side by side they also recommended for military interference for combating revolt if the compromise failed. Then the Hon'ble Prime Minister went to the upstairs. After a while the Hon'ble Prime Minister again came down from the upstairs and informed them that a delegation of BDR would come to Jamuna for discussions. In continuation of the process, after a long time, a delegation of BDR rebels consisting of 12/14 members namely DAD Habib, DAD Nasir, DAD Jalil, DAD Rahim and Sepoy Selim Reza, Havildar Shahid, Havildar Rafique and Lance Naik Moniruzzaman under the leadership of DAD Touhid came to Jamuna and sat**

**for discussions with the Hon'ble Prime Minister. After half an hour this witness and others also attended the meeting. Going therein he came to see that the maximum members of the delegation were of tender aged and they were talking with Hon'ble Prime Minister in a very loud and agitated mood. Their one of the main demands was to declare general amnesty by the Prime Minister in black and white and the same would have to be passed by the parliament instantly. The Hon'ble Prime Minister at first asked the BDR rebels what were the fate of the army officers at Pilkhana? In reply the BDR rebels said that the army officers were in good condition. The Hon'ble Prime Minister asked them to surrender their arms and to release the army officers and their family members and also ordered the BDR rebels to make a phone call at**

once at Pilkhana so that all other BDR rebels surrender their arms. In the meantime, the Hon'ble Prime Minister brought the 3 chiefs of Army, Navy and Air force to the meeting room and showing them, the Hon'ble Prime Minister told the representatives of BDR rebels to surrender their arms otherwise the 3 forces would go for serious action against the BDR rebels. After that the Hon'ble Prime Minister expressed for general amnesty verbally and for that reason the BDR rebels agreed to surrender and hearing the same, the delegation of the BDR started for Pilkhana. At the time of discussions the BDR delegates completely denied and suppressed about the killing of army officers at Pilkhana. The BDR rebels were asked about the whereabouts of the army officers repeatedly but they did not disclose anything about killing in that meeting.

**They intentionally and wilfully suppressed the facts of killing.** But subsequently, it was learnt that 57 army officers were brutally killed. This witness ordered all the bases of Navy to remain alert so that they could resist any kind of situation. In the next day when Bangladesh Army entered the Pilkhana a group of divers of Bangladesh Navy recovered arms and ammunitions from the pond at Pilkhana.

As far as the steps taken by the Hon'ble Prime Minister, **PW 301, Air Marshal Shah Md. Ziaur Rahman, Ex-Air force Chief** has stated in his evidence that he performed his duty as Air Force Chief from 08.04.2007 to 12.06.2012. While he was in Command Flight Safety Meeting on 25.02.2009, he received a phone call from Major General Tareq Ahmed Siddique (Retd), the Security Adviser to the Hon'ble Prime Minister at 9:30 a.m. He informed this

witness of the chaotic situation happened inside the BDR Headquarters at Pilkhana and for that purpose whether he had any aircraft ready to fly at once. He informed Major General Tareq Ahmed Siddique (Retd), the Security Adviser to the Hon'ble Prime Minister that Helicopters were ready. He ordered this witness to fly the helicopters over the Pilkhana as quickly as possible and to give report as to what was being happened inside the Pilkhana after observing the situation from the sky. Pursuant to that order, at 10:30 a.m, he sent 2 Helicopters. One Helicopter was flown by Wing Commander Fakhruddin and another was flown by Wing Commander Nabi. After their observations, they informed this witness by radio set that many BDR rebels were involved in the incident remaining in different places such and such the roads and in between the trees. Initially, he directed them to

fly above 3,000 feet height and to observe the situation therefrom. They informed him that when they were flying at the aforesaid height, the BDR rebels were opening fire at the Helicopters. On such situation this witness ordered them to fly the Helicopters above 5,000 feet height and directed to fly the Helicopters beyond the area of small arms firings. At 11:30-12:00 a.m, he was informed from Armed Forces Division (AFD) that another Helicopter was required for distribution of leaflets that contained the order directing the BDR rebels to surrender. However, that Helicopter took off at 12:15 p.m for dropping the leaflets and came back for landing at 12:45 p.m. That Helicopter was flown by Flight Lieutenant Mustasin. When that Helicopter was flying in low height for dropping the leaflets from the sky, the BDR rebels opened fire on it as a result of which the aforesaid

Helicopter received bullet injury. On obtaining injury the fuel tank of the Helicopter became damaged. Subsequently, at 1:00-1:30 p.m, this witness directed to fly 2 Helicopters on the sky for continuous observations. The said 1<sup>st</sup> Helicopter was flown by Squadron Leader Harun and another Helicopter was flown by Flight Lieutenant Raihan. In that way this witness and others observed the condition/situation of BDR premises from the sky till 4:30 p.m by the Helicopters of Bangladesh Air Force (BAF). After getting message from the Pilots he informed the matters to Major General Tareq Ahmed Siddique (Retd), the Security Adviser to Hon'ble Prime Minister over telephone. **At 1:00 p.m through Principal Staff Officer (PSO) of Armed Forces Division (AFD) this witness was asked to go to the government residence of the Hon'ble Prime**



**Minister at Jamuna. When this witness reached there he came to see the Chief of Army Staff and after sometimes the Chief of Navy reached Jamuna. When they reached there the 3 Chiefs of 3 Forces were taken in a room for sitting and they were also informed that the Hon'ble Prime Minister was busy in a meeting with the members of the cabinet and they were asked to wait therein. After a long waiting, the Hon'ble Prime Minister along with her Security Adviser Major General Tareq Ahmed Siddique (Retd) came to their room. First of all the Hon'ble Prime Minister asked all of them to report about all out condition of the BDR premises. This witness informed the Hon'ble Prime Minister that they were continuously keeping eyes over the situation of Pilkhana by Helicopters from the sky from 10:30 a.m. He further informed the**

**Hon'ble Prime Minister that at the time of dropping leaflets regarding surrender of the BDR rebels, one of the Helicopters sustained injury at the bullets fired by the BDR rebels. The Hon'ble Prime Minister discussed with them as to the measures and steps for bringing the situation in their control. The Hon'ble Prime Minister also directed them to be alert to resist any situation. This witness assured the Hon'ble Prime Minister that the Air force was ready to prevent any situation within 20/25 minutes. At one stage of the discussion, the Hon'ble Prime Minister informed them that some BDR rebels were coming for discussion about their surrender. The Hon'ble Prime Minister ordered them to wait in that room. In the afternoon at around 3:45 - 4:00 p.m, they came to know that some BDR rebels had come to**

**Jamuna for discussions. The 3 Chiefs of 3 forces were called in a room where the BDR rebels were there. Entering the room, this witness came to see about 12/14 BDR rebels who were staying there under the leadership of DAD Touhid. DAD Jalil, DAD Nasir, DAD Rahim, DAD Habib along with Havilder Rafique, Sepoy Selim Reza, Sepoy Monir, Sepoy Moniruzzaman and many others were present there. This witness also found Motia Chowdhury, the Hon'ble Minister for the Ministry of agriculture, Advocate Shahara Khatun, the Hon'ble Minister for Home Affairs, Mr. Sheikh Selim MP, Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP with the Hon'ble Prime Minister. As soon as they entered the room, they came to see that the BDR rebels were talking with the Hon'ble Prime Minister in a very harsh**

**language and in agitated mood. The Hon'ble Prime Minister in presence of them told the BDR rebels to surrender their arms and to release the officers and their family members at once. The Hon'ble Prime Minister further ordered the BDR representatives to direct the other BDR rebels to surrender arms at once by making a telephone to them from that room. At one stage of discussion the Hon'ble Prime Minister showing the 3 chiefs of 3 forces further directed the BDR representatives to surrender themselves and to surrender arms at once failing which they would go for serious action if they refused to surrender their arms. During the discussion the BDR representatives did not disclose about the killing of the army officers. They were asked repeatedly about the army officers but they did not disclose anything in that regard. They**

**wilfully suppressed about the killing of army officers.** Subsequently, this witness came to know that 57 army officers along with many others in total 74 persons were killed in the massacres at the Pilkhana. After the discussion at about 5:00 - 5:30 p.m, the delegation of BDR rebels went to the Pilkhana for the purpose of their surrender. Mr. Jahangir Kabir Nanok MP and Whip Mr. Mirza Azam MP also went with them at the Pilkhana. On 26.02.2009 at 11:00 a.m, as per direction, this witness sent FC-130 transport Biman to Sylhet for bringing the members of Paracommando Battalion in Dhaka and pursuant to that he brought a huge number of members of Paracommando Battalion in Dhaka at around 2:00 - 2:30 p.m.

The steps and initiatives taken by the Hon'ble Prime Minister for resolving crisis is highly

praiseworthy and manifestation of mature leadership of the Hon'ble Prime Minister Sheikh Hasina. If on that time, the Hon'ble Prime Minister Sheikh Hasina could not have taken the necessary steps for the resolving the crisis, the newly formed Government headed by the Hon'ble Prime Minister Sheikh Hasina following the general election held in 2008 would have been detrimentally affected resulting in causing serious damage to the democracy in Bangladesh. The way the Hon'ble Prime Minister Sheikh Hasina resolved the crisis, the people of Bangladesh would remember the contribution of the Hon'ble Prime Minister Sheikh Hasina forever. The killing of 74 persons including 57 army officers, 9 BDR members, 7 civilians and one army person in the aforesaid BDR carnage incident is very gruesome, barbaric, diabolical and ghastly in nature.

**The Steps taken by Army at the order of Hon'ble Prime Minister Sheikh Hasina, the Head of the Government.**

Following the incident occurred at Pilkhana, the Hon'ble Prime Minister Sheikh Hasina became very anxious about the army officers in BDR and the BDR soldiers thinking of the situations that were prevailing at Pilkhana at that time. As soon as the Hon'ble Prime Minister Sheikh Hasina came to know about the revolt of BDR rebels at Pilkhana, she summoned three Chiefs of three forces and directed them to deploy army around the BDR Headquarters bringing tanks therein. On such situation, the Chief of Army Staff informed the Hon'ble Prime Minister Sheikh Hasina that it would take about two hours to deploy the army. The Hon'ble Prime Minister also directed them to send helicopters to see the situation from the sky and

following the order of the Hon'ble Prime Minister Sheikh Hasina, the concerned Chief of Air Force sent some helicopters which flew several times over the Pilkhana. At that time, some BDR rebels opened fires aiming at the helicopters. The aforesaid facts of calling three Chiefs of three forces and the order of deployment of army around the pilkhana by the Hon'ble Prime Minister Sheikh Hasina has been described in the evidence of **PW634 Advocate Sahara Khatun, Hon'ble Minister for Post and Telecommunication Ministry of Government of Bangladesh**, who has stated in her evidence that at the time of occurrence, she was the Home Minister. The alleged occurrence took place on 25.02.2009. In the morning of that day at around 9:30 a.m, she was informed of the firings at the BDR Headquarters from a nearby place of BDR Headquarters at Zigatala.



Having received the information she decided to go to Jamuna, the Government residence of the Hon'ble Prime Minister and accordingly went therein. Before going there, as part of her duty as a Home Minister, she informed IGP Nur Mohammad, DMP Commissioner Naim Ahmed and DG RAB Hasan Mahmud Khandaker of the incident of BDR Headquarters over telephone and directed them to take necessary steps having observed the incident. **As soon as this witness reached the residence of the Hon'ble Prime Minister she found the Hon'ble Prime Minister very anxious and depressed. However, in the meantime the Hon'ble Prime Minister summoned the 3 Chiefs of 3 forces. The Hon'ble Prime Minister directed them to deploy army soldiers around the BDR Headquarters and to bring tanks therein. The Chief of Army Staff**

**informed the Hon'ble Prime Minister that it would take two hours to deploy the army soldiers. The Hon'ble Prime Minister also asked them to send Helicopters. Some of the Helicopters went there and moved several times over the Pilkhana.**

With regard to the steps taken by Bangladesh Army at the order of the Hon'ble Prime Minister, **PW 534 BA-2046 Brigadier General Md. Abdul Hakim Aziz, PSC (Retd), Commander of 46 Independent Infantry Brigade, Dhaka Cantonment, Dhaka** has stated in his evidence that he joined in Bangladesh Army in 1979. Having obtained commission he performed his service in different places in home and abroad and thereafter he joined as a commander of 46 Independent Infantry Brigade on 14.01.2007. On 24.02.2009 he was posted at School and Infantry Tactics (SI&T). But he performed his duty as a

commander of 46 Independent Infantry Brigade from 25.02.2009 following the situation arisen therein. On 25.02.2009 at 9:00 a.m, he was staying in his office. On that day the Hon'ble President was supposed to place flower wreath at Shika Anirban under the supervision of his Brigade and to visit guard of honour at Senakunja. In the afternoon of that day there was a concluding day for final athletic competition in between the inter-forces. More or less all the units subordinate to his Brigade were entrusted with such duties. In the morning after inspecting rehearsal of guards this witness was staying at his office at 9:30 a.m. In the meantime, his staff officer Brigade Major Mahmudul Kabir informed him of firings at the BDR premises. From the Directorate of Military Operations (MO), 3 companies of his Brigade were directed to proceed towards the Headquarters at Pilkhana.

Thereafter, this witness directed Brigade Major to prepare 3 companies taking one from 2<sup>nd</sup> East Bengal, 4 East Bengal and 17 East Bengal each. Immediately after leaving of Brigade Major from his office, Lieutenant Colonel Alim Commanding Officer (at present Colonel) of 17 East Bengal, who was subordinate to him informed this witness that PSO, AFD Lieutenant General Abdul Mobin talked with Lieutenant Colonel Alim over telephone and directed Lieutenant Colonel Alim to proceed towards the BDR Headquarters with a company taking 1st line pouch ammunitions and arms. At that time this witness assured Colonel Alim of sending forces and also informed him of the orders given by the higher authorities. This witness told Lieutenant Colonel Alim about the order given from the Directorate of Military Operations (MO). This witness also informed him that

Brigade Major would co-ordinate the matter. After talking with Colonel Alim, the then Director, Military Operations (MO) Brigadier General Zia told him over telephone that 46 Independent Infantry Brigade would have to be proceeded towards the BDR Headquarters at Pilkhana after assessing the future situation. After completion of some activities in his Brigade he was entrusted with a duty to encircle the Pilkhana and to make communication with BDR rebels collecting microphones from the nearby mosques. He was also directed not to open any fire without the order of Military Operations (MO) Director and to operate Military Operations subject to the order of the authority. On getting such order this witness summoned his Brigade Major to his office and also directed him to give order to all the units to proceed towards the Headquarters, Pilkhana taking maximum

forces, but keeping sufficient forces in the Brigade. At the same time this witness also directed all the CO and OCs to join his briefings. At around 9:45-10:15 a.m. all the CO and OCs came to his office for briefings and orders. Thereafter, he gave his briefing and order to all of them. He ordered that 2<sup>nd</sup> East Bengal Regiment would proceed towards the way situated at the backside of Pilkhana coming from Kamrangirchar and take ambush therein and 4 East Bengal and 17 East Bengal Regiment would go near gate No.4 adjacent to Rifles Square through the way coming from Dhanmondi area and take ambush therein and 4 Field Regiment Artillery would go towards gate No.3 of the Pilkhana through the New Market area and take ambush therein. He also directed that among the other units of brigade, 43 Field Company (Engineers), 102 Brigade Signal Company and ad hoc field workshop

company would stay in Dhanmondi area as a reserve of Brigade and a direction was given to move all the units rapidly. This witness performed all his duties within 9:45-10:15 a.m. Before starting the drive after completing all other procedures he had a talk with Chief of General Staff. At that time Lieutenant General Sinha-Ibn-Jamali was in service in that post. He also directed this witness to perform his duties as per assignment given by director, Military Operation (MO). Talking with Lieutenant General Jamali he started for Pilkhana. At around 10:50 hours in the morning he took his stand at Road No.4/A in front of Medinova Clinic at Dhanmondi. In the meantime all the advanced groups of his different units took their stand in their assigned places. From his location this witness tried to make contact with the advanced groups who took their stand in different locations. At

that time a huge firings were opening inside the Pilkhana. Assessing the situation this witness talked with Chief of General Staff and informed him of the firings and told him “please allow me to order”. At that time Chief of General Staff answered that “government is in full control of the situation you will get the order”. At around 12.00 hours at noon, all the units along with manpower of this witness took stand in the assigned places around the Pilkhana. At that time, intermittent firings of gunshots were being fired inside the Pilkhana. All the units of this witness from the high rise buildings tried to make contact with the BDR rebels through the microphone and the loud speaker and also tried to make them calm and quite. At that time he received a news from Major Shamsul Haque of OC Engineering that two of Engineers received bullet injuries at the main road opposite to



gate No.4 of Pilkhana when the BDR rebels opened fires on them. At that time they were in front of Medinova Clinic. After that this witness asked OC engineers to send that two soldiers to the Hospital with a direction not to open fires. He directed them to have patience of a highest degree. The names of the soldiers who became injured were Zahir and Monir. Subsequently, soldier Zahir died in CMH. In the meantime, he saw a helicopter flying over the Pilkhana and heard sounds of firings by the BDR rebels aiming at the helicopter while flying over the Pilkhana. In the meantime, they came to know that the situation arisen therein was going to be tackled politically. He himself saw some political persons to proceed towards the Pilkhana carrying white flags. It was also informed from the higher authorities that if the situation could not be tackled politically, the

problem would be solved by military operations. For the convenience of the political discussions they were kept out of the view. As per that order they went out of the view of their built up area. All the units took their stand around the Pilkhana till the sunset of 25.02.2009. In the first part of the night they were further directed to go away a little bit back. On getting order this witness directed all his units to move back themselves a little bit. Subsequently, all the units were again assigned at Dhanmondi Abahani field removing from their earlier location. They spent the whole night in that field and made swift operation plan to occupy the Pilkhana raiding upon the same and made consultation with CO and OC if political discussions failed on that night. The political discussions resumed till noon of 26.02.2009. At 1.30 hours at noon Colonel Feroz, PS to Chief of Army Staff summoned this

witness and his subordinate CO's in the cantonment for attending to the briefing of the Chief of Army Staff (CAS). At around 2.00 hours they all remained present at CAS Secretariat at Army Headquarters. In that place, at 2.30 hours at noon, Chief of Army Staff General Moeen-U-Ahmed briefed them and gave his order. In that place other Brigade Commanders, CGS, DMO, DMI, Director Air operations were present. In that briefing they were directed to take possession of Pilkhana. The time for raid was fixed at 16.30 hours. Subsequently, it was decided to be held at 17.00 hours. After coming back from the briefing, this witness briefed about the order to his CO and OC's and coordinated different matters together. Immediately after that decision Tanks and APC joined with them at Dhanmondi. Thereafter, all the units finally took their stand to make raid at Pilkhana. Before doing that they

assembled in front of Stamford University to make raid at Pilkhana. A few time ago of around 17.00 hours he was informed that the situation was going to be improved gradually through political discussion. As a result the earlier fixed time for attack at 17.00 hours was cancelled and his entire brigade was directed to return at abahani field. On 26.02.2009, at around 11.00 hours in the night this witness was directed that search and rescue operation would be conducted inside the Pilkhana from 8.30 hours in the morning of 27.02.2009. Chief of General Staff directed him in that regard. Before starting search and rescue operation inside the Pilkhana he was also directed to make coordination with the police deployed therein by that time. In the said night, in order to carry out search and rescue operation this witness briefed all the CO/ OCs and distributed works among them. In the morning of

27.02.2009 they could not start that operation because one of the police officer could not join them by that time. As a result, on that day in the morning at 10.30 hours, when the advanced group of his brigade reached gate No. 4 of BDR Headquarters, they found the same under lock and key and also found many members of police and RAB and some members of fire brigade. When they reached there the police officer on duty talked with his higher officer and thereafter he opened the gate. They entered therein and found many arms and ammunitions lying scattered in different places and assisted the police for collecting the same. In the first day they recovered in all 38 dead bodies from a mass grave beside the mortuary adjacent to BDR hospital. On 28.02.2009 they got information of 3 mass graves behind MT garage near the field of 13 rifles Battalion and

recovered 10 dead bodies there from. Their brigade stayed in the Pilkhana till 22.03.2009. From 28.02.2009, for the purpose of security in the Pilkhana and for maintaining security for the BDR members who joined after the occurrence and for carrying out search operation they assisted in performing other activities as per plan and leadership of new DG, BDR. On 22.03.2009, this witness along with his brigade came back to the cantonment and handed over charge to Brigadier General Sabbir of 44 Infantry Brigade and then went to Dhaka Cantonment. On 24.03.2009, he joined in his new working place at Sylhet. He made statement before the I.O at Pilkhana on 11.03.2010.

With respect to the steps taken by Bangladesh Army at the order of the Hon'ble Prime Minister, **PW 535 Colonel Md. Abdul Alim Tarafder, at present Comilla Cantonment** has stated in his evidence that

on 25.02.2009, he was in active service as commanding officer of 17 East Bengal under 46 Independent Infantry Brigade at Dhaka cantonment. On that day there were 2 events of his units to be performed- one was to give guard of honour to the Hon'ble President at Senakunja and the other was to conduct final athletic competition in between the inter-forces at army stadium. On 25.02.2009 in the morning at 9:30 a.m Principal Staff Officer (PSO) of Armed Forces Division (AFD) informed him over land phone of the firings happened at the Pilkhana a few times ago. On hearing of the news, this witness rapidly directed the concerned officer to make arms and 1<sup>st</sup> line pouch ammunitions along with soldiers ready for going to the Pilkhana forming a company from 17 East Bengal. Thereafter, this witness instantly informed this matter to the brigade commander of 46

Independent Infantry Brigade and ordered his subordinate officers to march towards the Pilkhana under the leadership of Major Imran taking a company of army soldiers. In the meantime, Major Mahmud, Brigade Major of 46 Independent Infantry Brigade informed him that except the on-duty soldiers and the highly responsible persons, entire battalion would have to be prepared with 1<sup>st</sup> line pouch arms and ammunitions. Brigade Commander also ordered this witness to take RR, Machine Gun (MG), Light Machine Gun (LMG), 60 m.m mortar, grenade firing rifle and rocket launcher (RL) with them. This witness instantly informed this matter to all officers present at the battalion and told them to get ready. In the meantime, brigade commander from the Brigade Sadar summoned all the commanding officers for his briefings. Brigade Commander gave primary order



after describing the whole situation and at the same time, he also communicated the said order to all his subordinate commanding officers. As per order, 17 East Bengal was directed to remain in the opposite side of gate No. 4 at Pilkhana and to take their stand in a convenient place and 4 East Bengal was directed to follow up them. At that time it was at about 9:45 hours in the morning. It was mentioned in that order that no firing could be opened without the order of brigade commander and subsequent necessary order would be given considering the situation. Coming back to his working place from Brigade Sadar, at around 10 hours in the morning, this witness quickly sent Major Arefin and Captain Saidul under the leadership of Major Waker of the 1<sup>st</sup> company. At that time at the order of M.O of Army Headquarters and the brigade commander he sent Major Imran for special operation

and told him to go to the Army Headquarters. At around 10:15 to 10:30 a.m, taking the 1<sup>st</sup> group, Major Waker took stand at tactic places at the neighbouring places of Japan Bangladesh Hospital opposite to gate No.4 of Pilkhana. At around 11:30 a.m, this witness along with Captain Azmi, Captain Reza and Lieutenant Mainul started for the destination of Major Waker and reached there at 12.10 at noon and at that time, 106 m.m RR, MG, 60 m.m Mortar, GP Rifle and rocket launcher (RL) were with him. On arrival thereat, he came to see Major Waker who at the order of this witness was giving declaration through miking repeatedly in order to stop firings by the BDR rebels and to resolve the problems through discussions. When this witness informed that matter to his brigade commander, he directed them to continue the same and to ascertain the location of heavy and deadly

weapons and other locations of the BDR rebels. At that time intermittent firings were continuing inside the BDR Headquarters at Pilkhana. With the help of using mike, they tried to make communication with the BDR rebels and they also tried to identify their locations from their hiding places. At around 9:30 p.m, the brigade commander of 46 Independent Infantry Brigade directed commanding officer of 17 East Bengal to shift their stand from present position to the Abahani field. According to the order this witness with his troops went there and waited there with war like preparation for further order. On 26.02.2009 at around 1:30 p.m all the commanding officers were directed to go to the cantonment from brigade Headquarters. This witness rushed to that place as quickly as possible. At that time, 2IC Major Waker was with him. At around 2:30 p.m, Chief of

Army Staff (CAS) in presence of Chief of General Staff (CGS) briefed them directing to take over position of Pilkhana within afternoon of 26.02.2009 through Military Operations. After returning to the Battalion this witness made necessary briefing to all officers showing them eye-sketch map and briefed all the soldiers with regard to their movements making them fall-in. On that day at around 4:30 p.m, this witness prepared his whole battalion for attacking Pilkhana. After a while tank and APC merged with them. On that time, Military Operations time was fixed at 4:30 p.m. Subsequently, the time for attacking Pilkhana was refixed at 5:00 p.m shifting from 4:30 p.m. After about 1 hour, brigadier commander informed them that the time for attacking Pilkhana was changed. Subsequently, it was informed that the time for attacking Pilkhana would be fixed in the

morning of 27.02.2009 if necessary. As per order of the Brigade Headquarters, they came back to the Abahani field and stayed there with a preparation of war. On 26.02.2009 at around 11:00 p.m Brigade Commander informed this witness that the BDR rebels had surrendered and there was no necessity of Military Operations. In the morning, search and rescue operations would have been done inside the Pilkhana. On 27.02.2009 at around 8:00 a.m, they appeared at gate No.4 of Pilkhana and found the gate under lock and key. This witness came to see many police and RAB personnel who were patrolling over there. Making necessary co-ordination with the police, on 27.02.2009 at 10:30 a.m, this witness with his Brigade Commander entered the Pilkhana through that gate. At that time, Major Waker, Major Imran, Major Arefin, Major Azad, Captain Saidul, Captain Azmi, Captain

Adnan, Captain Reza, Lieutenant Mainul (Subsequently told as Shaheed Mainul), Lieutenant Asif, Lieutenant Rashed, around 300 hundred officers and soldiers of different ranks were with this witness. Inside the Pilkhana, the officers under the control of this witness were entrusted with a duty at jungle (Avoyaranna) and officers mess area and Major Waker, Major Imran and other officers would carry out search and rescue. Major Azad was entrusted with a duty at DG office complex while Major Arefin was entrusted with a duty at Kote and central Magazine area. During discharging his duty of search and rescue, this witness called the officers/ alive/confined persons by a megaphone. He took stand on the bank of a pond behind the DG office. At that place two private cars were burning as fire was set to them by the BDR rebels. He came to know over wireless that arms,

ammunitions and grenade were fallen scattered in different ways in different places. Before their entering at Pilkhana, SB police, RAB, Fire Service and other organizations entered the Pilkhana. They came to see various activities being done by them. As a follow up team of 17 East Bengal, 4 East Bengal and 2 East Bengal entered the Pilkhana. Thereafter, Major Kamrul of 2 East Bengal found a dead body of an army officer in the left side of the entry gate of the dairy farm but the said dead body could not be identified as the same was decomposed. This witness came to see the heap of bullets and ammunitions of small arms in front of the central Magazine. At the same time, he also came to see a heap of mortar, RR and grenades together. The number of those items was huge and those could not be seen from one side to another side. At 12:00 -1:00 p.m, he got news to the

effect that a mass grave was found beside the mortuary of BDR hospital. The personnel of the fire service were doing their recovery operations. He went there instantly. In all 38 dead bodies were recovered from the mass grave. Among the dead bodies, this witness identified the following dead bodies of the army officers:-

1. BA-1439 Major General Shakil Ahmed, ndc, psc, Director General (DG), BDR.
2. BA-2441 Colonel Md. Akhter Hossain, psc, G+, Sector Commander, Chittagong.
3. BA-2508 Colonel Shamsul Arefin Ahmed, psc, Sector Commander, Kustia.
4. BA-2601 Colonel Md. Shawkat Imam, psc, G+, Sector Commander, Khagrachari.



5. BA-2440 Colonel Md. Rezaul Kabir, afwc,  
Director (Admin), Administrative Directorate, BDR  
Headquarters, Pilkhana.
6. BA-2409 Colonel Md. Naqibur Rahman, psc,  
Sector Commander, Comilla.
7. BA-2446 Colonel Nafiz Uddin Ahmed, psc,  
Commandant Rifle Training Centre and School  
(RTC&S).
8. BA-2526 Colonel Kazi Moazzem Hussain, psc,  
Sector Commander, Rangamati.
9. BA-2324 Colonel Mohammad Moshiur Rahman,  
psc, Director of Communication Directorate, BDR  
Headquarters, Pilkhana, Dhaka.
10. BA-2669 Colonel Md. Emdadul Islam, psc,  
Sector Commander, Khulna.
11. BA-2449 Colonel Quazi Emdadul Haque, psc,  
Sector Commander, Rajshahi.

12. BA-118018 Doctor Lieutenant Colonel Quazi Robee Rahman, Dental Surgeon, BDR Hospital, Dhaka.

13. BA-10086 Doctor Lieutenant Colonel Lutfar Rahman Khan, Psychology Specialist, BDR Hospital, Dhaka.

14. BA-2806 Lieutenant Colonel Md. Lutfar Rahman, psc, CO of 24 Rifles Battalion, BDR Headquarters, Pilkhana, Dhaka.

15. BA-2353 Lieutenant Colonel Md. Badrul Huda, CO of 13 Rifles Battalion, BDR Headquarters, Pilkhana, Dhaka.

16. BA-2516 Lieutenant Colonel Md. Saiful Islam @ Saif @ Shahid, GSO-1 (Ops) Operation and Training Directorate, BDR Headquarters, Pilkhana, Dhaka.

17. BA-1891 Lieutenant Colonel Enshad Ibn Amin, G+, CO of Rifles Security Unit, BDR Headquarters, Pilkhana, Dhaka.
18. BA-3445 Major Humayun Haider, psc, Int Officer, 36 Rifle Battalion, BDR Headquarters, Pilkhana, Dhaka.
19. BA-3453 Major Md. Azharul Islam, psc, Second-In- Command (2IC), 23 Rifle Battalion, Khulna.
20. BA-2847 Major Mohammed Saleh, DAAG Administration, BDR Headquarters, Pilkhana, Dhaka.
21. BA-4233 Major Mohammad Maksum-Ul-Hakim, Ops Officer, 24 Rifle Battalion, BDR Headquarters, Pilkhana, Dhaka.
22. BA-3393 Major Mustaque Mahmud @ Mahmud, psc, Second-In-Command (2IC), Sadar Rifle Battalion, BDR Headquarters, Pilkhana, Dhaka.

23. BA-3191 Major Mahmood Hasan, GSO-2 Sector Headquarter, BDR Headquarters, Pilkhana, Dhaka.
24. BA-3396 Major Mahmudul Hasan, GSO-2 (Intelligence), Operation and Training Directorate, BDR Headquarters, Pilkhana, Dhaka.
25. BA-3716 Major Mahbubur Rahman.
26. BA-4098 Major Md. Mizanur Rahman, GSO-2 (Training) Training Branch, BDR Headquarters, Pilkhana, Dhaka.
27. BA-2711 Major Quazi Mosaddek Hossain, Second-In-Command (2IC), 33 Rifles Battalion.
28. BA-3689 Major Md. Khalid Hossain, GSO-2 (Cods), Secretary of Director General, BDR Headquarters, Pilkhana, Dhaka.
29. BA-4762 Major Md. Rafiqul Islam, JAG Head Quarters, BDR Headquarters, Pilkhana, Dhaka.

30. RDO-161 DAD Masum Khan, ARO, Records Wing, BDR Headquarters, Pilkhana, Dhaka.

The 8 dead bodies which were recovered from the largest mass grave could not be identified by this witness as the same were decomposed.

This witness came to see 8 dead bodies which were recovered from the mortuary of the BDR hospital and names of the dead bodies identified by this witness are as follows:-

1. BA-3550 Major Md. Humayun Kabir Sarker, GSO-2 (Ops), Training Directorate, BDR Headquarters, Pilkhana, Dhaka.
2. RDO-87 AD Khandaker Abdul Awal, DAA And QMG, Dhaka Sector, BDR Headquarters, Pilkhana, Dhaka.

3. JCO-4377 Subedar Assistant Md. Abul Kasem, Head Assistant, Admin. Branch, BDR Headquarters, Pilkhana, Dhaka.
4. Naik Assistant-60835, Md. Boshir Uddin, Clerk Q and Ord Branch, BDR Headquarters, Pilkhana, Dhaka.
5. Lance Naik-51932 Md. Manik Miah, 36 Rifles Battalion, BDR Headquarters, Pilkhana, Dhaka.
6. Sepoy-66524 Ruhul Amin @ Bulbul, 37 Rifles Battalion.

The 2 dead bodies which were recovered from the mortuary of the BDR hospital could not be identified by this witness as the same were decomposed.

On that day, he recorded the video of 1<sup>st</sup> mass grave by his personal mobile. During trial this witness submitted a CD of the video before the court and the same was exhibited as CLXXXIII.

On 28.02.2009 at around 10:30 a.m, 3 mass graves situated side by side were discovered from the west side of the field adjacent to MT garage of 13 Rifle Battalion and 10 dead bodies were recovered there from. The names of the army officers and others whose dead bodies were recovered from the 3 mass graves and identified by this witness are as follows:-

1. BA-5306 Major Muhammad Mosharof Hossain, ATO Q and Ord Branch, BDR Headquarters, Pilkhana, Dhaka.
2. BA-2480 Major Md. Mokbul Hossain, Second-In-Command(2IC), 36 Rifles Battalion, BDR Headquarters, Pilkhana, Dhaka.
3. BA-4711 Major Syed Md. Idris Iqbal, Operation Officer-30 Rifle Battalion, Panchari, Khagrachari

4. BA-2624 Major Hossain Sohel Shahnewaz, ZSO, Rifle Security Unit (RSU), BDR Headquarters, Pilkhana, Dhaka.

5. Mrs. Naznin Shakil Shipu (Wife of DG BDR)

In order to perform the work of recovery of dead bodies, it became night. After the recovery of dead bodies, this witness went to different quarters, officers mess and soldiers line. On 28.02.2009 at around 3:15 p.m he went to the soldiers lines of 44 Rifle Battalion. Going thereat, he came to see bullet proof jacket, LMG, monies and gold ornaments fallen scattered in the different floors. The amount of those items was so huge that looking at them this witness presumed that many BDR soldiers of 44 Rifle Battalion were involved in the commission of BDR revolt. He came to see many vehicles in a burnt condition. They set up



their camp at Nur Mohammad School and college at Pilkhana and stayed therein till 17.03.2009.

As regards the steps taken by Bangladesh Army at the order of the Hon'ble Prime Minister, **PW 536 BA-2902 Brigadier General Waker-Uz-Zaman, commander of 46 Independent Infantry Brigade, Dhaka Cantonment** has stated in his evidence that on 25.02.2009, he was working as Second-In-Command (2IC) of 17 East Bengal Regiment situated in Dhaka Cantonment. On that day at around 9:30 a.m his Commander Lieutenant Colonel Alim informed him of the chaos committed by the BDR rebels inside the Pilkhana and for that reason they had to go there. At the order of his Commander, taking a troop of 40 soldiers along with arms and ammunitions this witness started for Pilkhana in the morning at around 10:10 a.m. In the morning at around 10:45 a.m, they reached

a place at Sath Masjid road which was 100-150 yards in the north from gate No. 4 of Pilkhana. At that time violent firings were being opened inside the Pilkhana. He disbursed the troops and deployed them in different places and went on the roof of Japan Bangladesh Hospital walking through the inside and tried to assess what was being happened inside the Pilkhana. He stayed therein for the subsequent order. At the order of his commander, this witness called the BDR rebels remaining inside the Pilkhana to be calm and quiet through the announcement by microphone and tried to know about the incident. For the convenience of discussion with the BDR rebels he stayed in the western side at Road No. 27 at the order of his commander till 6:00 p.m on that day and spent the night therein. On 26.02.2009 at around 2:30 p.m this witness went to cantonment in order to participate

in the briefing of Chief of Army Staff (CAS). The then Chief of Army Staff (CAS) General Moeen U Ahmed gave them final order to enter the Pilkhana. The time for military operations (Rono Ghonta) was fixed in the afternoon at 4:30 p.m. In order to take final preparation this witness went to Abahani field and gave necessary briefing to his troops. At around 4:30 p.m he along with his troops took his stand behind the tank situated at 1000 meter north from gate No. 4 of the Pilkhana and started waiting therein for final order for attack. Having waited therein, he along with his troops went back to Abahani field at 6:00 p.m in the evening and started waiting therein. On 27.02.2009 at around 8:30 a.m an order came to the effect that the BDR rebels had surrounded, so there was no necessity of military operation. They had to carry out search rescue operation inside the Pilkhana. On the same day

in between 10.15 to 10:30 a.m, this witness along with his commanding officer and the troops went to gate No. 4 at Pilkhana and they found the gate under lock and key. In that place police, RAB and the members of intelligence agencies wearing civil dress were present there. Thereafter, making coordination with the police, they entered inside the Pilkhana through that gate. Primarily his troops were entrusted to make search in different places situated at the left side of the road from gate No.4 to officer's mess. While making search, he found different arms, ammunitions and grenades lying scattered here and there. Thereafter, he started to collect the said arms and ammunitions in presence of police. He went to DG Bungalow, Darbar Hall and different places of officers quarters and came to see many signs of killing in the Darbar Hall and in the DG Bungalow. He recorded some alamats and

signs of killing from the DG Bungalow in his personal mobile phone. Subsequently, he converted the same into CD. He wanted to display the CD by the permission of the court. He submitted that CD which was exhibited as exhibit CLXXXIV with objection. In the DG Bungalow he had seen alamats of killing, vandalism and looting. He also saw the same alamats in the officer's quarters. The private cars were found burned in front of the officer's quarters and the garages. On 27.02.2009, in the afternoon at around 3:30 p.m, getting information of mass grave over waki-talki this witness went near the mass grave beside the mortuary of BDR hospital. Going therein he found the personnel of fire service to recover 38 dead bodies one after another from the mass grave. Among them the most of the dead bodies were of army officers. In that place this witness identified the dead

body of DG BDR Major General Shakil Ahmed along with many other army officers. On that night he along with his troops spent the night at Noor Mohannad School and College. In the next day on 28.02.2009 at the time of carrying out search in the morning at 10:30 a.m this witness got further information regarding mass grave in the western side of the field adjacent to MT garage of 13 rifle battalion and thereafter went there and came to see 10 dead bodies recovered from 3 mass graves situated side by side. Among the dead bodies he found the dead body of wife of DG BDR. This witness along with his troops remained stayed in the Pilkhana till 22.03.2009 and supervised their different works. On 22.03.2009 at the order of his Brigade Commander he along with his troops went back to his own unit at Dhaka Cantonment.

The aforesaid steps taken by army at the order of the Hon'ble Prime Minister have been supported and corroborated by the evidence given by **PW-537 BA-4784 Lt Col Mahmudul Kabir, psc, PW-538 BA-4815 Maj Arefin, PW-539 BA-5541 Maj Barkot Ullah Chowdhury, PW-540 BA-6670 Capt AFM Rahmot Ullah, PW-541 BA-6834 Capt Mahmudur Rahman Roman and PW-542 BA-7025 Capt ABM Shah Reza.**

**The legal steps taken by the State for the killings and massacres committed by the BDR rebels at Pilkhana.**

For the aforesaid incident, an FIR was lodged by **PW 1, Nabo Jothi Khisa, officer-in-charge of Lalbag Police Station, Dhaka.** Having received the FIR, the same was registered as Lalbag Police Station Case No. 65 dated 28.02.2009 under Sections

120B/121/121A/

124A/148/149/447/448/332/333/353/342/343/324/325

/

326/307/435/436/427/380/382/411/302/201/114/109/3

4 of the Penal Code. After receiving the FIR, Mr. Nabo Jothi Khisha, Officer-in-Charge, Lalbag Police Station was appointed as investigating officer of the case. Subsequently, the case was transferred to CID for investigation by the order of the Police Headquarters under Memo No. অপরাধ-১/১০-২০০৯(বিডিআর)/৬৮৪ তারিখ ০১/০৩/২০০৯. Then Mr. Abdul Kahar Akando was appointed as investigating officer as per order under Memo No. সিআইডি ঢাকা মেট্রো/পিবি/১৩-০৯/১৬১৩/১(৪) তারিখ ০১/০৩/২০০৯. On 05.04.2009, the investigating officer of the case filed an application to the court for transferring the case from Lalbag Police Station to New Market Police Station on the ground



that the Pilkhana was included to New Market Police Station as per Notification published in the Bangladesh Gazette on 06.06.2005 and thereafter the learned judge of the Court below allowed the application transferring the case from Lalbag Police Station to New Market Police Station as per Section 529 and 531 of the Code of Criminal Procedure on 05.04.2009. Thereafter, Lalbag Police Station Case No. 65 dated 28.02.2009 was transferred to New Market Police Station under Memo No. সিএমএম-০৯/৩৬৭ তারিখ: ০৬/০৪/২০০৯, and the same was registered as New Market Police Station Case No. 09 dated 06.04.2009.

After the occurrence, the concerned authorities were hanging in balance as to whether the trial of the offenders would be held under the Army Act or under the Bangladesh Penal Code in criminal Court. Under the circumstances, the Hon'ble President of the

country acting through the Ministry of Law, Justice and Parliamentary Affairs vide Memo. No. বিচার-৩/১ এম-৬/২০০৯-৬৮৫ dated 17.08.2009 sent a reference to the Appellate Division addressing the Registrar of the Supreme Court of Bangladesh for reporting its opinion back to him on the following two questions raised in the backdrop of the facts stated in the Letter of Reference.

- (A) Whether the provisions of the Army Act, 1952 (Act XXIX of 1952) can be applied against the BDR personnel involved in the incident aforesaid?
- (B) In the event, the answer to the aforesaid question “(A)” is in the negative, whether the provisions of Army Act, 1952 can be applied against the said BDR personnel by

issuing notification under Section 5 of the Army Act, 1952?

The Appellate Division by its opinion held the view that the provision of the Army Act, 1952 cannot be applied to the BDR personnel who perpetrated the Pilkhana carnage during the period between 25<sup>th</sup> and 26<sup>th</sup> February, 2009 and they cannot even be tried under the provision of Army Act, 1952 even after publication of a notification under Section 5 of the said Act. In view of the decision of reference case No.1 of 2009 the trial of the offenders of such incident took place under the Penal Code in Ordinary Criminal Court.

Mr. Abdul Kahar Akando, the investigating officer, after completion of the investigation submitted the charge-sheet against 824 accused on 12.07.2010 under

Sections 120B/121/121A/124A/148/149/447/448/332/  
333/353/342/343/324/325/326/307/435/436/427/380/  
382/411/302/201/114/109/34 of the Penal Code. The  
charge-sheet was accepted on 26.07.2010 by Mr. Sk.  
M. Tofayel Hasan, Metropolitan Magistrate, Dhaka  
and thereafter on 23.09.2010 after taking cognizance,  
the records of the case was sent to the court of  
Metropolitan Sessions Judge, Dhaka for trial. The  
records of the case was received on 03.10.2010 by the  
Court of Metropolitan Sessions Judge, Dhaka and the  
same was registered as Metropolitan Sessions Case  
No. 9629 of 2010. On 05.01.2011, the learned  
Metropolitan Sessions Judge, Dhaka having  
considered the prosecution materials on records took  
cognizance against the accused of the case under  
Sections 120B/121/121A/  
124A/148/149/447/448/332/333/353/342/343/324/325

/

326/307/435/436/427/380/382/411/302/201/114/109/3

4 of the Penal Code. On 03.02.2011, the State through

Public Prosecutor filed an application for further

investigation of the case before the trial court and the

learned Judge of the trial Court allowed the

application on the same date. On receipt of the order

dated 10.02.2011 through Chief Metropolitan

Magistrate, Dhaka, the investigating officer being

appointed as investigating officers under Memo No.

সিআইডি/ঢাকা মেট্রো/পিডি/১৩-০৯/১৫-২৬ তারিখ 14/02/2011,

further investigated the case and after further

investigation submitted the supplementary charge-

sheet against 26 accused under Sections

120B/121/121A/124A/148/149/

447/448/332/333/353/342/343/324/325/326/307/435/

436/427/380/382/411/302/201/114/109/34 of the

Penal Code. On 22.03.2011, the supplementary charge-sheet was accepted by the Metropolitan Magistrate, Dhaka and thereafter the records was sent to the Metropolitan Sessions Judge, Dhaka for trial. On 23.03.2011 the supplementary charge-sheet was received by the Metropolitan Sessions Judge, Dhaka for trial.

**The learned trial judge took cognizance and framed charge against the accused.**

On 28.03.2011, the learned Judge of the trial Court in consideration of prosecutions materials took cognizance in respect of 26 accused under Sections 120B/121/121A/124A/148/149/447/448/332/333/353/342/343/324/325/326/307/435/436/427/380/382/411/302/201/114/109/34 of the Penal Code.

The learned Judge of the trial Court considering the facts and circumstances of the case and the

prosecution materials on records framed charge against 850 accused under Sections 120B/121/121A/124A/148/149/447/448/332/333/353/342/343/324/325/326/307/435/436/427/380/382/411/302/201/114/109/34 of the Penal Code and the same was read over to the accused and they pleaded not guilty and prayed for trial.

The prosecution examined as many as 654 witnesses to prove the prosecution case and on the other hand, the defence examined in all 24 witnesses in support of their defence pleas. Before delivery of the judgment, the accused were examined under Section 342 of the Code of Criminal Procedure wherein they once again pleaded not guilty and claimed to be innocent. Before the pronouncement of the judgment, the charge was altered on 20.10.2013.

**The delivery of judgment by the learned trial judge**

After conclusion of the trial, on 05.11.2013, the learned Judge of the trial Court considering the evidence of 654 prosecution witnesses, confessional statements of the accused, the attending facts and circumstances of the case and the evidence of 24 defence witnesses along with other prosecution and defence materials handed down death sentence to 152 accused, life imprisonment to 160 accused, imprisonment for various terms to 256 accused and acquitted 278 accused of the charge levelled against them. It may be mentioned that 4 accused died during trial of the case and 11 accused died after delivery of the judgement by the learned trial judge and during hearing of the death reference together with the connecting criminal appeals. Anyway, after delivery of judgment, the learned Judge of the trial Court sent



the above named death reference to this Court under Section 374 of the Code of Criminal Procedure.

Being aggrieved by the judgment and order of conviction and sentence passed by the learned judge of the trial Court in Metropolitan Sessions Case No. 9629 of 2009, the condemned prisoners and the convicts being appellants preferred the above mentioned criminal appeals and Jail appeals before this Court. The State also preferred Government Criminal Appeal No. 03 of 2014 against 69 accused out of 278 accused, who got acquittal of the charges by the said judgment and order.

It may be stated that immediately before conclusion of hearing of death reference and other criminal appeals, the State submitted Government Criminal Rule No.125 (Con-A) of 2017 for condonation of delay of 1063 days in filing the

petition of appeal before this court under Section 417(1)(a) of the Code of Criminal Procedure against the judgment and order by which C.S accused No. 105 Pachok/3861 Md. Selim and 193 others were acquitted of all the charges levelled against them under Section 302 and other sections of the Penal Code by the learned trial Judge, Government Criminal Rule No.124 (Con-A) of 2017 for condonation of delay of 1063 days in filing the petition of appeal for enhancement of sentence before this court under Section 417A of the Code of Criminal Procedure against the judgment and order by which C.S accused No. 14 Subedar (Retd) Hazi Md. Torab Ali and 157 others who were convicted under Section 302 and other sections of the Penal Code to suffer rigorous imprisonment for life by the learned trial Judge and Government Criminal Rule No.123 (Con-A) of 2017

for condonation of delay of 1063 days in filing the petition of appeal for enhancement of sentence before this court under Section 417A of the Code of Criminal Procedure against the judgment and order by which C.S accused No. 79 Lance Naik/55304 Manzurul Islam and 236 others who were convicted under Section 302 and other sections of the Penal Code to suffer rigorous imprisonment for 10 years and to suffer rigorous imprisonment for different terms by the learned trial Judge . This court by an order dated 13.04.2017 summarily rejected the aforesaid three applications for condonation of delay on the ground of limitation since those were not filed within the statutory period of limitation. Being aggrieved by the same, the State preferred Criminal Petition For Leave To Appeal Nos. 468-470 of 2017 before the Appellate Division but the Appellate Division also by an order

dated 06.06.2017 dismissed the aforesaid criminal appeals of the ground of limitation as those were not filed before the court within the period of limitation.

**Defence Case of the convicts/accused.**

The defence case of the convicts/accused, in short, is that the convicts/accused are not involved in the commission of murder and other offences as has been brought against them in the prosecution materials and in the evidence. The convicts/accused are totally innocent and they have been falsely implicated in this case out of previous enmity and grudge at the instance of some designing quarters. There is no corroborative evidence on the records in order to connect the convicts/accused with the alleged offence of murder and other offences. The confessional statements taken from the convicts/accused are not true and voluntary since those were extracted from them out of physical

torture, threat and duress. Moreover, at the time of recording confessional statements, the provisions of Sections 164 and 364 of the Code of Criminal Procedure have not been properly complied with in accordance with law. From the trend of cross-examinations, it is further evident that the investigation of the case was not done properly following the mandate of law as a result of which the whole investigation report has become perfunctory in nature. Apart from this, the convicts/accused were not identified on the dock as per Section 9 of the Evidence Act, 1872. The order of framing charge is defective and the post-mortem report does not tally with the story of killing of the army officers by the BDR rebels. Furthermore, the statements of the convicts/accused at the time of examining them under Section 342 of the Code of Criminal Procedure have

not been considered in proper perspective. Under the aforesaid defence case as made out by the convicts/accused, the death reference should be rejected and the criminal appeals against the convicts sentence are liable to be allowed for ends of justice and the accused are liable to be acquitted of the charge levelled against them. Since the defence case of the convicts/accused, the defence materials, the evidence of defence witnesses (DWs), the legal decisions and the statements submitted before the trial court at the time of examining them under Section 342 of the Code of Criminal Procedure have been thoroughly discussed and elaborately explained by Mr. Justice Md. Abu Zafor Siddique, I have taken decision not to discuss and explain the selfsame matters for coming to a decision in the matter of defence case as it will cause

repetition of the same facts, materials and evidence on record.

**Hearing of Death Reference together with other connected appeals by this Special Bench**

The learned Judges of this Special Bench have taken up all the criminal appeals, Jail appeals, the Government appeals and death reference together for hearing.

**Arguments advanced by the learned Attorney-General.**

Mr. Mahbubey Alam, the learned Attorney-General for Bangladesh along with Mr. K.M. Zahid Sarwar, the learned Deputy-Attorney appearing on behalf of the State, categorically submits as under:-

- I. that the convicts/accused following conspiracy taken in different places taking common intention and common object in

order to eliminate the army officers from the BDR atrociously killed 74 persons making unlawful assembly and the prosecution by adducing reliable, cogent and satisfactory evidence before the court has proved the offences against the convicts/accused beyond all reasonable doubt and suspicion.

II. That most of the convicts/accused made inculpatory 164 statements involving themselves with offences and the same appear to be true and voluntary and in that view of the matter, the convicts were rightly convicted and sentenced by the learned trial judge and in the same manner, the accused should also be convicted and sentenced by this court.



- III. That in view of Section 10 of the Evidence Act, 1872, the confession of an accused may be used as evidence against the other co-accused and the materials like leaflets can also be used as evidence against the convicts/accused.
- IV. That though charge has been framed against the convicts/accused both under Sections 34 and 149 of the Penal Code but the fact remains that Section 149 of the penal Code is more wider than Section 34 of the penal Code and as such, the application of Section 149 of the penal Code is applicable in the present case at hand.
- V. that there are positive, tangible and circumstantial evidence on records with

regard to criminal conspiracy, common intention, common object and unlawful assembly against the convicts/accused.

VI. that the commission of murder committed by the convicts has been proved beyond doubt by direct evidence as well as by medical evidence.

VII. that an accused may be convicted and sentenced basing on an evidence of a single witness provided that the evidence is not tainted by any means and it has legal weight putting the same in legal scale and weight.

VIII.that the BDR rebels at the time of commission of murder and other offences carried very heavy and deadly weapons with them and they also used highly

objectionable filthy languages towards the army officers and committed very barbarous, horrendous and atrocious massacres in and around the BDR Headquarters at Pilkhana, from which it is crystal clear that the BDR rebels following the criminal conspiracy together with common intention and common object killed the army officers and committed other offences.

Mr. Mahbubey Alam, the learned Attorney-General for Bangladesh along with Mr. K.M Zahid Sarwar, the learned Deputy Attorney-General, in support of his contentions and deliberations has referred a number of decisions in the cases of Kehar Singh and others V. The State (Delhi Admin) reported in AIR (1988)(SC)1833, popularly known as Indira

Gandhi Murder Case, The State V. Nalini, AIR(1999)(SC)2640, popularly known as Rajib Gandhi murder case, Major Md. Bazlul Huda (artillery) and others V. The State, ADC vol. VI(A)(2010)=18BLT(AD)03 popularly known as Bangabandhu Sheik Mujibur Rahman murder case, Zulfikar Ali Bhutto V. The State, PLD(1979)(SC)53, Barendra Kumar Ghose V. Emperor, AIR (1925) PC1, Yakub Abdul Razak Memon and others V. State of Maharashtra, (2013)13SCC1, Bhuboni Sahu V. The State, AIR (1949)PC 257, Kashmira Singh V. The State of Madhya Pradesh, AIR (1952) (SC)159, Sahoo V. The State of Uttar Pradesh, AIR (1966)(SC)40, Mirza Akbor V. The King Emperor, AIR (1940)PC176, State V. Novjot Sandhu @ Afsan Guru, (2005), 11 SCC 600 , Tukaram Gonapat V. State of Maharashtra AIR(1974) (SC)514, Kasab @ Abu

Mujahid V. State of Maharashtra, (2012) 9SCC1,  
 Rosul Bux V. The State, 22DLR(SC)297, Tozammel  
 Hossain V. The State, 28DLR(AD)270, A.K.M Abdus  
 Samad and others V. The State, 44DLR(AD)  
 (1992)233, the case of Mufti A. Hannan Munshi @  
 Abdul Kalam and others V. The State, Mobile Kader  
 case, Abdus Sattar and others V. State  
 14BLD(AD)(1994)133, Altaf Hossain V. The State,  
 50DLR(AD)(1998)120, ASI Md. Ayub Ali Sarder  
 and another V. State, 23BLD(HCD) (2003)181, The  
 State V. Tajul Islam and 8 others, 15BLD  
 (1995)(HCD)53, Shahadat Khan and others V. Home  
 Secretary to the Government of West Pakistan and  
 others, 21DLR(SC)(1959)323, Bangladesh V. Abed  
 Ali, 36DLR (AD) (1984)234, Abu Sayed and another  
 V. The State, 38DLR(1986)17, Bhagwan Swarup V.  
 The State of Maharashtra, AIR(1965)(SC)682,

Moqbool Hossain V. The State, 12DLR(SC)217,  
 Hargun Sundar Das V. State of Maharashtra, AIR  
 (1970)(SC)1514, Ram Sanjiwan Singh V. State of  
 Bihar, AIR 1996SC3265, Suresh Chandra Bahri V.  
 Gurbachan Singh, AIR 1994 SC 2420, Sardar Sadrul  
 Singh Caveeshar V. State of Maharashtra AIR1965SC  
 682, (1973) 2 Supreme Court Cases 793, 1988 (Supp)  
 Supreme Court Cases 241, (1999) 9 Supreme Court  
 Cases 525, (2000) 1 Supreme Court Cases 247, (2002)  
 8 Supreme Court Cases 381, (2005) 6 Supreme Court  
 Cases 101, (2006) 3 Supreme Court Cases 374, (2004)  
 10 Supreme Court Cases 692, (2008) 12 Supreme  
 Court Cases 51, (1971) 3 Supreme Court Cases 432,  
 2003 Supreme Court Cases (Cri) 2033, (1981) 2  
 Supreme Court Cases 443, AIR 1961 Supreme Court  
 1762, (1977) 4 Supreme Court Cases 540, (2001) 7  
 Supreme Court Cases 596, (2002) 7 Supreme Court

Cases 334, 2002 Supreme Court Cases (Cri) 978,  
 (1998) 4 Supreme Court Cases 351, AIR 1939 Privy  
 Council 47, 44 DLR (AD) 51, 1972 Supreme Court  
 Cases (Cri) 198, AIR 1957 SC 637, AIR (33) 1946  
 Allahabad 15, 56 DLR 305 (State Vs. Ershad Ali  
 Sikder), 51 DLR 473 (Parveen Vs. State), 51 DLR 154  
 (Al-Amin Vs. State), 45 DLR (AD) 161 (Kalu Vs.  
 State), 40 DLR (1988) HCD 545 (Jahangir Hossain  
 Vs. The State), 40 DLR (AD) 286 (Mafizuddin Vs.  
 State), 21 DLR 783 (Afsaruddin Choukidar Vs. State),  
 21 DLR (Akbar Ali Vs. The State), 31 DLR 384  
 (Makhan Chandra Das and another Vs. Nimai Chandra  
 Das), 12 DLR 356 (Ahmed Ali vs. State), (1960) PLD  
 (Dac.) 828, 9 DLR (SC) 1 (Md. Anwar Vs. State), 9  
 BLC 39 (State Vs. Md. Abdus Samad Azad Alias  
 Samad), BCR (1981) HCD 491 (Dabiruddin Ahmed  
 vs. State Cases Ref: PLD), 41 DLR (1989) 7

(Mahabubul Alam Vs. State), 67 DLR (AD)(2015) 6  
 (State Vs. Mobile Kadar Case), 6 DLR (FC) 65  
 Imranullah Vs. Crown, 25 DLR 330 Tozammal  
 Hossain Vs. State, 16 DLR (SC) 94 Siraj Din Vs.  
 Kala, 6 DLR (PC) 80 Shera Vs. Crown, 6 DLR 324  
 Chandra Kanta Vs. Crown, 20 DLR 540 Md. Shamsul  
 Hoque Vs. State, 6 MLR 439 Profulla Das vs. Crown,  
 34 DLR 16 Nabir Vs. State, 50 DLR 599 Mizanur  
 Rahman Vs. Surma Khatun.

**Arguments made by the learned Government  
 prosecutor acted as Additional Attorney-General.**

Mr. Mosharraf Hossain Kazol, the Government  
 Prosecutor acted as Additional Attorney-General  
 along with Mr. Monjur Mohammad Shahnewaz,  
 Assistant Attorney-General appearing for the State,  
 submits as follows:-



- I. that the convicts/accused following the criminal conspiracy went to different places and met different persons for materializing their demands like removal of army officers from BDR, participation in UN peace keeping mission, appointment of superior authority through BCS examination and other demands, which indicates their involvement in the criminal conspiracy to overthrow the army officers from the BDR.
- II. that since common intention and common object are overlapped each other and have become one and same, both Sections 34 & 149 of the penal Code are applicable in the instant case.
- III. that since the convicts have implicated themselves in the offences by making

inculpatory 164 statements, the same may be accepted as evidence against the co-accused as per Section 3 of the Evidence Act, 1872.

IV. that the prosecution has proved the case against the convicts/accused by adducing sufficient legal, medical and circumstantial evidence.

V. that the criminal conspiracy, common intention and common object may be inferred from the conducts and behaviours of the convicts/accused they played at, before and after the commission of offences and they may also be proved even by the circumstantial evidence and the prosecution has been able to prove the same by adducing reliable and satisfactory evidence before the court and as such, there is no illegality in

convicting and sentencing the convicts by the learned trial judge and the accused who were acquitted may also be convicted and sentenced by this court.

VI. that the convicts/accused may be convicted and sentenced solely on the basis of 164 statements as those were recorded in compliance with the provisions of Section 164 and 364 of the Code of Criminal Procedure.

VII. that leaflets distributed by the BDR rebels before commission of murder and other offences at Pilkhana may be used as evidence against the BDR rebels as per Section 10 of the Evidence Act, 1872.

VIII. that the BDR rebels were engaged in criminal conspiracy in order to eliminate the

army officers from the BDR and the aforesaid fact of conspiracy is very much apparent from the evidence of PW 343 Reporter Sultanul Mohakkani Babu @ SM Babu (ATN Bangla), PW 575 Barrister Mr. Fazle Noor Tapash MP, PW 345 Sheik Fazlul Karim Salim MP, PW 337 Public Md Shamsuzzaman @ Anu, PW 338 Public KM Kamrul Ahsan Sah @ Sapon, PW 576 Public Miraj Ahmed Razib, the confessional statements of Sepoy Selim Reza, Sepoy Zakaria Mollah and Sepoy Habibur Rahman and others and the leaflets produced before the trial court by PW 624 BA-6612 Major Md. Nuruzzaman Sheikh.

Mr. Mosharraf Hossain Kazol, the Government prosecutor acted as Additional Attorney-General along

with Mr. Monjur Mohammad Shahnewaz, the learned Assistant Attorney-General, in support of his submissions, has referred to the following legal decisions. 4 BLD (AD) 324, 36 DLR (AD) 234, 4 BLD (HCD) 257, 29 DLR (SC) 246 Hazrat Ali and others Vs. The State, 7 BLD(AD) 248 Ibrahim Mollah and others Vs. The State, 8 BLD(AD) 101 Amar Kumar Thakur and others Vs. The State, Md. Chan Mia alias Chand Miah Vs. The State, 9 BLD (AD) 155, AIR 1945 (PC) 118, AIR 1955 (SC) 216, 15 DLR (SC) 65, 29 DLR (SC) 246, 8 BLD (AD) 157, S. K. Baharul Islam Vs. The State, 11 BLD (HCD) 158, AIR 1955 (Patna)161 (169), PLD 1979 (Karachi)72, Anil Krishna Somaddar and others Vs. The State 1 BLD (HCD) 401, AIR 1956 (SC) 181, AIR 1959 (SC) 572, 22 DLR 620, 1954 Cr. L. J. 507, Ali Akbar Khan and others Vs. The State 2 BLD (HCD) 170, AIR

1956 (SC) 181, Tenu Miah and others Vs. The State  
 11 BLD (HCD) 196, Abul Kalam Azad Vs. The State  
 14 BLD (HCD) 401, Abu Talukder Vs. The State 19  
 BLD (HCD) 225, Nurul Haque Matbar and others Vs.  
 The State, 14 BLD (HCD) 178, Ataur Rahman and  
 others Vs. The State 14 BLD (HCD) 391, 37 DLR  
 157, Mrs. Jobaida Rashid Vs. The State 17 BLD  
 (HCD) 352, Queen Vs. Blake, 1844 6 QB 126, 17  
 BLD (1997) 11, 17 BLD (AD) (1997) 54, 17 BLD  
 (AD) (1997) 163, 2 BLC (AD) (1997) 75, Abdul  
 Wahab and another Vs. The State 6 BLD (HCD) 390,  
 Habibur Rahman alias Habib Vs. The State, 8 BLD  
 (HCD) 210, 5BLD 9, AIR 1936 (PC) 253, The State  
 Vs. Mizanul Islam alias Dablu and another, 8 BLD  
 (HCD) 317, Abdul Wahab and another Vs. The State 8  
 BLD (HCD) 344, Ratan Khan alias Ratan and others  
 Vs. The State 8 BLD (HCD) 396, 19 DLR (Dhaka)

573, 20 DLR (Dhaka)526, Md. Azad Sheikh alias Azad Vs. The State 8 BLD (HCD) 505, 8 BLD 210 PLD 1957 (SC) (Ind) 555, 39 DLR (AD) 117, Md. Aktar Hossain alias Babul Vs. The State 12 BLD (HCD) 105, 42 BLD (AD) 186, 38 DLR 311, 6 BCR 278, 3 BLD 206, 8 BLD 344, 36 DLR 185, 20 DLR 780, 18 DLR (WP) 112, AIR 1933 (PC) 253, PLD 1969 (Dhaka) 405, AIR 1957 (SC) 637, PLD 1960 (Karachi) 817, PLD 1969 (Dhaka) 504, AIR 1956 (SC) 217, Abdul Awal and others Vs. The State 14 BLD (HCD) 187, Mobarak Hossain Vs. The State 1 BLD (HCD) 286, 27 DLR (AD)29, 12 DLR (SC) 156 and 217, 11 DLR (SC) 38 and 81, Md. Mobarak Hossain Vs. The State 3 BLD (AD) 329, Abdur Rashid and others Vs. The State, 3 BLD (HCD) 206, Safar Ali and others Vs. The State 3 BLD (HCD) 325, Abdul Malik and others Vs. The State 5 BLD (HCD)

67, 16 DLR (SC) 598, 12 DLR (SC) 157, 217, 29  
DLR (AD) 271, 21 DLR (SC) 61, AIR 1956 (SC) 9,  
ILR 38 (Cal) 559, 56 DLR 305 State Vs. Ershad Ali  
Sikder, 51 DLR 473 Parveen Vs. State, 51 DLR 154  
Al-Amin Vs. State, 45 DLR (AD)161 Kalu Vs. State,  
40 DLR (1988)-HCD-545 Jahangir Hossain Vs. The  
State, 40 DLR (AD) 286 Mafizuddin Vs. State, 21  
DLR 783 Afsaruddin Choukidar Vs. State, 21 DLR  
Akbar Ali Vs. The State, 31 DLR 384 Makhan  
Chandra Das and another Vs. Nimai Chandra Das, 12  
DLR 356 Ahmed Ali Vs. State, (1960) PLD (Dac.)  
828, 9 DLR (SC) 1 Md. Anwar Vs. State, 9 BLC 39  
State Vs Md. Abdus Samad Azad Alias Samad, BCR  
(1981) (HCD) 491 Dabiruddin Ahmed Vs. State, 41  
DLR (1989) 7 Mahabubul Alam Vs. State, 67 DLR  
(AD) (2015) 6 State Vs. Mobile Kadar, 6 DLR (FC)  
65 Imranullah Vs. Crown, 25 DLR 330 Tozammal



Hossain Vs. State, 16 DLR (SC) 94, Siraj Din Vs. Kala, 6 DLR (PC) 80 Shera Vs. Crown, 6 DLR 324 Chandra Kanta Vs. Crown, 20 DLR 540 Md. Shamsul Howue Vs. State, 6 MLR 439 Profulla Das Vs. Crown, 34 DLR 16 Nabir Md Vs. State, 50 DLR 559 Mizanur Rahman Vs. Surma Khatun.

**Arguments submitted by the learned Advocates for the condemned prisoners and convict-appellants.**

The learned Advocates for the condemned prisoners/convicts/accused namely Mr. Khandker Mahbub Hossen, Mr. Jamiruddin Sircar, Mr. Abdul Baset Majubder, Mr. Md. Mohsen Rashid, Mr. S.M. Shahjahan, Mr. A.S.M Abdul Mobin, Mr. Syed Mizanur RAhman, Mr. Md. Aminul Islam, Mrs. Sultana Akter Rubi, Mr. Shameem Sarder, Barrister Jyotirmoy Barua and other Advocates submit as under:-

- I. that there is no legal evidence to maintain the conviction and sentence against the convicts.
- II. that the confessional statements are not true and voluntary since those were taken from them out of physical torture, coercion, threat and duress and in not complying with the provisions of Sections 164 and 364 of the Code of Criminal Procedure.
- III. that there is no corroborative evidence on record to maintain the conviction and sentence against the convicts.
- IV. that the convicts were not identified in dock as per Section 9 of the Evidence Act, 1872.
- V. that there are many convicts bearing the same name and as such, identification in

dock was greatly needed but the prosecution has failed to do the same.

VI. that the investigation was not properly done and the same appears to be perfunctory in nature.

VII. that the confessional statement of one accused cannot be used as evidence against other co-accused as per Section 10 of the Evidence Act, 1872.

VIII. that charge both under Sections 34 and 149 of the penal code can't be framed together against the accused/convicts.

IX. that the statements given by the convicts/accused at the time of examining them under Section 342 of the Code of Criminal Procedure were not properly considered.

X. that the charge framed against the accused is defective and not sustainable in the eye of law.

XI. that the post-mortem reports do not appear to be compatible with the prosecution story.

The learned Advocates for the condemned prisoners/ convict-appellants, in support of their submissions, have referred decisions in the cases of Rustum and others-Vs-The State 14 BLT(HCD) (2006) 435, Ishwar Sing-Vs-State of Uttar Pradesh, Ilam Sing and others-Vs-Uttar Pradesh AIR 1976 (SC) 2423, Alla China Apparao and others-Vs-State A.P 2003 (SCC)(Cri) 87, Shamsu Nahar @ Maina-Vs-The State 4 BLD (1984) (AD)206, The State-Vs-Paran Chandra Baroy 6 BCR (AD) 225, Ruhul Amin Khan-Vs- State 56 DLR (2004)632, The State-Vs- Azahar Gazi and others 23 DLR 32, Hakim Ali and others –Vs-The

Crown 6 DLR 171, Chotto Abu-Vs-The State 12 DLR  
 392, Moosa Abdul Rahman and another-Vs-State of  
 Karala, 1982 Cr.L.J 2087, Chandro Sharkhar Bind and  
 others-Vs-The State of Bihar CrL. L.J.4693, Sukhdeb  
 Sing-Vs-The State of Panjab CrL. L.J.1988 HCD,  
 Patna, Shahadat Hossain and others-Vs-The State 39  
 DLR (1987)73, Ratan Kha-Vs-The State 40 DLR  
 (HCD)186, Lejzor Teper-Vs-The Queen 6 DLR (Privy  
 Council)604, The State-Vs-Kanchan Sing AIR 1954  
 All 153, The State-Vs-Babul Mia 63DLR (AD)  
 (2011)10, Alauddin Khan Pathan and others-Vs-The  
 State 19 DLR (HCD)74, The State-Vs-Manik Bala  
 (HCD)435, The State-Vs-Ali Kabria 43 DLR (HCD)  
 512, Safar Ali and others-Vs-The State, 36DLR  
 (HCD)320, The State-Vs-Mafizuddin and others,  
 15BLT(AD)104, The State-Vs-Lieutenant Colonel  
 Syed Farook Rahman 53 DLR 287, Zahid

Hossain@Paltu and others-Vs-State 55 DLR 160,  
 Rezaul Karim (Md.) alias Rezaul Alam Rickshawa-  
 Vs-State 55 DLR 382, Jafor and another-Vs-The State  
 14 BLD (1994)280, Habibur Rahman and others-Vs-  
 The State 18 MLR(AD)(2013)109, Muslim Uddin and  
 others-Vs-The State 38 DLR (AD)(1986)311, Kazi  
 Mahbubuddin Ahmed-Vs-State 57 DLR 2205 (HCD)  
 512, Fazlul Huq-Vs-The State 11DLR163, PLD 1959  
 Dacca 931, Nur Hossain-Vs-The State 31DLR405,  
 Trilokya Nath Das-Vs-Kenaram Das 61 C.L.J.551,  
 Vigian Rajan-Vs-The State of Kerala AIR 1999(SC)  
 1086, Kehar Sing-Vs-The State AIR 1988(SC)1883,  
 Jobaida Rashid-Vs-The State 49 DLR(1997)373,  
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 CWN 25, Mirza Akbor –Vs-King Emperor, AIR 1940  
 (P.C)176, Moqbul Hossain-Vs-The State, 12 DLR SC  
 217, State of Tamil Nadu-Vs-Nalini AIR SC (1999)

2641, Bhuboni Shah-Vs-The King AIR 1949 P.C. 257,  
 The State of Tamil Nadu-Vs-Nalini AIR SC (1999)  
 2691, Addus Sattar and others-Vs-The State, 14 BLD  
 (AD) (1994)133 and 44 DLR (AD)(1992) 233, Altaf  
 Hossain-Vs-State 50 DLR (AD) (1998)120, State-Vs-  
 Ayub Ali Sardar and another 23 BLD (HCD) (2003)  
 181, Nawab Ali-Vs-State of Uttar Pradesh, 4 SCC  
 (1974)600, Sydul Haque–Vs-Abul Kashem, 38 DLR  
 (HCD)17, Dharma Pal and others-Vs-State of  
 Haryana, AIR (1978) SC 1492, Khondkar Md.  
 Moniruzzaman-Vs-The State, 14BLD (HCD)308, AIR  
 1968(SC) 829, Abdur Gafur-Vs-State 20 BLD(AD)  
 90, Mahabub Alam and others-Vs-State 15 BLD  
 (AD)(1995)54, The State-Vs-Monjur 15 BLD (HCD)  
 (1995)193, 4 BLD (AD) 206 Shamsun Nahar @  
 Maina Vs. The State, 6 BCR (AD) 225, 59 DLR  
 (HCD) 653 State Vs. Al Hasib Bin Jamal, 14 BLT

(HCD) 435, 56 DLR (HCD) 632, 50 DLR (HCD) 111  
 Major (Retd) Ashrafuddin Sekander Vs. State, 23  
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 (HCD) 441, 6 DLR (HCD) 171 Hakim Ali Vs. The  
 Crown, 12 DLR (HCD) 392 Chhota Abu Vs. State,  
 1982 Cr. L.J. 2087, 48 DLR (HCD) 457 Abdur  
 Razzaque Vs. State, 57 DLR (HCD) 513 Kazi  
 Mahbubuddin Ahmed Vs. State, 18 BLC (AD) 218  
 Habibur Rahman Vs. State, 38 DLR (AD) 311  
 Muslimuddin Vs. State, 63 DLR (AD) 10 State Vs.  
 Babul Miah, 15 BLT (AD) 104, 43 DLR (AD) 203,  
 AIR 1952 (SC) 354, 3 BLC (AD) 53, 2 MLR (AD)  
 254, AIR 1933 All 690, 49 DLR (BCD) 373 Jobaida  
 Rashid Vs. State, (1915) ILR 42 Cal, AIR 1999 (SC)  
 1086, AIR 2002 (SC) 1661, 14 BLD (AD) 133, 44  
 DLR (AD) 233, 50 DLR (AD) 120 Altaf Hossain Vs.  
 State, 23 BLD (BCD) 181 The State Vs. A.S.I. Md.



Ayub Ali Sardar & another, 4 SCC (1974) 600, 38 DLR (HCD) 17, AIR (1962) All. 272, AIR (1978) SC 1492, AIR (1987) SC 826, Cr. L.J. 3519 (SC), AIR 1989 (SC) 1593, 16 DLR (HCD) 189, 54 DLR (HCD) 221 Mofizul Islam Vs. State, 46 DLR (AD) 241 State Vs. Ashraf Ali, 14 BLT (AD) 33, 45 DLR (HCD) 267 State Vs. Giasuddin, AIR 1957 (SC) 469, BLD (AD) 90, PLD 1954 Lah. 127 Muhammad Hussain Qureshi Vs. The Crown, 14 BLT (HCD) 502, 30 DLR (HCD) 401 Sadeq Ali Vs. State, 41 DLR (HCD) 349, 42 DLR (HCD) 511 Ashrafuddin Vs. State, 15 BLD (HCD) 193 The State Vs. Manjur, 6 DLR (HCD) 106, 15 BLD (AD) 54 Nowabul Alam and others Vs. The State, 1986 BLD (AD) 1, BCR 1985 (HCD) 164, 18 BLT (AD) 2010 (Bangabandhu Murder Case), 1998 P.Cr. L.J. 35, 1994 SCMR 749, PLD 1955 Federal Court 79, 58 DLR (AD) 60 State Vs. Wasikur

Rahman, 51 DLR (HCD) 439 Moktar Ali Bepari Vs. State, 40 DLR (AD) 286 Mafizuddin Vs. The State, 13 MLR (AD) 302 Khandker Zillul Bari & another Vs. The State, 14 BLC (AD) 01 Ruhul Amin Vs. Mahaluxmi Bank.

**Evidence with regard to development of conspiracy to eliminate the army officers from the BDR following dissatisfactions of BDR members.**

It may be mentioned that before the revolt at Pilkhana on 25 and 26 February, 2009, the grievances and dissatisfactions of the BDR soldiers arising out of non-fulfilment of their demands were actually started in 1991. On 1<sup>st</sup> December 1991, five hand written leaflets were recovered from the different places of 1 Rifle Battalion, Naogaon. After recovery of the same, the aforesaid leaflets were handed over to the Commanding Officer (CO) BSS-1162 Major Khairul

Alam. Subsequently an inquiry was held in order to find out the BDR members who were involved in publishing and distributing the leaflets in different places of 1 Rifle Battalion, Naogaon. It may be added that on 30 November 1991 at around 2200 hours, there was an arrangement of Tattoo Show at the Headquarters of Bangladesh Rifles at Pilkhana, Dhaka. In that programme 17 BDR soldiers of 1 Rifle Battalion, Naogaon participated and after completion of Tattoo Show, the aforesaid BDR soldiers returned to their own Battalion at 1 Rifle Battalion, Naogaon. The Commanding Officer (CO) Major Khairul Alam doubted that the BDR soldiers who came from Dhaka after participating in Tattoo Show had been involved in the activities of publishing and distributing of leaflets. From that apprehension of mind, the Commanding Officer (CO) made an arrangement for

examining the hand writings of 17 BDR soldiers who came there after participating in Tattoo Show in BDR Headquarters, Pilkhana, Dhaka. On examining the hand writings, the Commanding Officer (CO) found matching of the hand writing of No-26238 Naik Md. Afzal Hossain with that of the hand writings written on the leaflets. Thereafter the Commanding Officer (CO) made communication with the authority of Bangladesh Rifles Headquarters, Pilkhana, Dhaka in order to find out the reasons of such happenings and to identify the BDR soldiers who were involved in that incident. On the advice of the authority, a decision was taken to send Naik Afzal to Sector Headquarters, Rajshahi from 1 Rifle Battalion, Naogaon for further interrogation. On 1<sup>st</sup> December 1991 at around 5:30 p.m, when the escort party taking Naik Afzal were getting down from the soldiers barrack for taking him

to Sector Headquarters, Rajshahi, the BDR soldiers of 1 Rifle Battalion, Naogaon in spite of being members of discipline force taking bamboo sticks and woods in their hands assembled at the training ground and chanted various types of slogans such as “বিডিআর সৈনিক এক হও” “আমাদের দাবী মানতে হবে” “সেনা অফিসার ফেরৎ নাও” “গাড়ির চাকা ঘুরবে না” “সৈনিক সৈনিক ভাই ভাই”, “বেতনের সমতা চাই” “নায়েক আফজালকে সেষ্টরে যেতে দেওয়া হবে না” and obstructed the escort party from taking Naik Afzal to Sector Headquarters, Rajshahi violating Section 10A (1) of the Bangladesh Rifles order, 1972. Hearing a hue and cry of the BDR soldiers, the Commanding Officer (CO) Major Khairul Alam went to the training ground in order to know the reasons of such shouting, excitement and aggressive attitude of the BDR soldiers and tried to appease them. The BDR soldiers without paying any heed to the speeches of the

Commanding Officer (CO) divided into different groups, raised objectionable slogans, started for the Battalion rest house, residences of Deputy Commanding Officer and Medical Officer shouting and making a hue and cry, scolded the Commanding Officer (CO) with objectionable and obscene languages and tried to beat him. At that time Commanding Officer (CO) of 35 Rifle Battalion Major Monis Deowan was present in the rest house as guest. The unruly BDR soldiers encircled Major Monis Deowan at the rest house and scolded him with indecent and vulgar languages and damaged useable materials kept at the bed room. The BDR soldiers also attacked the residences of two officers and called the bad names of the officers and their family members in objectionable, obnoxious and repulsive languages. At the unbecoming activities and behaviour of the

arrogant BDR soldiers the officers out of fear of life went to the residence of superintendent of police and then made contact with the Sector Commander remaining therein. Subsequently they came back to their own unit getting instruction from the Sector Commander, Rajshahi when the situation became normal. In the meantime the BDR soldiers made a false pretext that in order to suppress the BDR revolt, the officers called army soldiers from Bogura Cantonment. On that plea, some BDR soldiers from the training ground participated with the unruly BDR soldiers. Then they went to the quarter guard, tried to break open the Kote and loot the arms and ammunitions. However, the breaking of Kote was saved from the hands of excited and indisciplined BDR soldiers at the interference of DAD Wahed and others as a result of which the Sector Commander and Unit

Commander took decision not to send Naik Afzal to Sector Headquarters, Rajshahi from 1 Rifle Battalion, Naogaon. During the time of revolt, the unruly and excited BDR soldiers declared DAD Wahed as their commander lifting him on the shoulders of the arrogant BDR soldiers. However, when the situation became normal, the BDR soldiers went to the barrack. Thereafter on 2<sup>nd</sup> December 1991, Sector Commander went to the Battalion and held a Darbar thereat. On that meeting all the BDR soldiers expressed their repentance and prayed for forgiveness for their misdeeds. In order to find out the involvement of the BDR soldiers with regard to composing, publishing and distributing the leaflets in the premises of 1 Rifle Battalion, Naogaon, a court of inquiry of 4 members headed by BA-100118 Colonel Monjur Ahmed was constituted. The court of inquiry after holding



thorough examination into the mater opined that the hand writings of No.26238 Naik Md. Afzal Hossain matched with the hand writings contained in the five leaflets and found 20 BDR soldiers guilty for creating unwanted, unbecoming and excited situation at 1 Rifle Battalion, Naogaon when on 1<sup>st</sup> December 1991 a step was taken by the escort party at the order of Sector Commander, Rajshahi and Unit Commander, Naogaon to take No. 26238 Naik Afzal Hossain to Sector Headquarters, Rajshahi from 1 Rifle Battalion, Naogaon. The court of inquiry also recommended disciplinary action against No. 26238 Naik Afzal Hossain and other 20 BDR soldiers of 1 Rifle Battalion, Naogaon for their involvement and misdeeds.

The five leaflets were produced before the trial court by **PW 624 BA-6612 Major Md. Nuruzzaman**

**Sheikh** and same were exhibited as exhibit-1131 series.

The contents of the leaflets were as follows:-

১৯ দফা মানতে হবে ।

এমটি ভায় গাড়ী চালাবে না ।

আর্মীর সামনে বি.ডি.আর বাহিনী চলবে না ।

এলাকা ছাড় এলাকা ছাড় আর্মীর অফিসার বি.ডি.আর এলাকা ছাড়

নয় আগুন জলবে বি.ডি.আর ভায় এক হও ।

১৯ দফা মানতে হবে না মানা পর্যন্ত বি.ডি.আর ভায় সকল কাজ বন্ধ কর ।

আর্মীর অফিসারকে কোন সনমান দেবে না ।

৩ দিনের মধ্যে বি.ডি.আর অফিসারের নিকট দায়িত্ব বুঝিয়া দাও ।

বি.ডি.আর ভায় এক হও ।

আমাদের দাবী মানতে হবে । নয় আগুন জলবে ।

গাড়ীর চাকা ঘুরবে না ।

১৯ দফা মানতে হবে ।

বি.ডি.আর ভায় এক হও ।

একবার যখন নেমেছি রক্ত (রক্ত) দিয়ে লড়ব ।

১৯ দফা মানতে হবে।

আমাদের দাবী মানতে হবে।

নয়লে সংগ্রাম চলবে।

এক বার যখন নেমেছি রক্ত (রক্ত) দিয়ে লড়ব।

বি.ডি.আর ভায় এক হও।

১। ১৯ দফা মানতে হবে।

২। আরমির অফিসার বি.ডি.আর এলাকা ছাড়।

নয় আগুন জলবে গাড়ী যদি চলে তার উপর হামলা চলবে।

বি.ডি.আর ভায় এক হও।

The inquiry report with opinions and recommendations of the court of inquiry (C of I) constituted on 30 December 1991 was produced before the trial court by the **PW 624 BA-6612 Major Md. Nuruzzaman Sheikh** and same was exhibited as exhibit-1131 series.

The contents of the inquiry report were as under:-

আদালত কর্তৃক উদঘাটিত তথ্যাবলী

১। ৩০ নভেম্বর ৯১ ইং রাত আনুমানিক ২২০০ ঘটিকায় সদর দফতর বাংলাদেশ রাইফেলস্, ঢাকায় অনুষ্ঠিত ড্রিল প্রতিযোগিতায় অংশ গ্রহন শেষে ১ রাইফেল ব্যাটালিয়ন, নওগাঁ এর ১৭ জন সৈনিক ব্যাটালিয়নে প্রত্যাগমন করে।

২। ০১ ডিসেম্বর '৯১ ইং তারিখ সকালে পিটি'র সময় ব্যাটালিয়নের বিভিন্ন স্থান থেকে যেমন- অফিসের পূর্ব দিক, পাম্প হাউসের পূর্ব দিক, ট্রেনিং শেডের পূর্ব দিক, উপ-অধিনায়ক ও মেডিক্যাল অফিসারের বাসভবনের পেছন দিকে একটি করে মোট ৫টি (সংল্লনী 'ক'-আই স্কেচ) হাতে লিখা প্রচারপত্র (Leaflet) উদ্ধার করা হয় (সংল্লনী 'খ'-প্রচারপত্র সমূহ) এবং ব্যাটালিয়ন অধিনায়ক বিএসএস-১১৬২ মেজর খায়রুল আলমের নিকট হস্তান্তর করা হয়।

৩। ব্যাটালিয়ন অধিনায়ক মেজর আলম ঘটনাটি সেক্টর অধিনায়ক কর্নেল এসএম জাহাঙ্গীর, পিএসসি কে অবহিত করলে সেক্টর অধিনায়ক তাঁকে (মেজর আলম) কে বা কারা ঐ প্রচারপত্র গুলো লিখেছে এবং ইউনিটের বিভিন্ন স্থানে লাগিয়েছে তা উদ্ঘাটনের চেষ্টা করার নির্দেশ দেন।

৪। অধিনায়ক মেজর আলম ঢাকা থেকে সদ্য প্রত্যাগত ড্রিল পার্টির সদস্যদের এই কর্মকাণ্ডে জড়িত সন্দেহে পার্টির ১৭ জন সদস্যের হাতের

লিখা পরীক্ষার ব্যবস্থা করেন এবং তাদের মধ্য থেকে ২৬২৩৮ নামের  
আফজাল হোসেনের হাতের সংঙ্গে প্রচার পত্রের লিখার মিল খুঁজে পান।  
(সংলগ্নী ‘গ’- নামের আফজালের হাতের লিখা)

৫। অধিনায়ক মেজর আলম জিজ্ঞাসাবাদের মাধ্যমে ঘটনার সংঙ্গে  
জড়িত ব্যক্তিদের সনাক্ত করা তথা সংঘটিত কর্মকাণ্ডের মূল উৎস খুঁজে  
বের করার লক্ষ্যে নামের আফজালকে সেক্টর সদর দপ্তর রাজশাহীতে  
নেওয়ার জন্য সেক্টর অধিনায়কের নিকট সুপারিশ করেন।

৬। সেক্টর অধিনায়ক বাংলাদেশ রাইফেলস্ সদর দপ্তরের পরিচালক,  
প্রয়োগ ও প্রশিক্ষণ কর্নেল সামসুজ্জাহান পিএসসি এর সংঙ্গে পরামর্শক্রমে  
নামের আফজালকে আরো জিজ্ঞাসাবাদের জন্য সেক্টর সদর রাজশাহীতে  
পাঠানোর নির্দেশ দেন।

৭। নির্দেশানুসারে ব্যাটালিয়ন অধিনায়ক মেজর আলম যথাযথ  
‘এসকট’ এর মাধ্যমে ঐদিন অর্থাৎ ০১ ডিসেম্বর ৯১ইং বিকেলের মধ্যেই  
নামের আফজালকে সেক্টর সদর, রাজশাহীতে পাঠানোর জন্য ব্যাটালিয়ন  
সুবেদার মেজরকে প্রয়োজনীয় নির্দেশ প্রদান করেন।

৮। ০১ ডিসেম্বর আনুমানিক বেলা ১৭৩০ ঘটিকার সময় ‘এসকট’ পার্টি  
যখন নামের আফজালকে নিয়ে সৈনিক ব্যারাক থেকে নিচে নামছিল, ঠিক

তখন কিছু সংখ্যক সৈনিক উশ্জ্বল ও উত্তেজিত অবস্থায় বাঁশের লাঠি, কাঠ ইত্যাদি হাতে বিভিন্ন শ্লোগান যেমন, “বিডিআর সৈনিক এক হও” “আমাদের দাবী মানতে হবে” “সেনা অফিসার ফেরৎ নাও” “গাড়ির চাকা ঘুরবে না” “সৈনিক সৈনিক ভাই ভাই”, “বেতনের সমতা চাই” “নায়েক আফজালকে সেঙ্করে যেতে দেওয়া হবে না” ইত্যাদি সহ হৈ চৈ ও চিৎকার করে মারমুখী রূপে প্রশিক্ষন মাঠে একত্রিত হয়।

৯। অধিনায়ক মেজর আলম নিজ বাসভবন থেকে সৈনিকদের হৈ চৈ ও চিৎকার শুনে বাস্তব ঘটনা জানার জন্য প্রশিক্ষন মাঠের উত্তেজিত ও মারমুখী সৈনিকদের মাঝে উপস্থিত হন এবং তাদেরকে বিভিন্ন ভাবে বুঝিয়ে শান্ত করার চেষ্টা করেন।

১০। উশ্জ্বল ও উত্তেজিত সৈনিকগন অধিনায়কের কথায় কর্নপাত না করে বিভিন্ন দলে বিভক্ত হয়ে মারমুখী রূপ ধারণ করে আপত্তিকর শ্লোগান, হৈ চৈ ও চিৎকার করতে করতে ব্যাটালিয়ন “রেষ্ট হাউস”, উপ-অধিনায়ক ও মেডিক্যাল অফিসারের বাসভবনের দিকে ছুটে যায়। তারা অধিনায়ক মেজর আলমকেও অকথ্য ও অশ্লীল ভাষায় গালিগালাজ করে এবং প্রহারের চেষ্টা করে।

১১। ০২ ডিসেম্বর ৯১ইং তারিখে রাজশাহী ক্যাডেট কলেজ “এক্স ক্যাডেট” পূর্ণগমিলনী উৎসবে যোগাদানের জন্য আগত ৩৫ রাইফেল ব্যাটালিয়নের অধিনায়ক মেজর মনীষ দেওয়ান ঐ সময় ব্যাটালিয়ন রেষ্ট হাউসে অবস্থান করছিলেন। উল্লেখ্য যে মেজর মনীষ দেওয়ান মেজর আলমের কোর্সমেট এবং একই ক্যাডেট কলেজের “এক্স ক্যাডেট”। উত্তেজিত ও মারমুখী সৈনিকের একটি দল “রেষ্ট হাউসে” মেজর মনীষ দেওয়ানকে ঘিরে ফেলে তাকে অকথ্য ও অশ্লীল ভাষায় গালিগালাজ করে এবং তার শয়ন কক্ষে রক্ষিত ব্যবহার্য জিনিস পত্রের ক্ষতিসাধন করে।

১২। মেজর মনীষ ঘটনার আকস্মিকতায় হতবিহবল হয়ে পড়েন এবং ক্রমাবনতিশীল পরিস্থিতি নিয়ন্ত্রনে তাঁর হস্তক্ষেপ শুভফল বয়ে আনবেনা ভেবে ইউনিট “রেষ্ট হাউস” ত্যাগ করে সমগ্র ঘটনা সেক্টর অধিনায়ককে জানানোর উদ্দেশ্যে তাঁর পূর্বপরিচিত নওগাঁ’র জেলা প্রশাসক মিঃ উ ক্য জেন এর সংগে নওগাঁ সার্কিট হাউসে যোগাযোগ করেন। ঐ সময় সার্কিট হাউসে জনৈক মন্ত্রী অবস্থান করছিলেন।

১৩। “রেষ্ট হাউস থেকে উত্তেজিত সৈনিকগন ব্যাটালিয়ন উপ-অধিনায়ক মেজর আবুল কালাম আজাদ এবং মেডিক্যাল অফিসার ক্যাপ্টেন মুস্তাফিজুর রহমানের বাসায় হামলা করে। তারা অফিসারদ্বয় এবং তাদের পরিবারের

সদস্যদের অশ্লীল ভাষায় গালিগালাজ করে, উপ-অধিনায়কের টেলিফোন সেট ভেঙ্গে ফেলে, একটি ওয়াকি টকি সেট ছিনিয়ে নেয় এবং বাস ভবনের দরজা ভাঙ্গার চেষ্টা করে।

১৪। উপ-অধিনায়ক মেজর আবুল কালাম আজাদ, যিনি মাত্র দু-মাস পূর্বে ব্যাটালিয়নে যোগদান করেন, ম্যালেরিয়া জ্বরে আক্রান্ত অবস্থায় এস, আই, কিউ (SIQ) ছিলেন। তিনি ও মেডিক্যাল অফিসার ক্যাপ্টেন মুস্তাফিজুর রহমান উত্তেজিত ও মারমুখী সৈনিকদের আক্রমণাত্মক হামলা, ব্যাটালিয়ন অধিনায়কের সংঙ্গে যোগাযোগহীনতা এবং অধিনায়কের পরিনতি সম্বন্ধে অস্বচ্ছ ধারণায় হতবিহবল হয়ে পড়েন।

১৫। “সিও শ্যাঘ” “হাতিয়ার আন”, “এদেরও শেষ করি”, কোয়ার্টার গার্ড এলাকা থেকে ক্রমাগত পাগলা ঘন্টার আওয়াজ এবং সর্বপরি পরপর তিনটি গুলির শব্দ (যা গুলির নয় পটকার শব্দ ছিল) শুনে উভয় অফিসার সমগ্র পরিস্থিতি সেক্টর অধিনায়ককে জানানোর উদ্দেশ্যে নিজ নিজ বাসভবন ত্যাগ করে পার্শ্ববর্তী নদী পার হয়ে জেলা পুলিশ সুপারের বাসায় যান এবং সেক্টর অধিনায়কের সংঙ্গে বেসামরিক টেলিফোনে যোগাযোগ করেন। সেক্টর অধিনায়কের নিকট থেকে পরিস্থিতি শান্ত জেনে এবং তাঁরই নির্দেশে



উভয় অফিসার ইউনিটে ফিরে আসেন এবং অধিনায়কের সংঙ্গে তাঁর বাসায় সাক্ষাত করেন এবং বিস্তারিত অবহিত হন।

১৬। উপ-অধিনায়ক ও মেডিক্যাল অফিসারের বাসা থেকে উশ্জল ও উত্তেজিত সৈনিকগণ কোয়ার্টার গার্ডের দিকে যায়। প্রশিক্ষণ মাঠ থেকেও কিছু উশ্জল সৈনিক, তাদের সংঙ্গে যোগ দেয়। কোয়ার্টার গার্ডে যাওয়ার পথে তারা ইউনিটের সকল টেলিফোন লাইন বিচ্ছিন্ন করে এবং যোগাযোগ ব্যবস্থা ব্যাহত করে। মেজর মনীষ দেওয়ান বিশ্জলা দমনের জন্য বগুড়া সেনানিবাস থেকে সেনাদল তলব করেছেন এবং ঐ সেনাদল শিঘ্রই তাদের মোকাবিলার জন্য আসছে এই অজুহাতে তারা ‘কোত’ ভেঙ্গে অস্ত্র বের করার চেষ্টা করে। অধিনায়ক মেজর আলম এবং নিয়োগধারী বিভিন্ন পদবীর অফিসার/সৈনিক বৃন্দ যেমন ডিএডি ওয়াহেদ, সুবেদার মেজর মেজবাউল ইসলাম, হাবিলদার মেজর লিয়াকত, ডিউটি জেসিও দেলওয়ার হোসেন, কোয়ার্টার মাস্টার হাবিলদার আব্দুল হাই, ‘আরপি এনসিও’ নায়ক আজিজ প্রমুখ ব্যক্তিবর্গ উত্তেজিত ও উশ্জল সৈনিকদের শান্ত করতে সমর্থ হন এবং শেষ পর্যন্ত কোয়ার্টার গার্ডের ‘কোত’ ভাঙ্গা থেকে রেহাই পায়।

১৭। উশ্জল সৈনিকদের প্রধান দাবী ছিল নায়েক আফজালকে সেক্টর সদর দপ্তর রাজশাহীতে যেতে না দেওয়া। ব্যাটালিয়ন অধিনায়ক মেজর আলম ইউনিটের টেলিফোন লাইন নষ্ট থাকায় কিছুসংখ্যক সৈনিক পরিব্যাপ্ত হয়ে শহরের কোন এক বেসামরিক টেলিফোনে সেক্টর অধিনায়কের সংঙ্গে আলাপ করেন এবং পরিস্থিতি ব্যাখ্যা করে নায়েক আফজালকে ঐ রাতে অর্থাৎ ০১ ডিসেম্বর ৯১ইং তারিখে রাজশাহী না পাঠানোর অনুমতি গ্রহন করেন।

১৮। উত্তেজনা ও বিশৃঙ্খল পরিস্থিতি চলাকালে কোন এক সময় কিছুসংখ্যক সৈনিক ডিএডি ওয়াহিদকে কাঁধে তুলে উল্লাস করে এবং তিনি (ডিএডি ওয়াহিদ)কে তাদের নতুন অধিনায়ক বলে ঘোষণা করে। ডিএডি ওয়াহিদ সৈনিকদের এ কাজে বাধা প্রদান করেন এবং বিব্রত অবস্থায় তাঁকে রেহাই দেওয়ার জন্যে সৈনিকদের বার বার অনুরোধ জানান।

১৯। রাত্রি প্রায় ২১৩০ ঘটিকার সময় পরিস্থিতি শান্ত হয়ে আসে এবং সকল সৈনিক ব্যারাকে ফিরে যায়। অধিনায়ক মেজর আলম টেলিফোন লাইন পুনঃপ্রতিষ্ঠিত করে সেক্টর অধিনায়ককে বিস্তারিত অবহিত করেন।

২০। পরের দিন অর্থাৎ ০২ ডিসেম্বর ৯১ইং তারিখে সেক্টর অধিনায়ক ব্যাটালিয়নে যান এবং দরবার গ্রহন করেন। উপস্থিত সকল স্তরের সৈনিক

বন্দ কৃতকর্মের জন্য অনুতপ্ত হয় এবং কর্তৃপক্ষের অনুকম্পা প্রার্থনা করে।

সেক্টর অধিনায়ক রাজশাহী ফেরার সময় নায়ক আফজালকে সংঙ্গে নিয়ে যান।

২১। নায়ক আফজাল সেক্টর সদর দপ্তরে উন্মুক্ত অবস্থায় নজর বন্দী আছে।

২২। নায়ক আফজালের হাতের লিখার সংঙ্গে প্রচার পত্রের লিখার যথেষ্ট মিল খুঁজে পাওয়া যায়। বিশেষ করে “রক্ত” ও “ভাই” শব্দ দুটির বানান যেভাবে “রক্ত্র” ও “ভায়” হিসাবে প্রচার পত্রে লিখা হয়েছে তা থেকে এর প্রমাণ পাওয়া যায়।

২৩। ঘটনার দিন অর্থাৎ ০১ ডিসেম্বর ৯১ ইং তারিখের অবাধিত ও অপ্রীতিকর পরিস্থিতি সৃষ্টিতে নিম্ন বর্ণিত সৈনিকগণ অত্যন্ত উগ্র, উশৃঙ্খল ও জঘন্য ভূমিকা পালন করেছিল।

ক। ৪০৯৫৯ সিপাহী মোঃ আজিজুর রহমান ১ রাইঃ ব্যাটাঃ

খ। ৪৮৬৫৯ সিপাহী হাফিজুর রহমান ১ রাইঃ ব্যাটাঃ

গ। ৪৯৮৮৭ সিপাহী গোলাম হোসেন ১ রাইঃ ব্যাটাঃ

ঘ। ৪৪১৪৫ সিপাহী জমির আলী ১ রাইঃ ব্যাটাঃ

ঙ। ৪০৯৮২ সিপাহী বাবুল আক্তার মিঞা ১ রাইঃ ব্যাটাঃ

চ।	৪৭২৬১ সিপাহী হুমায়ুন কবির	১ রাইঃ ব্যাটাঃ
ছ।	৫১৩২৯ সিপাহী ইমদাদুল হক	১ রাইঃ ব্যাটাঃ
জ।	৪৬৪৫২ সিপাহী বিদ্যুৎ কুমার মারাফ	১ রাইঃ ব্যাটাঃ
ঝ।	৫২৯৮১ সিপাহী ওয়াহিদুল ইসলাম	১ রাইঃ ব্যাটাঃ
ঞ।	২৩৮০৯ হাবিলদার হাশেম খান	১ রাইঃ ব্যাটাঃ
ট।	২৫২৬৩ নায়ক মীর মাসুদ	১ রাইঃ ব্যাটাঃ
ঠ।	৪৪১০৬ সিপাহী শুভুনাথ দাস	২০ রাইঃ ব্যাটাঃ
ড।	৪৫২২১ সিপাহী সোলায়মান সরদার	২০ রাইঃ ব্যাটাঃ
ঢ।	৪৬৩০০ সিপাহী আব্দুর রহমান	২০ রাইঃ ব্যাটাঃ
ণ।	৫০২৩৯ সিপাহী আব্দুল মালেক	২০ রাইঃ ব্যাটাঃ
ত।	৪৭০৯৭ সিপাহী শাহজাহান আলী	৩১ রাইঃ ব্যাটাঃ
থ।	৪৭৮৫৫ সিপাহী রেজাউল করিম	৩১ রাইঃ ব্যাটাঃ
দ।	৪৫৫২৯ সিপাহী নাজিম উদ্দিন	৩১ রাইঃ ব্যাটাঃ
ধ।	৫২৭৭৪ সিপাহী আলী ইসলাম	৩১ রাইঃ ব্যাটাঃ
ন।	৫৩৫৪৭ সিপাহী আবুল কালাম আজাদ	৩১ রাইঃ ব্যাটাঃ

আদালতের মতামতঃ-

১। ০১ ডিসেম্বর ৯১ইং তারিখ সকালে ১ রাইফেল ব্যাটালিয়ন, নওগাঁ এর ইউনিট এলাকার বিভিন্ন স্থানে আপত্তিকর বক্তব্য সম্বলিত যে পাঁচটি প্রচারপত্র পাওয়া যায় তা ইউনিটেরই কোন সৈনিকের একই হাতের লিখা।

২। বাংলাদেশ রাইফেলস, সদর দপ্তর, পিলখানা, ঢাকা থেকে প্রত্যাগত ব্যাটালিয়ন ড্রিল পার্টির সদস্য নং-২৬২৩৮ নায়ক মোঃ আফজাল হোসেনের হাতের লিখার সংঙ্গে প্রচার পত্রের লিখার যথেষ্ট মিল এবং আদালতে প্রদত্ত বক্তব্য থেকে উৎঘাটিত তথ্যাদি থেকে প্রমানিত হয় যে প্রচার পত্র গুলি নায়ক আফজালেরই হাতের লিখা।

৩। নং-২৬২৩৮ নায়ক আফজালকে সেক্টর সদর দপ্তর, রাজশাহীতে আরো জিজ্ঞাসাবাদের উদ্দেশ্যে নেওয়াকে উপলক্ষ করে ০১ ডিসেম্বর ৯১ইং তারিখ বিকেল ১৭৩০ ঘটিকা থেকে রাত ২১৩০ ঘটিকা পর্যন্ত ইউনিটে অনভিপ্রেত, অবাঞ্ছিত ও উত্তেজনাকর পরিস্থিতি সৃষ্টি তথা ইউনিট অধিনায়কসহ অন্যান্য কর্মকর্তাবৃন্দের সংঙ্গে অশালীন ও উশৃঙ্খল আচরনের মাধ্যমে যে বেআইনী ও শৃঙ্খলা পরিপন্থি কর্মকাণ্ড সংঘটিত করা হয় তার জন্য মূলত নিম্ন বর্ণিত ব্যক্তিবর্গ দায়ী :

ক। ৪০৯৫৯ সিপাহী মোঃ আজিজুর রহমান ১ রাইঃ ব্যাটাঃ

খ। ৪৮৬৫৯ সিপাহী হাফিজুর রহমান ১ রাইঃ ব্যাটাঃ

গ।	৪৯৮৮৭ সিপাহী গোলাম হোসেন	১ রাইঃ ব্যাটাঃ
ঘ।	৪৪১৪৫ সিপাহী জমির আলী	১ রাইঃ ব্যাটাঃ
ঙ।	৪০৯৮২ সিপাহী বাবুল আক্তার মিঞা	১ রাইঃ ব্যাটাঃ
চ।	৪৭২৬১ সিপাহী হুমায়ুন কবির	১ রাইঃ ব্যাটাঃ
ছ।	৫১৩২৯ সিপাহী ইমদাদুল হক	১ রাইঃ ব্যাটাঃ
জ।	৪৬৪৫২ সিপাহী বিদ্যুৎ কুমার মারাফ	১ রাইঃ ব্যাটাঃ
ঝ।	৫২৯৮১ সিপাহী ওয়াহিদুল ইসলাম	১ রাইঃ ব্যাটাঃ
ঞ।	২৩৮০৯ হাবিলদার হাশেম খান	১ রাইঃ ব্যাটাঃ
ট।	২৫২৬৩ নায়েক মীর মাসুদ	১ রাইঃ ব্যাটাঃ
ঠ।	৪৪১০৬ সিপাহী শুভুনাথ দাস	২০ রাইঃ ব্যাটাঃ
ড।	৪৫২২১ সিপাহী সোলায়মান সরদার	২০ রাইঃ ব্যাটাঃ
ঢ।	৪৬৩০০ সিপাহী আব্দুর রহমান	২০ রাইঃ ব্যাটাঃ
ণ।	৫০২৩৯ সিপাহী আব্দুল মালেক	২০ রাইঃ ব্যাটাঃ
ত।	৪৭০৯৭ সিপাহী শাহজাহান আলী	৩১ রাইঃ ব্যাটাঃ
থ।	৪৭৮৫৫ সিপাহী রেজাউল করিম	৩১ রাইঃ ব্যাটাঃ
দ।	৪৫৫২৯ সিপাহী নাজিম উদ্দিন	৩১ রাইঃ ব্যাটাঃ
ধ।	৫২৭৭৪ সিপাহী আলী ইসলাম	৩১ রাইঃ ব্যাটাঃ

ন। ৫৩৫৪৭ সিপাহী আবুল কালাম আজাদ ৩১ রাইঃ ব্যাটাঃ

৪। উদ্ধৃত পরিস্থিতি মোকাবেলায় ব্যাটালিয়ন অধিনায়ক বিএসএস-১১৬২ মেজর খায়রুল আলম সাহসিকতা, দৃঢ়চিত্ততা ও কর্তব্যপরায়নতার উজ্জল দৃষ্টান্ত স্থাপন করেছেন। তাঁর সময়োচিত ও সঠিক পদক্ষেপ পরিস্থিতির সম্ভাব্য গুরুতর অবনতি রোধে সাহায্য করেছে।

৫। অসুস্থতা (ম্যালেরিয়া জ্বরের কারণে ক্লোরোকুইন আই,ভি ড্রপ চলছিল) ঘটনার আকস্মিকতা, ৭০/৮০ জন উন্মত্ত ও উত্তেজিত মারমুখী সৈনিকের আক্রমণাত্মক হামলা, অধিনায়কের সাথে যোগাযোগ হীনতা এবং সর্বপরি তার (অধিনায়কের) পরিনতি সম্বন্ধে অস্বচ্ছ ধারণা ব্যাটালিয়ন উপ-অধিনায়ক বিএ-২৪৮৯ মেজর আবুল কালাম আজাদকে ইউনিটের পরিস্থিতি সম্পর্কে অবহতি তথা পরিস্থিতি নিয়ন্ত্রনে সেক্টর অধিনায়কের হস্তক্ষেপ কামনার উদ্দেশ্যে নিজ বাসভবন ত্যাগ করে নিকটস্থ যোগাযোগ ব্যবস্থার সন্ধানে জেলা পুলিশ সুপারের বাসায় যেতে উদ্বুদ্ধ করেছিল।

৬। রেজিমেন্টাল মেডিক্যাল অফিসার বিএসএস-১০০৫৭০ ক্যাপ্টেন মোঃ মোস্তাফিজুর রহমান ঘটনার দিন প্রথম থেকে শেষ পর্যন্ত ব্যাটালিয়ন উপ-অধিনায়ক মেজর আবুল কালাম আজাদের সংঙ্গে ছিলেন। তাঁর সকল

কর্মকান্ড মেজর আবুল কালাম আজাদের পরামর্শ/নির্দেশেই নিয়ন্ত্রিত হয়েছে।

৭। ব্যাটালিয়নের সংঙ্গে বাইরের যোগাযোগ-হীনতা এবং ক্রমাবনতিশীল পরিস্থিতি নিয়ন্ত্রনে তার হস্তক্ষেপ শুভ ফল বয়ে আনবেনা ভেবে বিএ-১১৫২ মেজর মনীষ দেওয়ান পরিস্থিতি সম্পর্কে সেক্টর অধিনায়ককে অবহিত করার উদ্দেশ্যে ব্যাটালিয়ন রেজ্ট হাউস ত্যাগ করে তাঁর পূর্ব পরিচিত নওগাঁ এর জেলা প্রশাসকের সংঙ্গে যোগাযোগ করেছিলেন।

৮। উত্তেজনাকর ও বিশৃঙ্খল পরিস্থিতি নিয়ন্ত্রনে ব্যাটালিয়ন কোয়ার্টার মাস্টার আর,ডি,ও-৭০ ডিএডি মোঃ ওয়াহিদুল ইসলাম আশা ব্যাধক সাড়া প্রদানে ব্যর্থ হয়েছেন।

আদালতের সুপারিশঃ-

১। আপত্তিকর বক্তব্য সম্বলিত প্রচারপত্র লিখে সৈনিকদের মাঝে অসন্তোষ, বিদ্বেষ ও বিশৃঙ্খলা সৃষ্টির দায়ে দোষী নং-২৬২৩৮ নায়েক মোঃ আফজাল হোসেনের বিরুদ্ধে শৃঙ্খলামূলক ব্যবস্থা (Disciplinary Action) গ্রহন করা হোক।

২। ০১ ডিসেম্বর ৯১ইং তারিখ বিকেল ১৭৩০ ঘটিকা থেকে রাত ২১৩০ ঘটিকা পর্যন্ত সময়কালে ১ রাইফেল ব্যাটালিয়ন নওগাঁতে অবাধিত,



অনভিপ্রেত ও উদ্বেজনাকর পরিস্থিতি সৃষ্টি, ব্যাটালিয়ন অধিনায়কসহ অন্যান্য কর্মকর্তাদের সংঙ্গে অশালীন ও উশৃঙ্খল আচরন, টেলিফোন সেট ভাঙ্গাসহ ইউনিটের টেলিফোন লাইন বিনষ্টের মাধ্যমে সরকারী সম্পত্তির ক্ষতিসাধন এবং সর্বপরি প্রচলিত আইন ও শৃঙ্খলা পরিপন্থি কর্মকাণ্ড সংঘটনের দায়ে নিম্ন বর্ণিত সৈনিক বৃন্দের বিরুদ্ধে শৃঙ্খলামূলক ব্যবস্থা (Disciplinary Action) গ্রহন করা হোক।

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|----|----------------------------------|----------------|
| ক। | ৪০৯৫৯ সিপাহী মোঃ আজিজুর রহমান    | ১ রাইঃ ব্যাটাঃ |
| খ। | ৪৮৬৫৯ সিপাহী হাফিজুর রহমান       | ১ রাইঃ ব্যাটাঃ |
| গ। | ৪৯৮৮৭ সিপাহী গোলাম হোসেন         | ১ রাইঃ ব্যাটাঃ |
| ঘ। | ৪৪১৪৫ সিপাহী জমির আলী            | ১ রাইঃ ব্যাটাঃ |
| ঙ। | ৪০৯৮২ সিপাহী বাবুল আজ্জার মিয়া  | ১ রাইঃ ব্যাটাঃ |
| চ। | ৪৭২৬১ সিপাহী হুমায়ুন কবির       | ১ রাইঃ ব্যাটাঃ |
| ছ। | ৫১৩২৯ সিপাহী ইমদাদুল হক          | ১ রাইঃ ব্যাটাঃ |
| জ। | ৪৬৪৫২ সিপাহী বিদ্যুৎ কুমার মারাফ | ১ রাইঃ ব্যাটাঃ |
| ঝ। | ৫২৯৮১ সিপাহী ওয়াহিদুল ইসলাম     | ১ রাইঃ ব্যাটাঃ |
| ঞ। | ২৩৮০৯ হাবিলদার হাশেম খান         | ১ রাইঃ ব্যাটাঃ |
| ট। | ২৫২৬৩ নায়েক মীর মাসুদ           | ১ রাইঃ ব্যাটাঃ |

- ঠ। ৪৪১০৬ সিপাহী শুভুনাথ দাস ২০ রাইঃ ব্যাটাঃ
- ড। ৪৫২২১ সিপাহী সোলায়মান ২০ রাইঃ ব্যাটাঃ
- ঢ। ৪৬৩০০ সিপাহী আব্দুর রহমান ২০ রাইঃ ব্যাটাঃ
- ণ। ৫০২৩৯ সিপাহী আব্দুল মালেক ২০ রাইঃ ব্যাটাঃ
- ত। ৪৭০৯৭ সিপাহী শাহজাহান আলী ৩১ রাইঃ ব্যাটাঃ
- থ। ৪৭৮৫৫ সিপাহী রেজাউল করিম ৩১ রাইঃ ব্যাটাঃ
- দ। ৪৫৫২৯ সিপাহী নাজিম উদ্দিন ৩১ রাইঃ ব্যাটাঃ
- ধ। ৫২৭৭৪ সিপাহী আলী ইসলাম ৩১ রাইঃ ব্যাটাঃ
- ন। ৫৩৫৪৭ সিপাহী আবুল কালাম আজাদ ৩১ রাইঃ ব্যাটাঃ
- ৩। সাহসী, সঠিক ও সময়োচিত পদক্ষেপ গ্রহণের মাধ্যমে উদ্ভূত পরিস্থিতি কার্যকর ভাবে মোকাবিলা, নিয়ন্ত্রন এবং এর সম্ভাব্য গুরুতর পরিনতি রোধে সমর্থতার জন্য ব্যাটালিয়ন অধিনায়ক বিএসএস-১১৬২ মেজর খায়রুল আলমকে প্রশংসিত করা হোক।
- ৪। ব্যাটালিয়ন উপ-অধিনায়ক বিএ-২৪৮৯ মেজর আবুল কালাম আজাদ ও কোয়ার্টার মাস্টার আর,ডি,ও-৭০ ডিএডি মোঃ ওয়াহিদুল ইসলামকে অনতিবিলম্বে প্রশাসনিক ব্যবস্থা হিসাবে অন্যত্র বদলী করা হোক।

৫। টেলিফোন সেট ও টেলিফোন তার বিনষ্ট কারীদের যেহেতু নির্ভুলভাবে সনাক্ত করা সম্ভব হয়নি সেহেতু এ বাবদ সরকারী সম্পত্তির ক্ষতি মোট ৩০০০/- (তিন হাজার) টাকা (টেলিফোন সেট-২৬০০/- টিএ্যাভটি কতৃক নির্ধারিত এবং টেলিফোন তার নষ্ট বাবদ আনুমানিক ৪০০/-) রাষ্ট্র কর্তৃক বহন করা হোক।

সভাপতিঃ

স্বাক্ষর অস্পষ্ট

(বিএ-১০০১১৮ কর্ণেল মনজুর আহমেদ  
মোলগা)

সদস্যঃ

১। স্বাক্ষর অস্পষ্ট  
(বিএ-৩৪৮ লেঃ কর্ণেল মোঃ ইউনুস খান)

২। স্বাক্ষর অস্পষ্ট  
(বিএ-২৬২৪ মেজর হোসেন সোহেল  
শাহনেওয়াজ)

৩। স্বাক্ষর অস্পষ্ট  
(আরডিও-৫৪ ডিএডি মোঃ আজিজুর রহমান)

It may be mentioned that in 1991, the BDR members were regulated by the Bangladesh Rifles Order, 1972. As per Article 4(3) of the Bangladesh Rifles Order, 1972, the BDR force shall be a discipline force within the meaning of Article 152 of the constitution of the Peoples Republic of Bangladesh. Article 10A(1) of the Bangladesh Rifles Order, 1972 contemplates as under:- A Subordinate officer or a Rifleman or a Signalman who...

(a) begins, excites, causes or joins in any mutiny or sedition or, being present at any mutiny or sedition does not make his utmost endeavours to suppress it, or knowing, or, having reason to believe in the existence of any mutiny or sedition, does not, without delay, give information thereof to his Commanding Officer or superior officer, or

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty; or

(c) abandons or delivers up any garrison, fortress, post or guard or wireless station which is committed to his charge or which it is his duty to defend; or

(d) in the presence of an enemy or any person in arms against whom it is his duty to act, casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other subordinate officer or Rifleman or Signalmen to abstain from acting against the enemy, or any such person, or to discourage any such subordinate officer or Rifleman or

Signalman from acting against the enemy or such person, or who otherwise misbehaves; or

(e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any enemy or person in arms against the State, or omits to discover immediately to his Commanding Officer or superior officer any such correspondence or communication coming to his Knowledge; or

(f) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects any enemy or person in arms against the state; or

(g) without authority leaves his Commanding Officers, or his post or party, to go in search or plunder, or

(h) quits his guard, picket, party or patrol without being regularly relieved or without leave;

or

(i) uses criminal force to, or commits and assault on, any person bringing provision or other necessaries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property or any kind; or

(j) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall, on conviction by the Special Court, be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine which may extend to Taka one hundred.

It is worthwhile to mention that in 1991, some unruly BDR soldiers of 1 Rifle Battalion, Naogaon

published and distributed leaflets among the BDR soldiers with a view to removing the army officers from the BDR, made dissatisfaction and excitement among the BDR soldiers against the army officers making adverse comments, raised a hue and cry and assaulted the Commanding Officer (CO) and other army officers and their family members, attacked the residences of army officers and the rest house, tried to break open the Kote and loot the arms and ammunitions and damaged the government properties by which the BDR soldiers of 1 Rifle Battalion, Naogaon committed mutiny which was punishable under order 10A(1) of the Bangladesh Rifles Order, 1972. Despite the aforesaid provisions of law, the then government in 1991 miserably failed to try the BDR soldiers who committed mutiny under order 10A(1) of the Bangladesh Rifles Order, 1972. If the



then government in 1991 would take decision to try the BDR soldiers of 1 Rifle Battalion, Naogaon under the existing law of the then time, the occurrence as to brutal killings and barbarous massacres happened on 25 and 26 February 2009 at Pilkhana would never be happened and repeated once again. It will not be out of place to mention that the Bangladesh Rifles Order, 1972 has been abrogated as soon as the Border Guard Bangladesh Ain, 2010 came into force from 10<sup>th</sup> December 2010. From the aforesaid facts and circumstances of the case, it is crystal clear that the BDR members in order to eliminate the army officers from the BDR started making conspiracy from 1991 and it was their initial plan and design as to conspiracy to overthrow the army officers from the BDR.

Further, the conspiracy of the BDR rebels in order to eliminate the army officers from the BDR has

also been reflected in the confessional statement of **No.56942 Sepoy Md. Habibur Rahman CS accused No.26** who has stated, inter alia, that on 16.10.2005 he joined in 44 Rifle Battalion at Pilkhana. One and a half years before the BDR carnage at Pilkhana, this accused happened to meet Sepoy Selim in the afternoon in front of the soldiers line. On meeting, Sepoy Selim told him about the appointment of their own officers in the BDR removing the army officers. Sepoy Selim further told him that he had talked with an advocate in that regard and it would require a lot of money to implement the same. In reply, this accused told Sepoy Selim that if he talked that sort of speeches, his service might have been terminated. From the aforesaid confessional statement, it is crystal clear that the BDR rebels were involved in conspiracy

to uproot the army officers from the BDR long before the occurrence.

With regard to the conspiracy, the confessional statement of **No.71318 Sepoy Md. Ziaul Haque CS accused No.27**, indicates that about six months before the occurrence at Pilkhana, this accused happened to meet Sepoy Selim Reza of 44 Rifle Battalion, who told him, ‘would they not go to the mission and would they not need their own officers in BDR?’ At that time Sepoy Mehedi was present at that place. However, on 01.02.2009, this accused was appointed as guard at DG Bungalow. The aforesaid confessional statement suggests that the BDR rebels were involved in the conspiracy to remove the army officers from the BDR force.

As far as the conspiracy, the confessional statement of **No.73929 Sepoy Md. Abdul Motin CS**

**accused No.12** of 44 Rifle Battalion, speaks out that about five/six months before the occurrence at Pilkhana, the BDR soldiers of 44 Rifle Battalion used to talk about the money of operation Dal-Vhat. This accused got nine thousand taka from the Dal-Vhat programme. The BDR soldiers present over there were engaged in conversation with each other that each of the BDR soldiers was supposed to get 30/35 thousand taka from the Dal-Vhat programme.

From the confessional statement of **No.65707 Sepoy Md. Emran Chowdhury CS accused No.34** of 24 Rifle Battalion, it appears that this accused would know that there were implied grievances and dissatisfactions in between the army officers in BDR and the BDR soldiers over 100% ration facilities, time scale, leave for two months, appointment of the own officers like cadre services, increase of border

allowances, opportunity to participate in foreign missions, equal salary scale with that of the army soldiers and dividends accrued from the operation Dal-Vhat programmes.

It appears from the confessional statement of **No.58078 Sepoy Sheikh Md. Ayub Ali CS accused No.38** of 16 Rifle Battalion attached with Sadar Rifle Battalion that this accused was the runner of Brigadier General SM Golam Rabbani, DDG and on that advantage he was introduced with one Zakir Hossain, the owner of prime coaching centre. After retirement of Brigadier General SM Golam Rabbani, DDG, he was attached with Sadar Rifle Battalion giving posting thereto. Before the National Parliamentary election in 2008, the aforesaid Zakir Hossain carried out election campaign among this accused and others and told that if the Awami League went to the power, an

opportunity to get time scale of BDR soldiers for a period of eight years, to get 100% ration facilities and to go to the foreign missions would be created.

It stems out from the confessional statement of **No.63907 Sepoy Md. Selim Reza CS accused No.6** of 44 Rifle Battalion that this accused was in service as clerk at E company of 44 Rifle Battalion. He would know about every soldier of E company. He would notice that the BDR soldiers used to discuss about their grievances and demands. The demands among others were to give opportunity to go to the UN missions, to provide 100% ration facilities from 60% ration facilities to the BDR soldiers, to make appointment of their own officers through BCS examination, to increase border allowances from taka 260, to enact law for the BDR soldiers like the PRB of police, not to depute the army officers in BDR forces,

to give promotion according to their qualifications and performances and to remove the discrimination with regard to the salaries etc. In 1991 the BDR soldiers committed a mutiny for materializing their demands and for that reasons, the services of many BDR soldiers were terminated. In the month of January, 2009, the Hon'ble Home Minister and the State Minister visited BDR Headquarters. After 2/1 days, Sepoy Moin of 13 Rifle Battalion informed this accused that Colonel Anisuzzaman, Director (Administration) presented the demands of the BDR soldiers to the Hon'ble Ministers comparing their facilities with that of the facilities of police. Keeping apart the demands of BDR soldiers, the army officers only apprised the Hon'ble Ministers of their family residences, vehicles and necessary arms and ammunitions. DG BDR did not submit the demands of

the BDR soldiers to the Hon'ble Ministers. For those reasons, an implied dissatisfactions and excitements prevailed among the BDR soldiers. The Hon'ble Ministers were requested by the BDR authority to increase the facilities of the army officers only but they were not requested to fulfil the demands of the BDR soldiers.

It is apparent from the confessional statement of **RDO-153 DAD Mirza Habibur Rahman CS accused No.3**, that he was DAD and in charge of quarter master of 13 Rifle Battalion, BDR Headquarters at Pilkhana. The BDR soldiers used to discuss and talk about their grievances and demands on 100% ration facilities, removal of discrimination of their salaries, increase of border allowances, opportunity to go to the foreign missions and appointment of their own officers. It is palpable from



the aforesaid confessional statements that the BDR soldiers were dissatisfied with the army officers for the reasons stated above and they were making plans for implementing their evil designs to overthrow the army officers from the BDR.

It is manifest from the confessional statement of **No.46194 Havildar Assistant Md. Moniruzzaman, CS accused No.29** of records wing that this accused was in service as Havildar clerk at Headquarters records wing. Before the parliamentary election in 2008, one Zakir Hossain, a civilian would work for parliamentary election on behalf of Barrister Mr. Fazle Noor Tapash PW575. One day Zakir Hossain took this accused and other BDR soldiers to the office of Barrister Mr. Fazle Noor Tapash and introduced them with him. On that day this accused along with Naik Mahbub, Lance Naik clerk Lutfur and Sepoy Tareque

with 2/1 BDR soldiers went there. Going thereat, they discussed with Barrister Mr. Fazle Noor Tapash PW 575 about their different demands such as 100% ration facilities, participation in UN missions, increase of border allowances, introduction of defence allowances and appointment of their own officers through BCS examination and requested him to keep eyes on these matters. Barrister Mr. Fazle Noor Tapash requested them to work for him assuring that he would see the matters if they went to the power.

It may be mentioned that as many as 538 accused made 164 statements involving themselves with the commission of offences as well as disclosing their grievances and dissatisfactions over the army officers. Going through the 164 statement given by Sepoy Md. Selim Reza, we find that the BDR members submitted as many as 55 demands to the APS of the then Home

Minister as they could not meet the then Home Minister Mrs. Sahara Khatun. Some of the demands were as follows:-

- I. to give opportunity to participate in UN peace mission programmes .
- II. to increase ration facilities from 60% to 100%.
- III. to appoint their own officers through BCS examination.
- IV. to increase border allowances.
- V. to enact law like the police.
- VI. not to bring any army officer in BDR.
- VII. to give promotion considering their qualifications and performances.
- VIII. to remove the discrimination with regard to their salaries.

Some of the grievances and dissatisfaction of the BDR members were as under:-

- I. that the BDR members made a revolt at Pilkhana in 1991 for realization of their demands as a result of which many BDR members were terminated from their service.
- II. that many BDR members were engaged in operation Dal-Vhat programme but proper payments were not made to them rather the army officers in BDR took their signature in blank bills and for those reasons, a huge dissatisfaction and excitement was prevailing in the minds of BDR members.
- III. that many BDR members were punished to suffer imprisonment and many of them

were reverted to lower rank for not giving proper weight of rice and oil to the customers.

IV. that the BDR members engaged in operation Dal-Vhat programme would not get the sack of rice and the container of soyabean oil in proper weight but they had to give payment for the full amount of rice and soyabean oil as a result of which they would not give proper weight of rice and oil to the customers but the army officers in BDR did not try to understand the aforesaid facts and circumstances of the BDR members, for which the BDR members were very dissatisfied with the army officers in BDR.

However, the BDR members in order to materialize their demands went to **PW 575 Barrister Fazle Noor Tapash** and exchanged their views with aforesaid matters, which are evident from the evidence given by **PW 575 Barrister Mr. Fazle Noor Tapash, MP** who has stated in his evidence that he is the member of parliament from constituency No. 12 in Dhaka. He started his election campaign having nominated from Awami League in 2008. His election office was at road No.32 (old) at Dhanmondi. During the election campaign in November of 2008 some civil uniformed persons came to his election office and introduced themselves as the members of BDR as well as voters of his election area. In the context of election discussions they told him to inform about their grievances to the people's leader Sheikh Hasina regarding their 100% ration facilities, promotion and

going abroad in mission and then he assured them to apprise the people's leader Sheikh Hasina of those grievances. Accordingly, he informed the people's leader of their grievances. In the middle of December some BDR members under the leadership of Zakir came to him again and then **PW 575 Barrister Fazle Noor Tapash** told them that he had already informed the people's leader of their grievances. On the date of election on 29.12.2008 he inspected the vote centres of his election area. On that day he went to Hazaribag area through gate No.2 of the Pilkhana. He inspected the vote centres inside the Pilkhana and while he was there the BDR members again placed their charters of demands to him.

From the aforesaid evidence it is clear that the BDR members along with one Jakir Hossain, son of former BDR Subedar Kanchan Ali being members of

a discipline force went to **PW 575 Barrister Sheikh Fazle Noor Tapash** with a view to implementing and materializing their demands behind the back of the authority in a clandestine manner violating the laws and rules of the discipline force. It appears that the initial conspiracy to kill the army officers and to defy the authority of the army officers were started in the year of 1991 and 2008 which transpires from the aforesaid evidence of **PW 575** and the confessional statements of the accused.

As regards the conspiracy, it is evident from the confessional statement of **No.47474 Lance Naik Md. Ekramul Islam, CS accused No.35** that after holding parliamentary election in 2008, 2/3 days after the election, this accused along with Sepoy Selim Reza of 44 Rifle Battalion and 3 other BDR soldiers assembled in the field of Basketball and talked with each other



about their different demands. The discussions over their grievances and demands were started immediately after Maghreb prayer. Upon holding discussions, they came to a conclusion that their grievances with regard to 100% ration facilities, time scale, border allowances and others should be intimated to the local MP Mr. Fazle Noor Tapash. After 3/4 days, Sepoy Selim informed this accused that MP Mr. Fazle Noor Tapash had been informed of their grievances. After 4/5 days Sepoy Selim again informed this accused that MP Mr. Fazle Noor Tapash could not address their grievances. The confessional statement made by **No.47474 Lance Naik Md. Ekramul Islam, CS accused No.35** has been supported and corroborated by the confessional statement given by **No.47474 Lance Naik Md. Ekramul Islam CS accused No.35**.

It appears from the confessional statement of **RDO-153 DAD Mirza Habibur Rahman CS** accused No.3 that 2/1 days after coming to power by Awami league government, this accused was at his office. At 11:00 a.m, Sepoy Moin, regimental clerk of 13 Rifle Battalion came to this accused and told him that despite many good reasons, their demands were not being fulfilled and for those reasons, they were making communication with the Ministers and MPs. Being senior officer, he had to go with them. This accused assured him of going with them. Firstly they asked him to go to local MP Mr. Fazle Noor Tapash but he could not go because of his pre-occupation. Apart from that, the newly elected MP Mr. Fazle Noor Tapash did not give any emphasis on the demands of the BDR soldiers.

It is visible from the confessional statement of **No.46194 Havildar Assistant Khandaker Moniruzzaman CS accused No.29** that 15/20 days after election, this accused and others again went to the residence of MP Mr. Fazle Noor Tapash but they could not meet him on that day. The maternal uncle of MP Mr. Fazle Noor Tapash suggested them to place their problems in black and white. After 3/4 days this accused handed over a written copy to one Zakir writing their problems therein.

The conspiracy against the army officers was gradually developed to eliminate them from the BDR with the passage of time as a result of which the BDR rebels started talking about their demands with different persons and the same are evident from the evidence of **PW 343 Sultanul Mohakkakin Babu alias S.M. Babu** who has stated in his deposition that

at the relevant time he was the journalist of ATN Bangla. For that reason, on 06.2.2009 one Sepoy Selim Reza talked with him over cell phone No.01190803305. He made a phone call for talking about the demands of BDR members. **PW 343, Sultanul Mohakkakin Babu alias S.M. Babu** gave him time to come to his office in the afternoon of 15.02.2009. Sepoy Selim Reza and another came to his ATN Bangla office. At that time, Sepoy Selim Reza showed some leaflets and some torn notes of monies having laminated. He told that those torn notes of monies were of Dal-Vhat programme. The BDR officers took the original money in exchange of fake money. **PW 343, Sultanul Mohakkakin Babu alias S.M. Babu** kept the torn notes of monies along with leaflets containing the demands of the BDR members. Then he told Sepoy Selim Reza and another that for

reporting, both the parties should be heard. **PW 343, Sultanul Mohakkakin Babu alias S.M. Babu** further told them that for broadcasting news, their interviews were also needed. On hearing the same, they went away from his office. Subsequently, they talked with him over the cell phone. On 23.02.2009, Sepoy Selim Reza again talked with him over cell phone and requested him to publish the report before 24.02.2009 so that their purposes would be served. Then **PW 343, Sultanul Mohakkakin Babu alias S.M. Babu** told them that since the Hon'ble Prime Minister was coming to the program, their purposes would be best served if they informed the Hon'ble Prime Minister of their demands. In the morning of 25.02.2009, hearing of chaotic situation, **PW 343, Sultanul Mohakkakin Babu alias S.M. Babu** made a phone call at the cell phone number of Sepoy Selim Reza but he did not

receive the same. At around 11:00 a.m, Sepoy Selim Reza talked with him over cell phone and informed him of the incident but he did not disclose the true story. The TV authority broadcast the conversations held between him and Selim Reza in every hour's news. On 26.02.2009 and 27.02.2009, he had also a talk with Sepoy Selim Reza. He got information that Selim Reza was involved in the killing. For the first time, the ATN Bangla broadcast about the dead body found at Kamrangirchar.

From the aforesaid evidence, it stems out that Sepoy Selim Reza and another went to ATN Bangla office to meet the **PW 343** for discussion on the monies involved in Dal-Vhat programme. They also requested him to publish a report on the demands of BDR members showing him some leaflets and torn monies which were allegedly given to them by the

army officers. They also expressed grudge against the army officers and requested him to broadcast the news over the issues in the television. It is also a part of conspiracy as the BDR members behind the back of the authority made contact with **PW 343** for materializing their demands. The BDR soldiers being the members of discipline force defying the authority and command of the higher authority as well as violating the laws and rules of the discipline force made contact with **PW 343 Sultanul Mohakkakin Babu alias S.M. Babu**, which shows that the BDR soldiers in order to fulfil their demands were involved in secret conspiracy with a evil design to uproot the authority and command of the army officers from BDR.

As a part of conspiracy and in the garb of realizing demands, on 13.02.2009, the BDR rebels

namely DAD Jalil, DAD Habib, Sepoy Selim, Sepoy Moin, Sepoy Tareq and Sepoy Ayub went to the residence of **PW 345 Sheikh Fazlul Karim Selim, MP** who has stated in his evidence that on 13.02.2009 the local people met him coming to his residence. At that time 6/7 persons took their seats in front of him and they introduced themselves as the BDR members. They introduced themselves as DAD Jalil, DAD Habib, Sepoy Selim, Sepoy Moin, Sepoy Tareq and Sepoy Ayub. They wanted to say about their grievances to him. **PW 345 Sk. Fazlul Karim Selim, MP** told the BDR members to place their charters of demands to the Ministry of Home. They told him about their problems on ration, vehicle and going to mission. They also told about their problems including the admission of their children to the school and college. Thereafter, **PW 345 Sk. Fazlul Karim Selim,**



**MP** told them to submit their charters of demands in black and white, otherwise those would not remain in his memory. Thereafter, the BDR members went away from that place.

With regard to the conspiracy of the BDR rebels, **PW 634 Advocate Sahara Khatun, MP** and former Home Minister has stated in her evidence that after the occurrence she came to know that some BDR rebels went to her government residence to meet her but they could not meet.

In order to fulfil their demands, the story of going of the BDR rebels to **PW575 Barrister Mr. Fazle Noor Tapash, MP, PW 345, Mr. Sk. Fazlul Karim Selim, MP and PW 634 Advocate Sahara Khatun, MP and Hon'ble Home Minister**, has been supported and corroborated by the confessional statement of **No. 63907 Sepoy Md. Selim Reza CS accused No.6** who

has categorically stated in his confession that on 13.02.2009 at 12.00 noon Lance Naik Shahab Uddin of E Company of 44 Rifle Battalion informed this accused that in order to talk with regard to the demands of BDR members, they would go to the residences of Mr. Sheikh Fazle Noor Tapash MP and Mr. Sheikh Fazlul Karim Selim MP and for that reason he requested him to remain at the ground floor of Japan Bangladesh Hospital at 7:00 a.m near gate No.4 of Pilkhana. Subsequently, he informed that matter to Sepoy Moin, Sepoy RP Reza and Sepoy Kazol. On that day, that is, on 13.02.2009 after roll call at 7:30 p.m, this accused went to the ground floor of Japan Bangladesh Hospital at around 8:00 p.m. After his arrival, Sepoy Moin, Sepoy Rubel, Sepoy Shahadat, Havildar Monir, Lance Naik Shahab Uddin, Lance Naik Ekram, Lance Naik Tareq, Sepoy Ayub,

Sepoy Mehedi, Sepoy Sajjad, Sepoy Kazol, Sepoy RP Rezaul and Zakir, son of BDR Subedar Kanchan Ali, the owner of prime coaching centre came thereat. Before going there, Havildar Monir of Records Wing composed the leaflets with regard to their demands in computer at prime coaching centre of Zakir and then the BDR members reached the residence of Mr. Sheikh Fazlul Karim Selim MP at Bonani. Going to the drawing room of Mr. Sheikh Fazlul Karim Selim MP, this accused came to see DAD Habib and DAD Jalil and other BDR members sitting therein. All the BDR members discussed their demands with Mr. Sheikh Fazlul Karim Selim MP. First of all Sepoy Ayub of Sadar Rifle Battalion spoke about their demands. Thereafter DAD Habib and DAD Jalil spoke about their demands to Mr. Sheikh Fazlul Karim Selim MP. Thereafter Sepoy Ayub Handed over a

charter of demands along with a leaflet to Mr. Sheikh Fazlul Karim Selim MP. Looking at the same, Mr. Sheikh Fazlul Karim Selim MP put his hands on his head and told that it was not possible to implement the demands of the BDR members and apart from that it was not his responsibility to look into the demands rather it was the affairs of the Ministry of Home Affairs to see the same. Mr. Sheikh Fazlul Karim Selim MP asked them to make communication with the Hon'ble Home Minister and assured them of handing over the written charters of demands to the appropriate authority. Thereafter Sepoy Ayub told Mr. Sheikh Fazlul Karim Selim MP that if their demands are not fulfilled, then they themselves would take necessary steps in that regard. Hearing such speeches, Mr. Sheikh Fazlul Karim Selim MP became very angry. Then they came to Pilkhana under the

leadership of DAD Habib and DAD Jalil. On 15.02.2009, this accused and others namely Kazol, Moin, Rezaul, Rubel and Shahadat making communication with each other over mobile phone decided that they would go to the Home Minister for making discussion regarding their demands. In that regard, Sepoy Moin talked with DAD Habib and DAD Jalil. According to the plan, on 15.02.2009 after roll call at 7:30 p.m, the BDR members went to chamber of Home Minister at Hotel Imperial at Tejkunipara at 9:00 p.m riding on the vehicle of DAD Habib. DAD Jalil, DAD Habib, Sepoy Moin account clerk of 13 Rifle Battalion, Sepoy Kazol D company of 44 Rifle Battalion, Sepoy Shahadat of 13 Rifle Battalion, Sepoy Rubel, runner of DAD Habib, Sepoy Hasibul of 44 Rifle Battalion, Sepoy Rezaul of 13 Rifle Battalion @ central RP Rezaul, Sepoy Rafiqul of 44 Rifle

Battalion, Sepoy Ayub of Sadar Rifle Battalion, Sepoy Sajjad of 13 Rifle Battalion, driver of DAD Habib of 13 Rifle Battalion and this accused went there. Going thereat, the BDR members did not find the Home Minister. Taking phone number from that chamber, Sepoy Rezaul talked with the Minister over mobile phone. The Minister informed him that she was busy with a party at the residence of one Minister and for that reason she requested him to come in the next day at the evening. Thereafter, in the next day, the BDR members went to the government residence of Home Minister at Baily road but the police on duty at the gate of Home Minister informed them that the Minister would not meet anyone on that day. Then all the BDR members came back to Pilkhana. Subsequently the BDR members namely Sepoy Moin, Sepoy Rezaul, Sepoy Ayub, Sepoy Kazol and this

accused under the leadership of DAD Habib and DAD Jalil went to the residence of the Hon'ble Home Minister several days in order to meet and talk with her regarding their demands, but they could not meet her. Then the BDR members talked with Mosharaf Hossain, APS to the Hon'ble Home Minister and handed over a charter of 55 demands to him and requested him to show the same to the Hon'ble Home Minister. The aforesaid facts have been supported and corroborated by the confessional statements of **RDO-153 DAD Mirza Habibur Rahman CS accused No.3, RDO-165 DAD Abdul Jalil CS accused No.5 and No-63922 Sepoy Kazol Ali CS accused No.11.**

After going to the residence of Hon'ble Home Minister and MPs for several times, the BDR members without waiting for the outcome of the decision from the Hon'ble Home Minister and MPs

further made communication with each other for implementation of their demands from 22.02.2009. As per confession of **Sepoy Md. Kazol Ali**, on 22.02.2009 accused **Sepoy Md. Kazol Ali CS accused No.11** went to bring medicine from the hospital, he happened to meet Sepoy Moin there. On meeting Sepoy Moin told Sepoy Md. Kazol Ali to meet him at his office. When Sepoy Md. Kazol Ali met Sepoy Moin at his office, Sepoy Moin told him that they could not do anything making communication with the Hon'ble Home Minister and the MPs. Now they had to distribute leaflets. Sepoy Moin told Sepoy Md. Kazol Ali that he would compose and distribute the leaflets. Thereafter Sepoy Md. Kazol Ali came back there from. On 23.02.2009 at around 8:00 p.m Sepoy Selim came to Sepoy Md. Kazol Ali and then they went to the field of 44 Rifle



Battalion. Taking mobile from Sepoy Md. Kazol Ali, Sepoy Selim talked with the Hon'ble Home Minister using his mobile sim. Sepoy Selim told the Hon'ble Home Minister that what were being brought by her for the BDR members on the occasion of BDR week. The Hon'ble Home Minister replied that Hon'ble Prime Minister would come and Hon'ble Prime Minister would have spoken in that regard. The aforesaid factual aspect has been supported and corroborated by the confessional statement of **Sepoy Selim Reza CS accused No.6** who has stated in his confession that on 23.02.2009 at around 9:00 p.m, he made a phone call to the Hon'ble Home Minister putting extra grameen sim to the mobile of Sepoy Kazol. Sepoy Selim Reza gave salam (salutation) to the Hon'ble Home Minister, introduced himself to her and told her that she would come at the Pilkhana

tomorrow and what were being brought by her for changing the fate of the BDR members. The Home Minister replied to the effect that she would not come alone, the Hon'ble Prime Minister would also be there. Sepoy Selim Reza wanted to know whether she had gone through the charter of demands which was handed over to APS Mosharaf. The Hon'ble Home Minister told Sepoy Selim Reza that she did not get time to go through the same. Thereafter, Sepoy Selim Reza informed many BDR members of the story of talking with the Home Minister.

From the aforesaid evidence and the confessional statements, it indicates that the BDR members namely DAD Habib, DAD Jalil, Sepoy Selim Reza, Sepoy Kazol, Sepoy Moin, Lance Naik Tareq, Havildar Monir, Sepoy Ayub, Sepoy RP Reza, Lance Naik Shahabuddin, Lance Naik Ekram, Sepoy

Rubel, Sepoy Sajjad, Sepoy Shahadat, Sepoy Mehedi along with one Jakir Hossain, son of former BDR Subedar Kanchan Ali and owner of prime coaching centre being the members of discipline force went to **PW 345 Mr. Sheikh Fazlul Karim Selim, MP PW 575 Barrister Mr. Sheikh Fazle Noor Tapash, MP, PW 634 Advocate Sahara Khatun MP and PW 343 Sultanul Mohakkakin Babu alias S.M. Babu** for talking about their demands and grievances and they also expressed unholy dissatisfactions against the army officers, which was not permissible under the provisions of the Bangladesh Rifles Order, 1972. The aforesaid evidence shows about the pre-planned conspiracy of the BDR rebels to root out the army officers from the BDR. The aforesaid evidence further indicates that the BDR rebels were very alert before the occurrence in implementing their demands. They

also talked with **PW 634** over cell phone as per confessional statement of Sepoy Selim Reza but non-fulfilment of demands prompted them to make criminal conspiracy to eliminate the army officers from BDR.

**Evidence with respect to composing leaflets at Prime Coaching Centre.**

The BDR rebels in order to realize their demands went to different responsible persons and side by side they also composed leaflets containing their demands and grievance with a view to distributing the same to different places of BDR quarter and neighbouring places of BDR Headquarters. The aforesaid fact is evident from the evidence of **PW 31 No-60737 Sepoy Feroj Hossain Daptari, Recordss wing, pilkhana, Dhaka** who has stated in his evidence that at the time

of occurrence, by the permission of the authority, he along with his family members would live at Kenadi Bhaban, 26/6/A Monasshar Road, 1<sup>st</sup> Lane, Hajaribag, Dhaka outside Pilkhana gate No.5. His daughter was studying at Bir Shrestho Noor Mohammad Rifles Public School. In order to have some discussions on the admission issue of his daughter, he went to Prime Coaching Centre on 15.02.2009. When he was talking with Zakir, the owner of the Prime Coaching Centre, he found Havildar Assistant Khandaker Moniruzzaman of BDR Records wing thereat. He found him to compose some write-ups on the computer and also found one Zakir, the owner of the Prime Coaching Centre sitting beside him. The aforesaid Zakir asked him to wait for a while, when he wanted to talk with him over admission matters. Thereafter, he went near the computer and found that

Havildar Assistant Moniruzzaman was composing a charter of demands of the BDR members on the computer. He repeatedly asked Zakir to talk with him but he disclosed that he was too busy on that day and told him to come after 2/1 days later in the evening. After waiting some time he came to the soldiers line of Records Wing to give his attendance. As per instruction of Zakir, he again went to Prime Coaching Centre in the evening after two days. Entering into the office room, he found Havildar Mohiuddin, Chittagong Sector, Lance Naik Shahabuddin of 44 Battalion, Lance Naik Tarikul of 33 Battalion, Lance Naik Mujibor, Havildar Assistant Moniruzzaman, Sepoy Ayub Ali and 8/10 BDR members who were on meeting at that time. In that meeting, all the BDR members were very excited. In order to submit a charter of their demands before the Hon'ble Prime

Minister, Havildar Assistant Moniruzzaman presented a paper containing their demands before the BDR members. Having got the photocopy of the charter of demands, they discussed that they would submit the same to Mr. Sheikh Fazlul Karim Selim MP, Home Minister and Barrister Mr. Sheikh Fazle Noor Tapash MP within 2/1 days. The owner of the Coaching Centre Zakir informed them that he would help them in that regard. On that day he could not talk with Zakir and came back resultantly. After the occurrence during his stay at his house, he came to know from television that the BDR rebels were committing revolt for realization of their demands and under the leadership of DAD Touhid and Nasir, a delegation of 12/14 BDR members went to the PM office for discussion about their demands. He heard from Havildar Moniruzzaman to say several time for their less salary

and less facilities and demand remedies of their grievances. From the story of composing their demands at the coaching centre and subsequent discussion on their demands, he clearly understood that the BDR rebels made conspiracy long before the occurrence and committed the murders and other incidents against the army officers following the previous criminal conspiracy.

The story of composing leaflets at the prime coaching centre by the BDR rebels has been supported and corroborated by the evidence of **PW 429 Md. Iqbal Hossain (Civilian)** who has stated in his evidence that at the time of occurrence, he would work as a manager in the Prime Coaching Centre and he would reside in the class mess of Prime Coaching Centre. The children of BDR members would study in the said Prime Coaching Centre. One Zakir son of



BDR Subedar Kanchan Ali was the owner of the said Prime Coaching Centre. For that reason, he had good relationship with the BDR members. The BDR members would frequently come to the said coaching centre and would talk with Zakir regarding their different demands and grievances. The said Zakir would listen to the problems of the BDR members and would give advice to them. Ahead of observance of BDR week, Sepoy Ayub, Sepoy Tareq, Sepoy RP Reza, Sepoy Shahbuddin, Sepoy Mofiz, Lance Naik Mojibur, Naik Sharif, Havildar Mohiuddin, Havildar Monir, Sepoy Badal, Sepoy Latif, Naib Subedar Saidur, F.S. Khairul and many others would come to Zakir for having advice for realization of their demands. In the evening of 17.02.2009 and 18.02.2009 at 7:00/8:00 p.m, the aforesaid accused came to the coaching centre and held a meeting there

for an hour without getting accused Zakir. Havildar Monir composed their demands in the computer for handing over the same to the Hon'ble Prime Minister. They discussed with Zakir over the matters. Zakir also discussed with the BDR members over their demands regarding 100% allowances and rations facilities, border allowances, opportunity to go to missions including many other demands. At that time, he would overhear their conversations. On 19.02.2009 at 11:00 a.m, he went to his village home. Zakir stayed in the BDR area for about 19/20 years and he would know about many problems of the BDR members as his father served in the BDR. After 4/5 days of the occurrence, Zakir made a phone call to this witness. He came to the Prime Coaching Centre on 7.03.2009 and the classes were started therein on 08.03.2009. On 10.03.2009, the police seized computer and other

materials of Prime Coaching Centre. The aforesaid seizure list was exhibited as exhibit-860 and his signature thereon was exhibited as exhibit-860(1). The computer was exhibited as exhibit-LLXX. The demands of the BDR written on the papers were composed in the computer.

It may be mentioned that the leaflets which were composed at the Prime Coaching Centre were distributed to different places of BDR Headquarters and the same were subsequently found and recovered by the BDR authority.

In this regard, **PW 7 Major Tarek Md. Vawali** has testified in his evidence that on the occasion of BDR week in the month of February, 2009, he was entrusted with distribution of invitation card to the invitees and accordingly he joined BDR Headquarters on 14.02.2009. After joining, he used to come to his

office at Pilkhana from his residence at Nakhalpara. On 21.02.2009, some leaflets were distributed in BDR Headquarters premises. Under the circumstances, 11 Major of BDR were posted at important establishments and he was entrusted with duty officer at quarter guard on 23.02.2009 from 14:00 p.m to 22:00 p.m. On 24.02.2009, while he was on duty, he happened to meet Major Shahnewaz at 10:00 hours. At that time Major Shahnewaz informed him of leaflets recovered on 21.02.2009. He was reported that Sepoy Selim Reza, Sepoy Moin, Lance Naik Ekram distributed the leaflets. The leaflets were composed in the computer from the prime coaching centre of Zakir adjacent to gate No. 5. At the end of his duty on 24.02.2009, he returned to his residence.

The story with regard to composing leaflets arising out of dissatisfactions of BDR members and

recovery of the same from the Pilkhana premises have been categorically described in the evidence of **PW 6 Major Rezaul Mostafa Md. Asad-Ud-Daula** who has stated in his evidence that he went to mission and joined in the BDR on 02.10.2006. After joining in BDR he performed his duty as zonal field officer for two months at Cox's Bazar. Thereafter he joined as Western Desk Staff Officer of Rifle Security Unit (RSU) at BDR Headquarters, Pilkhana. During that time, he would also work as co-ordination officer of Khulna, Rajshahi, Dinajpur and Rangpur Zone of BDR. He was also in charge of quarter master and also discharged administrative functions. Major Gazzali was in charge of Eastern Desk and co-ordinated the works of Mymensingh, Dhaka, Sylhet, Khagrachari, Rangamati, Comilla and Cox's Bazar zones. In the absence of Adjutant, he was also in charge of Adjutant

and he would also look after the leave matters of soldiers, accounts and other affairs. On 21.02.2009 at about 10:00 a.m he was working in his office. His Commander Lieutenant Colonel Enshad Ebnay Amin was also working in his office. At that time, zonal field staff officer Major Hossain Sohel Shahnewaz came to his office and informed him that a leaflet was found from the inside of Pilkhana. After a while, his commander called him in his office and discussed over the matter. In that leaflet, there were allegations against the activities of the army officers involved in the Dal-Vhat programme, different types of allegations against DG and Colonel Mujib and different statements with regard to non-necessity of army officers in BDR force. Commander told that DG instructed to prepare a counter leaflet and distribute the same at Pilkhana premises within a day. In their

note books, they wrote down the contents which were to be written in the counter leaflets. The points were of welfare activities in the BDR for last 3/4 years, expenditures on marriage of the children of the BDR soldiers, medical allowances, developments of treatment in the hospital, communications of BDR soldiers from the remote and inapproachable area by helicopter, distribution of money of operation Dal-What, increase of admission quotas for the children of BDR members to Pilkhana School, development of ration facilities and accommodations and purchase of new vehicles. He was asked to inform Major Gazzali who was absent at that time. Later on, he informed Gazzali of the matter. DG also talked with Commanding Officer (CO). Subsequently Commanding Officer (CO) asked them to prepare counter leaflet on that day instead of the next day and

ordered Lieutenant Colonel Sayeed, Lieutenant Colonel Sajjad and other officers to collect information. Major Shahnewaz was asked to send information of Dal-Vhat programme. Commanding Officer and Shahnewaz thereafter went to Dhaka sector. He returned to his office and asked others to collect information. Lieutenant Colonel Sayeed called him and asked for a copy of the leaflet. He informed him that it was available with major Shahnewaz. He then collected the said copy from Major Shahnewaz, kept a copy with him and collected information. On discussion with Major Shahnewaz, this witness came to know that Sepoy Moin of 13 Rifle Battalion, Sepoy Selim Reza of 44 Rifle Battalion and Lance Naik Ekram of 24 Rifle Battalion composed and distributed the leaflets at Pilkhana premises. Afterwards they had discussion with Commanding Officer (CO) over the



matter. The Commanding Officer (CO) replied that he had a talk with DG and necessary steps would be taken. Counter leaflets did not require to be published. On 25.02.2009 at 8:00 a.m police sergeant Ahad, a relative of Major Gazzali informed this witness over phone of recovery of a leaflet concerned with BDR matters at Farmgate. He informed the Commanding Officer (CO) of the leaflets. Major Gazzali confirmed that the leaflets recovered from Pilkhana and farmgate were of same nature. Commanding Officer (CO) directed Major Shahnewaz to collect more information in that regard.

With respect to leaflets, **PW 13 Major Munshi Mahbubur Rahman, BUP-Mirpur Cantonment, Dhaka** stated in his evidence that on 05.01.2009 he joined as Second-In-Command (2IC) of 44 Rifle Battalion, Pilkhana. On 22.02.2009, he got

information for discussion on leaflet matters which were found at Pilkhana. After Maghreb prayer, he attended the conference meeting. In that meeting, he along with Major Shahnawaz and Lieutenant Colonel Shamsul Islam was present in the meeting. A discussion was held on leaflets in that conference but no decision was taken in that regard. Major Shahnawaz informed that the leaflets were distributed from 44 Rifle Battalion. The subject matter of the leaflets was that the BDR soldiers would not like to be controlled by the army officers. The other subject matter of the leaflets was of dissatisfaction over Dal-  
Vhat operation, the steps taken by the DG of BDR in not awarding financial benefits and other allowances to the BDR soldiers. Subsequently, the security at the Pilkhana was enhanced.

The evidence with regard to composing and distributing leaflets at Pilkhana premises stands supported and corroborated by the confessional statements of **No.44274 Havildar Md. Masud Iqbal of Rifle Security Unit (RSU) CS accused No.164** who has stated in his confession that this accused lastly joined Rifle Security Unit (RSU) Dhaka zone on 03.12.2008, remained in the Pilkhana and performed his duties as admin. NCO. On 21.02.2009, when this accused was at the 3<sup>rd</sup> floor of RSU building, he came to know from Naik Zahangir over mobile phone that one leaflet containing the charters of demands was attached beneath the stairs of an old building situated in front of the soldiers line of 24 Rifle Battalion. This accused informed senior JCO Naib Sabedar Rafiqul Islam of the leaflet. Naib Subedar Rafiqul Islam told him to come at the ground floor from the upstairs.

Then Naib Subedar Rafiqul came there from JCO mess. Thereafter, this accused along with senior JCO Naib Sabedar Rafiqul Islam went to that place by a motor cycle and came to see the leaflet beneath the stairs. At that time Naik Jahangir was also present there. Accordingly, JCO Naib Sabedar Rafiqul Islam informed the Zone Commander Major Hossain Sohel Shahnewaz of the leaflet. Then the Zone Commander directed them to come to him picking up the leaflet there from. Picking up the leaflet they went to the officers mess by a motor cycle and handed over the same to Zone Commander Major Hossain Sohel Shahnewaz. The zone commander further directed them to look for the leaflet or poster if any in the other places at the Pilkhana. Getting order from zone commander they moved to different places and found one poster attached with a tree at Sultan ground, one

poster near JCO mess and one poster in front of Noor Mohammad College. Picking up all the posters from the different places they handed over those posters to zone commander Major Shahnewaz. The leaflets were written addressing the Hon'ble Prime Minister stating some objectionable remarks against the DG and the army officers. The aforesaid posters contained, 'DG BDR purchases precious vehicles for them but the BDR soldiers use broken vehicles, perform their duties on foot, do not get proper monies from operation Dal-What programme and monies of breakfast while on duty at Bissho Estema (World Muslims congregation) as those monies were misappropriated by the army officers'. In the posters a proper justice was solicited from the Hon'ble Prime Minister. On getting leaflets/posters, Zone Commander Major Shahnewaz, Major Gazzali Dostogir and Major Asad Ud Doulah

went to the office of Commanding Officer (CO) Lieutenant Colonel Enshad Ibn Amin and there from all the officers went to Headquarters. At 2:45 p.m, Major Hossain Sohel Shahnewaz came to his office from the Headquarters and gave briefing stating that Hon'ble Prime Minister would come at Pilkhana on 24.02.2009 and for that reason, Zone Commander thanked Naik Zahangir for giving information about the leaflet and directed all to perform their duties opening eyes and ears. From that night, the officers and DAD were entrusted with 24 hours duty at Kote and Magazine and the duties of this accused and others were also increased.

The aforesaid fact stands supported and corroborated by the confession of **No.45596 Naik Kaiyum CS accused No.165** who has stated in his confession that on 16.02.2009, he was brought to

Dhaka Zone from Rifle Security Unit (RSU), Dinajpur Zone. On 21.02.2009, after completion of duty, he stayed at the barrack. At 8:30 a.m RSU Naik Jahangir informed Havildar Major Masud Iqbal over mobile phone that a leaflet with regard to demands was attached beneath the stairs of an old building of 24 Rifle Battalion. He came to know about that news from Masud Iqbal as he was with him. Later Masud Iqbal informed senior JCO of the matters and then he started for taking information. This accused along with other F.S members went out towards another place. This accused did not find anything but Havildar Masud Iqbal got a leaflet. On that day, at around 3:00 p.m in the afternoon, zone commander gave thanks to them for picking up leaflets.

Apart from this, **JCO 5046 Subedar Md Yusuf Ali Khan, Rifle Security Unit (RSU), CS accused**

**No.180** has stated in his confession that on 06.02.2009 when this accused was performing his duty as zone commander, he got message with regard to holding BDR week. Getting message, he came to Dhaka and became attached with BDR Headquarters at pilkhana, Dhaka. On 21.2.2009 at 8.00 a.m, coming to his office he came to know from Havildar Assistant Harun that a leaflet was distributed at Pilkhana. Getting that news he went to Subedar Rafique and wanted to know about the incident. Subedar Rafique told him that a leaflet was found. Havildar Zahangir told Havildar Masud that a leaflet was being attached with an old building of Dhaka sector. Having received the news Havildar Major Masud informed Naib Subedar Rafique of the same and then Rafique informed zone commander Major Helal of that news instantly. Major Helal ordered Subedar Rafique to bring the leaflets picking



up the same from the places at which those were attached. Naib Subedar Rafique and Havildar Major Masud handed over the leaflets to zone commander Major Helal picking up the same. On that day, making discussion over the matter with all of them, Major Helal indicating the BDR soldiers told that instead of distributing the leaflets they had to place their demands through legal channel.

Regarding leaflets, **No.25829 Havildar Md. Yusuf Ali CS accused No.75** has stated in his confession that he was a member of 36 Rifle Battalion. On 23.02.2009 at the time of fall-in of 36 Rifle Battalion, commander Naik Siraj told them that some leaflets were found at 24 and 44 Rifle Battalions. He came to hear that the aforesaid leaflets contained some write-ups with regard to 100% ration facilities of BDR soldiers like police personnel, demand of increase of

border allowances and opportunity to go to foreign missions like police personnel.

With respect to leaflets, **No.63922 Sepoy Md. Kazol Ali CS accused No.11** has stated in his confession that on 22.02.2009 when he went to the hospital to bring medicine he was happened to meet Sepoy Moin who told this accused to meet him at his office. When this accused met Sepoy Moin who told him that nothing was availed going to the MPs and Ministers. Now they had to distribute leaflets. Sepoy Moin told him that he would compose and distribute the leaflets. Then this accused came back.

**RDO/153 DAD Mirza Habibur Rahman CS accused No.3** has stated in his confession that on 22.02.2009 at 1:00 p.m, Unit Subedar Major Zobayer Hossain of 13 Rifle Battalion informed him that going to the meeting with regard to holding BDR week at

central SM office, Subedar Major Zobayer Hossain came to know that the BDR members distributed leaflets in respect of their demands. Being aware of the leaflets, on 23.02.2009 at 8:30 a.m, when this accused got Sepoy Moin in veranda of his office, he asked Sepoy Moin with angry tone as to whether he was distributing leaflets. At that time Sepoy Moin denied that fact. But Sepoy Moin told him that he had taken a plan to distribute leaflets with regards to their demands in the different places of Dhaka City. Then he went away from that place.

As regards the leaflets, **No.63907 Sepoy Md. Selim Reza CS accused No.6** has stated in his confession that Havildar Monir of records wing composed leaflets with regard to the demands of the BDR members in the prime coaching centre of Zakir Hossain. Thereafter the BDR members went to the

residence of Mr. Sheikh Fazlul Karim Selim MP at Banani. The BDR members discussed with him about their demands.

As for the leaflets, **RDO-105 DAD Touhidul Alam CS accused No.1** has stated in his confession that he was serving as Motor Transport Officer (MTO) at Sadar Rifle Battalion from June, 2008. 6/7 days before the occurrence on 25.02.2009, his acting commander Major Mostak Mahmud called him in his office and told, ‘a leaflet has been distributed, do you know about it?’ In reply, this accused told him that he did not know anything about it. Then his commander told him that alright if he did not know anything, then he could form a committee. Thereafter this accused namely DAD Touhid constituted a committee of 4/5 members being chairman of the same. In that committee, this accused namely DAD Touhid along

with senior JCO Subedar Munshi Jahangir, B.H.M Havildar Tareq, RP NCO (could not recall the name) and 2/1 Sepoy (could not recall the name) was member. The members of the committee inquired into the matters.

The leaflet which was distributed by the BDR rebels at Pilkhana before occurrence was produced before the trial court by **PW626 JCO-5310 Naib Subedar Md. Abdul Matin** and the same was exhibited as exhibit-1132. The contents of the said leaflet run as follows:- মাননীয় প্রধানমন্ত্রী

আমরা বাংলাদেশ রাইফেলস একটি স্বাধীন দেশের পরাধীন অবহেলিত বাহিনী। এই বাহিনীতে সেনাবাহিনীর অফিসার আসে কমান্ড করিতে। তারা নিজেদের চলার জন্য কতগুলো পাজারো নিশান পেট্রোল বিলাস বহুল গাড়ী বিলাস বহুল কোয়ার্টার বাংলো রেষ্টহাউস দরকার সেজন্য সরকারের মন্ত্রী মাননীয় প্রধানমন্ত্রী কাছে ডিমান্ড পেশ করেন। সাধারণ সৈনিকের কোন আরজ রিপোর্ট সরকারের প্রতিনিধির কাছে করতে দেয়না।

আর ওরা তো বলবেনা। সরকার জিজ্ঞাসা করিলেও ওরা বলে দেয়  
বিডিআর এর কোন সমস্যা নেই। এমনকি দেশের কোন সাংবাদিক বিবিসি,  
সংবাদ দাতা পর্যন্ত আমাদের ইউনিটের ভিতরে কি হচ্ছে তাহা জানার  
জন্যই কখনই আসেনা।

মাননীয় প্রধানমন্ত্রী আপনি গত ১৯৯৬ ইং সনে আপনি ক্ষমতায় আসার  
পরে সৈনিকদের মাঝে খোলা দরবার নিয়েছিলেন। আমাদের সাধারণ  
সৈনিকদের আরজ পেশ করেছিলাম, তাতে অনেক সৈনিকের সাজা/চাকুরী  
হারাতে হয়েছে। যাহা আপনার কাছে জানতে যেতে পারিনায়। এর পরে  
রাষ্ট্রের ক্ষমতা এসেছে বেতন বৈষম্যের নেত্রী খালেদা জিয়া, যিনি দেশে  
প্রধানমন্ত্রী হয়ে পুলিশ বিডিআর এর বেতন এক কোটায় আন্য  
সেনাবাহিনীর বেতন বিশেষ কোটায়। তিনি অধিকাংশ সময় পিলখানা  
এসেছে নৈশভোজে। সেনাবাহিনীর অফিসারের সাথে ভোজ করে চলে  
যাইতেন। যাওয়ার সময় কয়েক শত পাজারো গাড়ী আর বিডিআর কে  
শষন ও শোষণ অত্যাচার অবিচার করার জন্য কিছুকালো আইনের ধারা  
দিয়ে যায়। খালেদা জিয়া নিজে এবং তার কোন সরাষ্ট্রমন্ত্রীর রেকর্ড নেই।  
যে বিডি আর এর কোন প্রতিনিধির সাথে খোলা দরবার নেওয়া। অথচ

আপনার তৎকালীন স্বরাষ্ট্রমন্ত্রী মেজর অবঃ রফিকুল ইসলাম তিনি সিমান্ড  
ক্যাম্পে গিয়া সাধারণ সৈনিকে আরজ রিপোর্ট শুনতেন।

মাননীয় প্রধানমন্ত্রী

আপনার কাছে আমাদের একটি মাত্র দাবী বিডি আর থেকে সেনাবাহিনীর  
অফিসার তুলে নেওয়া হউক। পুলিশের মতো বিসিএস পাশ সুশিক্ষিত  
অফিসার নিয়োগ দিয়ে আমাদের ১০০ বছরের দাবী পূরণ করার জন্য  
আপনার কাছে বিনয়ের সাথে আরজ করিলাম।

মাননীয় প্রধানমন্ত্রী ওদের দূর্নীতির কার্যকলাপ আপনাকে কাগজে লিখে সব  
জানানো যাবে। আরমি অফিসার ছাড়া আমাদের খোলা দরবার নিলে সব  
বলতে পারবো। বিডিআর বাজেটের কোন টাকা খরচ না করে বিডিআর  
ডিএডি সুবেদারের কাছ থেকে চাপের মুখে সিকনেচার নিয়ে কাগজ কলমে  
কাজ দেখিয়ে টাকা আত্মসাৎ করে। কোন রকম জবাব দিহিতা ছাড়া মন  
যাহা চায় তাই করেন। কেহ মুখ খুলবে যে জন্য সব সময় শারিরীক কাজ  
কর্মের মাধ্যমে চামারের মতো ব্যবহার করে। যেহেতু গরু বাহিনীর  
অফিসার অর্ধ শিক্ষিত তাহাতো দেশের সবাই জানে।

এতদিন আমরা ধৈর্য ধরে দিনের অপেক্ষা করেছি কিন্তু বর্তমানে ওদের  
অত্যাচারের শোষণ আর শাসনের জ্বালায় আমাদের পিঠ দেয়ালে ঠেকে

গেছে। প্রতি ইউনিটে একটি সৈনিক মেস আছে। সেখানে সৈনিকের প্রাপ্য খানা দেয়া হয় না। মেস কমান্ডার মাসের শেষে চার লক্ষ টাকা ব্যালেন্স না দেখালে তার পরবর্তি প্রমোশন বন্ধ থাকে। চার্বিসিট বানিয়ে সাজা দিয়ে দেয়। আর সেই টাকা রেজিমেন্টাল তহবিল নামে জমা রাখে। হাস আর হাতির মতো সেই টাকা দিয়া খাইতে থাকে। যতদিন বিডিআর এথাকে ততদিন তাদের বেতন টাকা খরচ করেনা। এবং লক্ষ লক্ষ টাকা যাওয়ার সময় বিডিআর থেকে নিয়া যায়। কোন জবাবদিহিতা নেই। মন যাহা চায় তাই করে।

মাননীয় প্রধানমন্ত্রী

বর্তমান ডিজি ঢাকা সেক্টর কমান্ডার কর্নেল মজিবুল হক ডাল ভাত এর মালামাল স্টক করে দাম বাড়িয়ে অনেক টাকা আত্মসাৎ করেছে যে টাকা প্রায় ৬০০ কোটি টাকা মেজর মাহাবুবের নেতৃত্বে বিদেশে পাচার করার সময় জিয়া বিমান বন্দরে ধরা পড়ে। তার পর সেনাপ্রধান গিয়া সে টাকা নিয়া যায়। মাননীয় প্রধানমন্ত্রী ঐ টাকা কোথায় সরকার আমাদের ডালভাতের বিল দিয়েছে সে টাকা আমাদেরকে দেয়না দুইটি নামের তালিকা করে একটিতে বণ্ডাংক সহ নিয়েছে আর একটি সামান্য



১০০০/৫০০ টাকা করে দিয়েছে। বাকী টাকা ডিজি। সেঃ কমান্ডার চোর গুলোতে আত্মসাদ করেছে।

মাননীয় প্রধানমন্ত্রী বলতে লজ্জা লাগে ওরা এত ছোট মনের ছোট ঘরের মানুষ ইজতেমা ডিউটিতে সৈনিকের নাস্তুর বাজেটের টাকা খেয়ে ফেলেছে। অথচ পুলিশ বলে আপনাদের টাকা নিয়া গেছে। নির্বাচনের বিল এখন পর্যন্ত দেয়না ওতেদর এর মধ্যে বদলী আসলে কোন রকম জবাব দিহিতা ছাড়া সেরে যাবে। তাই বর্তমান ডিজি শাকিল আহম্মদ সেঃ কমান্ডার কর্নেল মুজিবুল হক এবং ডিজির স্ত্রী ঐ কাল নাগিনীর ব্যাংক একাউন্ট তদন্ত করে অপারেশন ডালভাতের কত টাকা দুর্নীতি করেছে বিডিআর দরবার হল কেন সে নিজে কম টাকা লজ নিল এবং ডালভাতের টাকা দিয়া লক্ষ লক্ষ টাকায় গাড়ী কিনে সে গাড়ী আবার নিজেরাই নিলাম করে ৮ লক্ষ টাকার গাড়ী ১ লক্ষ টাকায় নিয়েছে। এর বিচার চাই।

বিডিআর বাহিনীতে ওদের দেখতে চাইনা প্রয়োজনে আন্দলনের মাধ্যম কুকুরের ন্যায় সরাব।

The recovery of the aforesaid leaflet from the Pilkhana premises has been supported and corroborated by the seizure list witnesses **PW643 BA-**

**2536 Lieutenant Colonel Md. Atiquzzaman and PW627 No.69407 Naik Assistant Md. Shariful Islam.** The aforesaid fact of composition and distribution of leaflets at the Pilkhana premises by the BDR rebels indicates that the BDR rebels joined their hands with each others making pre-planned conspiracy in order to remove the army officers from the BDR force before the occurrence and the same is also conceived and inferred from the behaviours and conducts of the BDR rebels and from the objectionable languages used in the leaflets. From the leaflets, it is reasonable ground to believe that the BDR rebels conspired together to commit the offence of murder and other actionable wrongs if their demands are not fulfilled. Furthermore, the composition and distribution of leaflets are the outcome of the mala fide intention of the BDR rebels,

which was first entertained by them before the occurrence. The aforesaid fact of composition and distribution of leaflets is a proof of conspiracy to remove the army officers from the BDR force and to commit the offence of murder and other offences and the BDR rebels were parties to the conspiracy as they were spotted in and around the Darbar Hall and other places at the time of occurrence at Pilkhana using and carrying the heavy and deadly weapons with ammunitions and killing the army officers and others. Under the circumstances, these leaflets are taken into consideration as proof of conspiracy of the BDR rebels in killing the army officers in view of Section 10 of the Evidence Act, 1872 and it may be used as evidence against the conspirators. It may be mentioned that the conspiracy is always done in secret. It is not always possible to prove conspiracy by direct

evidence. It may be inferred and proved by the conducts, behaviours and circumstantial evidence of the given case. However, the confession of a conspirator after his arrest and after termination of criminal conspiracy being culminated with the killing cannot be used as evidence against the other conspirators.

**Evidence with regard to the secret meetings held by the BDR rebels in different places in order to implement their charters of demands through their evil designs and criminals conspiracy.**

Before the occurrence, that is, in the night of 24.02.2009, the BDR rebels held meeting at the rented house of **No. 41584 Lance Naik Signal Zakaria Mollah CS accused No.23** of 13 Rifle Battalion, wherein they decided about the roles to be played by them in the commission of offences at Darbar Hall and

at different places, which are evident from the evidence of **PW 337 Md. Shamsuzzaman @ Anu**, son of late Abdul Hamid, who has stated in his evidence that his mother and wife would reside at 39/2, Moneshwar Road, Dhaka. One BDR Sepoy namely Zakir hired his residence on payment of rent but he would not live in that room. His two sons would reside in that room. Sepoy Zakir would live in the ground floor of a 3-storied building situated at the eastern side of the road crossing 2/3 houses. The wife of Zakir would maintain a Beauty Parlour in that building. Two sons of Zakir remaining in the room would study in that room and would reside there now and then. On 24.02.2009 at 8:00 p.m he was gossiping with others in front of his house. One Rajib told Swapan that 2/3 persons had entered into the residence of Anu. Then he along with Swapan entered the room

and found 10/12 persons seated in the rented room of Zakir. They told him that they came here to attend the milad-mahafil. He told them that this house belongs to him. Thereafter those persons remained in the room for 10/12 minutes shutting the door of the room and thereafter went away from that place. At the time of going one Sepoy namely Moin uttered that they came here to take a decision jointly. In the next day, on 25.02.2009 they woke up from sleeping getting sound of firings. Looking at the photographs in the newspaper he recognized Sepoy Moin. In that photograph Sepoy Moin was found lying on the floor. Witnessing the photograph he presumed that an occurrence took place at the instance of those persons who came to his residence on 24.02.2009. He further stated that BDR members who came to the rented

house of Zakaria committed the alleged incident at Pilkhana.

The evidence of **PW 337 Md. Shamsuzzaman @ Anu** with regard to meeting at the rented house of **No. 41584 Lance Naik Signal Zakaria Mollah** was supported and corroborated by **PW 338 K.M Kamrul Ashan Shah @ Swapan** who has stated in his evidence that on 24.02.2009 at 8:30 p.m, he along with Rajib and Milton was gossiping standing there and at that time there was no electricity in that area. At that time, one Anu was with them. Rajib told him that some people in a group of 2/3 persons had been entering the house of Anu. He told Anu that who had been entering their house. Then Anu taking him entered his house. The tin shed house of Anu was consisted of 4 rooms. The family members of Anu remained in 2 rooms and one taxi driver remained in

another room on rent basis. The remaining rooms were taken on rent basis by BDR member Zakaria Molla @ Zakir for the purpose of study of his 2 sons. Going in front of the room, he and Anu found 2/3 persons standing in front of the door. Going inside the room, he found a burning candle therein and also found 11/12 persons seated around the candle. On query of Anu, they told him that they had come here to attend the milad-mahafil. Anu introduced himself as the owner of the house and one of them told him that they would go away after having some conversations. Thereafter, they kept the room under lock and key. After 10/12 minutes they went away from the room. One of them made handshake with Anu and introduced him as Moin and told that they were all BDR members. He further told that all the senior and junior members were there and that they had taken a



decision. On hearing so, he went to his residence. In the morning he heard sound of firings and found photograph in the newspaper and thereby identified Sepoy Moin in a lying condition on the floor. It was his firm belief that Sepoy Moin and others were engaged in conspiracy of the massacres at Pilkhana and that they made conspiracy sitting in the rented room of Zakaria Molla following which the incident at the BDR Headquarters was happened on 25.02.2009.

The story of going of the BDR members to the house of **No.41584 Lance Naik Signal Zakaria Mollah** and their discussions by lighting up candle have been supported and corroborated by **PW576 Miraz Ahmed Rajib** who has stated in his evidence that in the night of 24.02.2009, some people entered the residence of Anu. The maternal uncle of Anu namely Swapan told Anu that some people had

entered his residence. Thereafter, both Swapan and Anu entered inside the residence of Anu. After 20/25 minutes later 10/12 persons went out of the residence. Then Anu told that those people had come to the room of BDR Zakaria, the tenant. At the time of departure, one of them made handshake with Anu and introduced himself as Moin. Anu told this witness that they had been discussing in the room of Zakaria lighting up the candle. After hearing sounds of bullets on 25.02.2009 he remained in his residence.

After holding meeting and taking decision with regard to their roles to be played in the commission of offences taken at the rented house of Zakaria Mollah, the BDR members came to Pilkhana through gate No.5. The aforesaid fact has been supported and corroborated by **PW 61 No.43607 Havildar Md. Ashrafuddin** who has stated in his evidence that on

24.02.2009 at about 9:30 p.m, while he was coming to his residence after watching Tattoo show and reached gate No.5, he came to see Sepoy Rahman, Sepoy Ayub, Sepoy Atiqur Rahman, Sepoy Sadullah, Sepoy Kamrul, Sepoy Mezbahuddin, Sepoy Selim and many others of 44 Rifle Battalion, who were coming from the outside. On query, Sepoy Mizanur Rahman replied that they went to the house of Zakaria for realization of their demands.

The story of holding meeting and taking decision for implementation of their demands have also been supported and corroborated by the confessional statement of **No.41584 Lance Naik Md. Zakaria Mollah CS accused No.23** who has stated in his confessional statement that he was in service as signal operator. On 24.02.2009, this accused was in duty at signal centre from 6:30 a.m to 2:00 p.m. After

completion of duty he came to his residence at Hazaribag. On that day again he was entrusted with a duty from 6:30 p.m to 7:00 a.m. He would live in a rented house taking two rooms behind the beauty parlour at Hazaribag. One room was situated in the inner side a bit. Two rooms were in two separate buildings. At 8:30 p.m, Sepoy Bashar wanted the key of the room of a tin shed building from this accused. This accused told his wife to deliver the key of the room if wanted by Sepoy Bashar. At 9:00 p.m, coming at signal centre Sepoy Bashar informed him that Sepoy RP Azad, Naik signal Moinul, Signalman Tofazzal and 12/14 BDR members held a meeting at the house of this accused and made plans that they would implement their designs tomorrow as per the plans. In that plan, it was decided that in order to press their demands, Sepoy Moin would go to the Darbar

Hall and the remaining BDR soldiers would be behind him taking arms. The DG BDR would be compelled to accept their demands at gunpoint.

It appears from the confessional statement of **No. 63907 Sepoy Md. Selim Reza CS accused No.6** who has stated in his confessional statement that on 24.02.2009, Sepoy Moin made a phone call to this accused and told him to meet at the field of 44 Rifle Battalion in the evening. After roll call, he went to the field. Going thereat, this accused came to see Sepoy Moin, Sepoy Shahadat, Sepoy Rubel of 13 Rifle Battalion, Sepoy Mizan, Sepoy Hasibul, Sepoy Kazol of 44 Rifle Battalion and 14/15 BDR members. Sepoy Moin told this accused that there was a residence outside gate No.5 of Pilkhana and it would be convenient to talk therein. Sepoy Moin then started for that place taking all the BDR members. Going out

through gate No.5 and approaching 200 yards, they went to an empty house of a tin shed building. Reaching there, this accused came to see 30/35 BDR members. He recognised Lance Niak Ekram of 24 Rifle Battalion, but others were not known to him. However, Sepoy Moin was known to them. At that there was no electricity in that area. Sepoy Moin and others started discussions lighting up candle. **It was decided in the discussions that tomorrow on 25.02.2009, all the BDR members would be assembled at the field of 44 Rifle Battalion within 7:00 a.m and thereafter they would loot the arms and ammunition from the Kote and Magazine keeping the officers under hostage. It was further decided that the officers would be put under hostage and then they would be confined to Rifles Public School and college. Thereafter that incident**

**would be informed to the Government and the officers would be kept under hostage till realization of their demands. It was also decided to come there taking rope and knife with them. After meeting, they also took oath keeping their hands together that they would realize their demands at any cost.**

It is evident from the confessional statement of **No. 63922 Sepoy Md. Kazol Ali CS accused No.11** who has stated in his confessional statement that on 24.02.2009, a parade was held. On that day at 7:45 p.m, Sepoy Moin along 5/6 BDR members told this accused that there would be a meeting and for that reason he had to go outside. Sepoy Moin and others went to a tin shed house which was 70/80 yards straight away from gate No.5 and this accused after sometime at around 9:00 p.m went to gate No.5 and then Sepoy Rezaul showed him the meeting place. In

that meeting this accused along with Sepoy Moin, Sepoy Rubel, Sepoy Mizan, Sepoy Habibul, Lance Naik Akram, Sepoy Habib and 30/35 BDR members was present. **It was decided therein that on 25.02.2009 at the time of holding Darbar, the officers would be kept under hostage at gunpoint looting the arms and ammunition from the Kote and Magazine and then it would be informed to the Government. The officers would be put under hostage until realisation of their demands and in that case, their demands would be fulfilled.** The aforesaid fact of holding meeting and taking decision stands supported and corroborated by the confessional statements of **No. 47474 Lance Naik Ekramul Islam CS accused No.35, No. 56942 Sepoy Md. Habibur Rhaman CS accused No.26 and No. 71318 Sepoy Md Ziaul Haque CS accused No.27.**



Apart from this, another meeting was held on 24.02.2009 at around 10:00 p.m, at the office of Subedar Major SM Gofran Mollik of 24 Rifle Battalion, which is evident from the confessional statement of **No.65702 Sepoy Md. Emran Chowdhury CS accused No.34**, runner of Lieutenant Colonel Lutfur Rahman Commanding officer of 24 Rifle Battalion, who has stated in his confession that on 24.02.2009 at 8:00 p.m this accused went to Shahjahanpur taking the mother-in-law of his Commanding Officer (CO). This accused came back there from at around 10:00 p.m. Thereafter he attended the meeting held at the office room of Subedar Major SM Gofran Mollik of 24 Rifle Battalion. In that meeting, this accused along with Subedar Major Gofran Mollik, Sepoy Azim Patwary, driver of Lieutenant Colonel Lutfur Rahman Commanding

Officer (CO) of 24 Rifle Battalion, Havildar Taher and Lance Naik Karim both of 24 Rifle Battalion was present. **It was decided in that meeting that in the next day, that is, on 25.02.2009 the army officers would be kept under hostage at the Darbar Hall and they would be killed if necessity arose.** Gofran Mollik told this accused that if the chaos arose at the Darbar Hall, the Commanding Officer (CO) might go to his office. Subedar Major Gofran Mollik also told this accused to inform him over wireless set if the Commanding Officer (CO) went to his office and then he would go to the office. **1/1½ months before the occurrence, this accused would hear Subedar Major Gofran Mollik to say now and then in his office that the army officers would be kept under hostage for realisation of their demands if**

**opportunity would come.** After meeting he went to the line and slept therein.

It appears from the confessional statement of **RDO. 133 DAD Md. Nasir Uddin Khan CS accused No.2** that he was attached with 44 Rifle Battalion as Deputy Assistant Director (DAD). On 24.02.2009 at 4:00 p.m, Sepoy Selim of 44 Rifle Battalion informed this accused that a meeting with regard to the demands of BDR members would be held at the field of Rifle Sports Board (RSB) at 8:00 p.m. In that meeting DAD Touhid, DAD Habib, DAD Jalil, DAD Rahim and many others would remain present. This accused was supposed to go there but he could not attend as there was a rehearsal programme for tattoo show. Moreover, on that night he was entrusted with a duty at central Magazine.

Apart from aforesaid facts and circumstances of the case, the following fact also enticed and inflamed the BDR members for which they became highly dissatisfied and furious with the army officers. It is noticeable from the confessional statement of **No. 61489 Sepoy Md. Abdul Muhit CS accused No.70** that on 24.02.2009 this accused was present at the parade which was arranged for observance of BDR week, 2009 as well as for the purpose of coming of the Hon'ble Prime Minister at Pilkhana. After taking salute at the parade, the Hon'ble Prime Minister did not deliver any speech in respect of the demands of the BDR members. Arising out of this matter, there was an implied dissatisfaction among the BDR soldiers. Unlike every year, the BDR soldiers were not invited with their family members and being aggrieved by the same, this accused without participating in the lunch

purchased a hen and enjoyed the lunch with his family members. DG BDR misappropriated taka 600/- crore from Dal-Vhat programme. The shares of the BDR soldiers were not given to them. The officers took signature of the BDR soldiers on white papers but they did not provide any money to them. For those reasons, the BDR soldiers were highly dissatisfied with the army officers. Subsequently this accused came to hear that Sepoy Selim, Sepoy Kazol, RP Reza and others in order to realize their demands made contact with different political leaders.

**Evidence with respect to looting of arms breaking open the Kote/armoury.**

It may be mentioned that in order to overthrow the army officers from the BDR, the BDR rebels looted the arms breaking open the Kote following their pre-planned criminal conspiracy and the aforesaid fact

is evident from the evidence of **PW 33 Lieutenant Colonel Md. Reazul Karim** who has stated in his evidence that on 25.02.2009, that is, on the date of occurrence, he was in service at BDR Headquarters. On that day, at about 6:00 a.m, he was on duty at the Central Quarter Guard. At about 8:50 a.m, he was sitting at the room of duty officer. Looking through the door he found that 20/25 BDR members were looking to and fro. Feeling doubt, he went to them, asked what they were doing and also asked the guard commander how they came there. Hearing his speeches, the BDR soldiers came upon this witness calling him as a son of bitch and gave him a good thrash by fists and kicks. On that time he saw that the guards of the Kote remained silent standing thereat. The soldiers took him there from lifting his body, tied his hands and legs with rope and chain and tried to kill

him by strangulation. Some BDR members uttered to kill him by charging bayonet on him. They snatched his wrist watch and Mobile set from his possession. They shut down the door from the outside fastening him inside the room. Thereafter, they took keys from the on duty guard commander of the Kote and looted away arms from the Kote. The name of the guard commander is Havildar Shajahan. After opening the Kote, they took arms and asked each other to go the Magazine for taking bullets. Among the BDR rebels, he identified Sepoy Selim Reza, Sepoy Sazzad, Sepoy Kazol, Lance Naik Ekram, Sepoy Rafiqul, RP Rezaul, Sepoy Jashim Mollik, Sepoy Obaidul and Sepoy Habib. Among them Sepoy Sazzad was of 13 Rifle Battalion, Sepoy Iqbal of 24 Rifle Battalion, RP Rezaul of Sadar Rifle Battalion and the remaining BDR rebels were of 44 Rifle Battalion. Havildar

Shajahan, Naik Kamruzzaman, Sepoy Masum, Sepoy Hafizur, Sepoy Goutom, Sepoy Chandranath, Sepoy Anowar, Sepoy Rayhan and Sepoy Sharif were of 24 Rifle Battalion and they were on duty at the quarter guard but they did not make any obstruction to the BDR rebels from looting the arms from the Kote and they also did not come forward to rescue him, rather they assisted them in handing over keys of Kote to the BDR rebels. After a while, he heard of sound of boots of hundreds of soldiers. He also heard sound of loading arms with bullets. On 25.02.2009, at about 9:00 a.m, the armed BDR rebels came outside the door of the room of this witness and shouted to bring out this witness calling him the son of bitch and to open fire at him. Then, they BDR rebels brought him out from the room and kept him in another room which was full with women and children. He prayed to the



BDR rebels for safety of his life. Then, they took him in an another room. The body of the BDR rebels was covered with bullet proof jacket. He spent the whole night thereat.

The aforesaid fact of looting arms from Kote has been supported and corroborated by the evidence of **PW 453 Regiment No. 79173 Sepoy Ripon Kumar Biswas of 4 BGB**, who has stated in his deposition that on 25.02.2009 and 26.02.2009, he had been working at 24 Rifle Battalion at Pilkhana. On that day they were assigned to a duty at the central quarter guard. At around 9:00 a.m of 25.02.2009, the BDR rebels attacked the quarter guard. Getting sound he tried to come out but the BDR rebels pointed their arms at him and told him that he would be shot down if moved anyway. In the meantime 5/7 BDR rebels took away the boxes of ammunitions breaking open

the door of the Magazine. At that time he found duty officer Major Riaz who was kept confined in a JCO room under lock and key. The number of the BDR rebels was around 30/35 persons. After a while the BDR rebels went away from the quarter guard taking arms breaking open the door of the Kote. Among them he identified Sepoy Selim Reza Regiment No. 63907, Sepoy Kazal Ali Regiment No. 63922, Sepoy Rafiqul Regiment No. 74852, Sepoy Jashim Mollik Regiment No. 74694, Sepoy Habibur Rahman Regiment No. 56942, Sepoy Sajjad Regiment No. 77224 of 13 Rifle Battalion and Lance Naik Ekramul Regiment No. 47474. Immediately after the same he heard sound of firings from the Darbar Hall.

**Evidence with regard to looting ammunitions  
breaking open the Magazine by the BDR rebels.**

The BDR rebels in order to implement their evil design and to uproot the army officers from the BDR also looted ammunitions breaking open the Magazine following their pre-planned conspiracy taken in different meetings held in different places. The story of looting ammunitions breaking open the Magazine has been described in the evidence of **PW 35 Sepoy Md. Tobbas Ali**, who has stated in his evidence that on 25.02.2009, he was on duty at the central Magazine. On that day, Havildar habibur, Havildar Majid, Havildar Kalam, Sepoy Munnaf, Sepoy Lutfor, Sepoy Al-Amin and Sepoy Abu Bakar were also on duty with him. He was assigned to duty from 7:00 a.m. to 9:00 a.m. Handing over the charge of duty, he went to guard room for rest at 9:00 a.m. At about 9:15 a.m, 14/15 BDR rebels entered the Magazine. The BDR rebels directed them to open the door failing

which they gave threat to kill them. Among the BDR rebels, this witness identified Sepoy Altaf, Sepoy Siddique and Sepoy Mizan of 44 Rifle Battalion and Sepoy Paltan Chakma and Sepoy Lutfor Alam of 24 Rifle Battalion. Before that event, DAD Miraj took the arms from the guards on duty and other guards and kept those under the lock and key. Being unarmed, this witness could not make any resistance to the BDR rebels. The BDR rebels took away arms and ammunitions shutting the door from the outside, while he remained inside the Magazine. He came out from the back door and found hundreds of BDR rebels who were opening fires repeatedly with their arms. Out of fear of life, he came to 24 Rifle Battalion running and hid himself thereat.

The event of looting arms and ammunitions breaking open the Kote and Magazine also stands

supported and corroborated by the confessional of **No. 63907 Sepoy Md. Selim Reaz of 44 Rifle Battalion CS accused No.6**, who has stated in his confession to the effect that on 25.02.2009 at around 6:30 a.m, this accused went to the field of 44 Rifle Battalion in order to be fall-in for the purpose of attending the Darbar. 10/12 BDR soldiers of E company of 44 Rifle Battalion also fell-in in the field with him. This accused told Sepoy Rafique that he should not go to the Darbar. When the BDR soldiers were marching towards the Darbar Hall this accused went out of the lines in the name of making water. This accused again came to the field along the dophikhana (cloth washing room) road. At that time, looking at Sepoy Mehedi with fatigue dress, this accused asked him that where he was going. In reply, Sepoy Mehedi informed this accused that he was going to I.N.T for working. This

accused told him to come at Darbar Hall. After a while, Sepoy Moin, Sepoy Rubel, Sepoy Shahadat, Sepoy Sajjad along with 18/20 BDR soldiers came at the field. Everyone was uniformed for going to the Darbar Hall. This accused and others waited there for some more time. Without finding anyone to coming there, this accused uttered that it would not be possible to attack the Darbar Hall taking such a scanty number of people. Then he suggested others to go to the Darbar Hall. Therefore, all of them started for the Darbar Hall. At around 7:30 a.m they reached Sultan ground and came to see Sepoy Habib and Sepoy Altaf of 44 Rifle Battalion, who were gossiping in the field. Sepoy Habib wanted to know the reasons of their coming. Then this accused replied that there were no sufficient people and their purposes would not be served and for those reasons, he came back therefrom.

Thereafter Sepoy Habib told this accused and others to go to the Sadar Battalion Mess. Sepoy Habib further told that Darbar would be held at 9:00 a.m and he informed this accused and others that he would send people. On hearing, this accused along with Sepoy Moin and RP Rezaul came to Sadar Battalion Mess. At that time, Sepoy Moin made a phone call from the mess. Then Sepoy Rubel, Sepoy Sajjad of 13 Rifle Battalion along with 10/12 BDR members came thereat. Later, **Sepoy Altaf of 44 Rifle Battalion came and divided the forces into two groups. It was decided that one group would take arms breaking open the Kote while another group would take ammunitions breaking open the Magazine. In the Kote breaking group, this accused along with Sepoy Rubel, Sepoy Sajjad, Sepoy Moin, Sepoy Kazol, Lance Naik Ekram with many other BDR**

soldiers of 13 Rifle Battalion was there and they were around 15 BDR members altogether. In the Magazine breaking group Sepoy Altaf, Sepoy RP Rezaul, Sepoy AB Siddique of 44 Rifle Battalion along with many BDR soldiers of 13 Rifle Battalion were there. Subsequently, many BDR soldiers joined them. The group under the leadership of this accused would bring arms while the group under the leadership of Sepoy Altaf would bring ammunitions. After looting arms and ammunitions, the BDR soldiers exchanged the arms and ammunitions among themselves and thereafter a plan to attack the Darbar Hall was taken. The group under the leadership of this accused went to the central quarter guard and they entered the quarter guard from the backside. They came to see two Sepoy with arms, who were on duty in the front and in the



backside of the quarter guard and Major Riaz was in the standing position at the door of the officer duty room. Going thereat, this accused along with Sepoy Sajjad and Sepoy Rubel caught hold of Major Riaz, pushed him down and tied his eyes, hands and legs. Sepoy Sajjad took away the mobile phone from the pocket of Major Riaz. On such situation, Major Riaz told them not to kill but to release him. When Major Riaz was asked by Sepoy Rubel about the keys of the Kote, then Major Riaz showed the keys hanging at the board. Afterwards, Sepoy Sajjad and Sepoy Rubel went out of the room and this accused locked the door from the outside confining Major Riaz in the room. One of the BDR soldier was on duty at the quarter guard with Rifle having no ammunitions. Then this accused sent that BDR soldier of 13 Rifle Battalion to bring ammunitions. Subsequently, that BDR soldiers

joined them. In the meantime, Sepoy Moin, Lance Naik Ekram and many other BDR soldiers taking arms from the Kote started approaching the Darbar Hall. This accused went out from the backside of the quarter guard via the front side of 24 Rifle Battalion. This accused started going towards the Darbar Hall. At that time it was around 9:30 a.m.

**Evidence with regard to killings and massacres at the Darbar Hall and at different places at Pilkhana following the criminal conspiracy, common intention and common object of the BDR rebels.**

**PW 5 BA-3015 Lieutenant Colonel Md Abdul Mukim Sarkar, Army Headquarters, Dhaka Cantonment** has vividly described as to how the BDR rebels entered the Darbar Hall and committed the offences of murder along with other offences. **PW 5 Lieutenant Colonel Md. Abdul Mukim Sarkar** has

stated in his evidence that he joined BDR in the year 2007 from army. On 25.02.2009 he had his seat in the middle place of the officers row of the Darbar Hall. Darbar was started at 9:00 a.m with the recitation from the Holy Quran. At the very outset of Darbar, after discussing 2/1 issues, DG BDR started making speech on Dal-Vhat programme. DG BDR told the BDR soldiers that all the benefits earned from Dal-Vhat Programme would be given to all the BDR soldiers. The BDR soldiers who did not participate in that programme were also given daily allowances (DA) for 10 days. DG BDR further told that the outstanding demand of the government was paid from the benefits of the Dal-Vhat programme and the remaining outstanding demand of the government amounting to taka 4 crore would also be paid gradually. DG BDR further told that the money, by selling the remaining

goods of the Dal-Vhat programme, would be used for the welfare of the BDR soldiers. After telling the aforesaid fact, DG BDR started talking over smuggling affairs. DG BDR further told adding that 33 Rifle Battalion and 22 Rifle Battalion had stood 1<sup>st</sup> and 2<sup>nd</sup> respectively. DG BDR categorically said that goods amounting to taka about 1 crore were being caught every day but goods amounting to taka about 9/10 crore were being lost regularly. At one stage, DG tried to get support of the BDR soldiers in support of his deliberations but he did not find any response. Afterwards, DG BDR spoke on 2/1 more issues. At that moment Sepoy Moin and Sepoy Kazol entered into Darbar Hall with arms from left side of DG. By shouting, Sepoy Moin came up to the stage and pointed arms at DG. Under the aforesaid situation, the BDR soldiers stood up and there happened a hue and

cry. This witness heard sound of firings and then the BDR soldiers began to run to and fro. This witness came to see that BDR personnel started going out of the Darbar Hall by breaking down the glasses of windows of the north side of the Darbar Hall. At one stage he also came out of the Darbar Hall through that window and became perplexed. Thereafter he proceeded towards the north side of the field and happened to meet two RP soldiers. He asked them about the occurrence but they did not give any reply. **Then this witness proceeded towards the north side a bit and came to see 10/12 soldiers who were proceeding towards Darbar Hall with arms. He became afraid of seeing their mood and then he went towards the training shed in the east side.** After a while, among the BDR rebels who were proceeding towards the Darbar Hall, he identified

Sepoy Khandaker Shahadat, Sepoy Shahin and Sepoy Sajjad. Thereafter he proceeded towards the north side a bit and took shelter in a store room of a two storied building of Sadar Rifle Battalion. At that time, storeman Radha was present there. As soon as this witness entered the store room, the storeman closed the door. Thereafter he remained there from 10:00 a.m to 1:00 p.m. At that time, terrible firings in the outside were going on. The BDR soldiers took position in the field around the store room and this witness came to see through the window of the store room that 14/15 soldiers with arms had taken position in the veranda of the store room. Among them, he identified Sepoy Sujaul, Naik Suruzzaman, Sepoy Akbor Hossain and Sepoy Shafiqul Islam of 13 Rifle Battalion. The storeman asked him repeatedly to leave the place and wanted to know about his identity. Thereafter, he

disclosed his identity as soldier of 25 Rifle Battalion. At 14:30 hours, the storeman left the store room putting him under lock and key. Remaining thereat, he said his prayers and ate some foods kept with him. At 15:30 hours, this witness came to perceive that the lock and key of the store room was being opened. 5/6 BDR soldiers opened the door and brought him out from the store. Some of them were with arms and some of them were with sticks in their hands. On their interrogation, he disclosed himself as soldier of 25 Rifle Battalion. At that time, they tied him tightly, snatched away his mobile phone and money bag. That mobile phone was his official phone. The BDR rebels started beating this witness, made plan to kill him and assaulted him with rifle on his shoulder. The BDR rebels inflicted injury on his right eye as a result of which he sustained injury on his eye the BDR rebels

also assaulted this witness on his left knee. By beating him repeatedly, the BDR rebels took him to the nearest field. Many soldiers assembled therein. From that place, one soldier tried to take him to the line pulling him. Another soldier pointed pistol at his head and tried to take him in another way. Thereafter, some of them uttered that all the persons should not be killed rather 2/1 persons should be kept under hostage and one of them asked to obtain statements from him. After making persecution on this witness in different ways, the BDR rebels compelled him to sit in Golghar (round shaped house) tying his eyes and also persecuted him for some times in different ways thereat. At one time, they kept this witness in a prison cell of quarter guard of a Battalion. At the time of evening, the BDR rebels went to him with paper and pen and pressed him to record his statements in black



and white. Afterwards on pressure he put down a statement at their instruction. Subsequently he came to know that the said statement was sent to electronic media for broadcasting the same in the TV. This witness came to know that the BDR personnel who confined him were Sepoy Rakibul and Naik Rafiqul of 44 Rifle Battalion. At 22:00 hours at night, one Subedar came to him and expressed his goodwill to save him. He kept him under lock and key in the quarter guard and sometimes he supplied food thereat. The BDR soldiers came to him several times and tried to take him away therefrom. On the following day at noon, the BDR rebels surrendered their arms and at the time of evening he noticed that some people were talking with each other outside his prison cell. When this witness was rescued by breaking open the lock and key of his prison cell, he came to see some

members of parliament, who came there to rescue him. On rescue, they sent him to his residence. On the following day, he came back to Pilkhana and went to his room in order to look for his personal belongings. Going thereat, he came to see that some cash amounts, one laptop computer, one mobile set, some necessary papers and one watch of this witness were looted away. His personal Nokia mobile phone number was 01727591170. Afterwards he came to know from different electronic media and other officers that at the leadership of DAD Touhid, DAD Rahim, DAD Jalil, DAD Nasir, DAD Habib, Signalman Monir, Sepoy Moniruzzaman, Havildar Rafiq and Sepoy Selim Reza, a group of 14 BDR members met Hon'ble Prime Minister and pressed their charters of demand, before the Hon'ble Prime Minister but they concealed and suppressed the atrocious activities of BDR personnel

in Pilkhana, killing of 74 persons including 57 Army Officers, damaging and looting of the properties and setting fire to the residences and vehicles. He further came to know that they committed the offence of murder with pre-planned conspiracy. Afterwards, the investigating officer informed this witness that his personal mobile phone was recovered from one Arob Ali of Netrokona. He identified his mobile phone set and exhibited as material exhibit-II.

**PW 9 Lieutenant Colonel Md. Maksudul Hoque** has also given description as to commission of offences at the Darbar Hall by the BDR rebels by stating the same in his evidence that on 15.02.2009, he got President Rifle Award from BDR Comilla Sector. For receiving award, he was attached with Pilkhana and attended Darbar on 25.02.2009 at 8:40 a.m. Darbar was started at 9:00 a.m. Initially DG

exchanged greetings. At about 9:30 a.m, DG was delivering his speech over Dal-Vhat programme saying that the dividends from Dal-Vhat programme would be deposited in the welfare account of BDR officers and soldiers. At one stage of speech of DG, Sepoy Moin of 13 Rifle Battalion with arms at hands entered the Darbar Hall and pointed arms at DG. Thereafter Sepoy Kazol of 44 Rifle Battalion also entered the Darbar Hall. During that time, DDG remained seated beside the left side of DG. DDG caught hold of Sepoy Moin and then other officers disarmed him. Sepoy Moin fell down on the stage. He came to see one officer from medical core to untie the button of the shirt of Moin. At that time Sepoy Kazol escaped from the Darbar Hall. Afterwards he heard a sound of firing and instantly one of the BDR personnel made a sound shouting a words 'Jago'

(‘জাগো’). At that time there happened violence in the Darbar Hall and some BDR soldiers stood up. DG told the BDR soldiers to be calm and quiet and wanted to hear their speeches. Then some of the BDR soldiers started leaving the Darbar Hall. DG directed them not to leave the Darbar Hall but the BDR soldiers started leaving the Darbar rapidly. The BDR soldiers started leaving the Darbar Hall breaking down the glasses of the doors and the windows. This witness came to hear sound of firings from the outside of the Darbar Hall. The sound of firings started increasing gradually. DG also directed all the commanders to control their respective troops. At one stage, the senior officers taking DG took shelter behind the screen of the stage. As firings were coming inside the Darbar Hall, they all laid down on the floor. Subsequently, the Darbar Hall became empty. **This witness was observing all the**

situations concealing himself behind the screen of the stage. All of a sudden, 10/15 BDR rebels with arms and ammunitions entering the Darbar Hall started opening firings indiscriminately and asked all officers under shelter in different places to come out raising their hands over the head. Many officers started coming out at the order of BDR rebels. The BDR rebels took 10/15 officers at gunpoint outside the Darbar Hall raising their hands. Afterwards he heard heavy sound of firings outside the Darbar Hall. A few minutes later, Sepoy Selim Reza of 44 Rifle Battalion appeared near the stage raising arms in hands and megaphone and asked the officers remained behind the stage to come out by megaphone, failing which he threatened to kill them. At that time, DG and DDG along with 10/12 officers came out from the

**stage. Then Sepoy Selim Reza rebuking the officers ordered them to go 'one by one'. Getting order, DG and other officers started going towards the west side of the Darbar Hall maintaining a line. At that time, apart from Sepoy Selim Reza, Sepoy Sajjad Hossain of 13 Rifle Battalion, Sepoy Ibrahim, Sepoy Obaidul, Sepoy Rafiqul of 44 Rifle Battalion and Lance Naik Ekran of 24 Rifle Battalion and some others BDR rebels were also proceeding towards the west side of the Darbar Hall aiming arms at the army officers. As soon as the DG and other officers went out of the Darbar Hall through west-north gate of the Darbar Hall, the violent firings were started. The officers started fleeing away for shelter. He came to see Sepoy Selim Reza, Sepoy Atoar of 44 Rifle Battalion, Sepoy Ibrahim, Sepoy Obaidul, Sepoy Rafiqul, Sepoy Sajjad,**

**Lance Naik Ekram of 24 Rifle Battalion and some other BDR rebels who were opening fires on the officers. Sensing the dreadful consequence of the situation, at one point he came out of the Darbar Hall.** This witness arrived at in front of the family quarters and thereafter he left Pilkhana jumping over the boundary wall. Thereafter he went to a house at Moneshor lane. He narrated the story to Lieutenant Colonel Shahriar. While he was proceeding towards Azimpur beside the Pilkhana, at around 12:00 a.m, he came to see some soldiers of 2 East Bengal Regiment at the west side of gate no.2 near Azimpur old graveyard. Later, he took shelter in the 4<sup>th</sup> floor of a 4 storied building and stayed there till 7:00 p.m with the army soldiers. Therefrom he had a talk with Brigade Commander of 46 Independent Infantry Brigade with regard to the occurrence happened at Pilkhana. At



7:00 p.m, he left the place for his residence at Kalyanpur. On 26.02.2009 at about 9:00 a.m, he met Brigade Commander of 46 Independent Infantry Brigade at Abahani field. Later on, he came to know from printing and electronic media that under the leadership of DAD Touhid, DAD Rahim, DAD Habib, DAD Jalil, DAD Nasir, Sepoy Selim Reza, Havildar Rafiq, Naik Safi, Sepoy Monir and others in total 14 BDR members delegation had a meeting with Hon'ble Prime Minister but they concealed all the mischief and misdeed committed by them at Pilkhana. On the date of occurrence, the BDR rebels looted arms and ammunitions from the Kote and Magazine and thereafter killed 57 army officers. Besides, they also looted and set fire to the valuable properties.

From the evidence of P.Ws. 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 17, 19, 20, 21, 25, 26, 27, 34, 36, 38, 41,42,

43, 45, 48, and 49 it appears that on 25.02.2009, the meeting at the Darbar Hall was started at 9:00 a.m with the recitation from the Holy Quran. In that meeting around 97 officer along with 2500-3000 BDR soldiers were present. DG of BDR delivered speech on Dal-Vhat programme and on smuggling issues and disclosed that the dividends earned from Dal-Vhat programme would be used for the welfare of BDR members. The DG of BDR delivered speech stating that illegal goods worth Tk. 1 (one) crore were being seized everyday but the fact remained that the goods worth Tk 9/10 crore were always found missing. At one stage, DG tried to get support of the soldiers in support of his deliberations but he did not find any response. Thereafter, DG spoke about other matters. At that moment, Sepoy Moin being armed with weapon entered the Darbar Hall from the left side of

DG and came upto the stage pointing arms at DG. After a few time, Sepoy Kazal of 44 Rifle Battalion entered the Darbar hall following Sepoy Moin. As soon as, Sepoy Kazal entered the Darbar hall, DDG Brigadier General Bari, Colonel Mujib, Colonel Anis, Mannan, Lieutenant Colonel Elahi, Lieutenant Colonel Shams, Major Khaled, Major Aziz and other officers disarmed Sepoy Moin. At that time Sepoy Kazal left the Darbar Hall. Then a sound of firing was found. In the meantime, Sepoy Kazal ran away through the door of the Darbar hall. The BDR members sitting inside the Darbar Hall made shouting saying the word “Jago”. Under the situation, the soldiers stood up, a hue and cry was started and the soldiers began to run to and fro. Sound of firings were heard outside the Darbar hall. The BDR personnel

started going out of the Darbar Hall through the doors and windows of the Darbar Hall.

With regard to the attack at the Darbar Hall and killing of the army officers inside the Darbar Hall, **PW21 BA-5450 Major Syed Monirul Alam**, at present A.R.T, Savar Cantonment has stated in his evidence that he joined as commissioned officer in Bangladesh Army on 3<sup>rd</sup> January, 1995. On 1<sup>st</sup> May, 2007, he joined in BDR on deputation. For the purpose of observance of BDR week, he joined in BDR Headquarters from 26 Rifle Battalion. He used to attend the office by a Motorbike from his Rampura residence. On 24.02.2009, the Hon'ble Prime Minister visited the parade held on the occasion of BDR week, 2009. In that parade, he acted as contingent commander. A meeting for the BDR officers and forces was scheduled to be held at Darbar Hall on

25.02.2009 at 8:00 a.m. In order to participate in that meeting, he started from his residence at 7:00 a.m, reached 24 Rifle Battalion within 20 minutes therefrom and started waiting therein. He made a phone call to Major Momin and came to know that the meeting would be held at 9:00 a.m instead of 8:00 a.m. At about 8:30 a.m, he along with Major Momin and Major Maksumul Hakim went to Darbar Hall to participate in the meeting and took their respective seats. At 9:00 a.m, the DG of the BDR appeared in the meeting and started delivering his speeches on different matters including the operation Dal-Vhat. After a while, the DG of BDR informed that the outstanding money earned from the operation Dal-Vhat would be used for the welfare of the BDR members. As soon as the DG of the BDR told about the operation Dal-Vhat, sepoy Moin of 13 Battalion

came over the stage with arms and pointed the same at DG. Then and there all the BDR members stood up. At that time, he heard of a firing. The DDG of the BDR escaped the DG and detained the sepoy Moin with the help of other BDR officers. On such situation, the BDR members started leaving the Darbar Hall raising a hue and cry thereat. Looking through the glass, he found that the BDR rebels were coming towards the Darbar Hall opening fire in the air. The DG encircled by other BDR officers ordered all to come in the Darbar Hall again. He informed his wife of the incident. The terrible firings were started around the Darbar Hall. In order to protect him, he entered into the washroom and took shelter in a basin with Major Maksumul. A gang consisting of 10/12 BDR rebels entered into the Darbar Hall and used filthy languages towards the BDR officers. During that

period, he identified Sepoy Zia and Sepoy Razibul of 44 Battalion. Thinking of danger he changed his shelter place. After a while the BDR rebels entered into the washroom, found Maksumul Hakim and opened fire on him. As a result, he died on the spot. Being afraid of, he lay on the floor and remained there as a dead man. Then one of the rebels told Sepoy Zia and Sepoy Razibul to leave the place making a comment that all sons of the bitches had died. He found 5/6 BDR rebels through the window and among them, he identified Sepoy Sajjad, Sepoy Rubel and Sepoy Shahadat of 13 Battalion. As soon as the BDR rebels opened fire on the BDR-Army officers, they fell down on the floor. Afterwards, when the situation became calm and quite, he lay on the drain attached to the Darbar Hall. Therefrom, he informed his wife of his whereabouts. After 15/20 minutes some BDR rebels

came beside the drain and shut up the door of the toilet. The BDR rebels then asked who were there inside the toilet. From the inner side, one of the officers gave answer that he is the Sector Commander of Rajshahi Zone. Then they told sir, please come out. When that officer came out, they killed him by gunshots. None of the BDR rebels found me out. In the afternoon a vehicle came and the BDR rebels then took away the dead body of the BDR officers by that vehicle. At the order of the BDR militants, the blood stained floor of the Darbar Hall was washed away by the NCE. For that reason, water mixed blood also fell on his cheeks. He remained in the drain till 12:30 p.m. Considering the drain unsecured he took shelter in a false ceiling of the Darbar Hall and heard the conversations of the BDR militants. One of the BDR rebels uttered the name of Sepoy Shahid and told him



that he murdered 17 officers. Another militant wanted to know about the numbers of dead officers and in reply he said that 60/70 officers were killed. That Sepoy also spoke objectionable words about DG madam. On the day following 26.02.2009 he remained in the false ceiling of the Darbar Hall till 5:15 p.m. In the afternoon at about 5:15 p.m. he heard a voice of a person who introduced himself as Whip Golam Reza and told him to come out. He then came down from the false ceiling and told him to ride on the vehicle. On the way of coming, he found the Hon'ble Home Minister Advocate Shahara Khatun who talked with me and gave consolation. Thereafter, he was taken to the cantonment by a vehicle of DGFI. Subsequently, he came to his residence with his wife and relatives. During his stay at his residence he identified Sepoy

Kamrul who talked with media while watching TV and Video footage.

In cross examination on behalf of Sepoy Razibul and Sepoy Shahadat, he stated that he came to BDR Headquarters in the previous night of the occurrence in order to see rehearsal of Tattoo show. Till then it was not within his knowledge that meeting in the Darbar Hall would be held at 9:00 a.m. For the practice for parade two retired honorary Captains were brought. He did not actually know whether BDR members or NCOs or JCOs would participate in the practice. He took his respective seat in the last part of second line. He denied the suggestion that for the convenience of fleeing away after the occurrence, he took his seat in the last part of the last line. He further stated that at one stage of the occurrence all the BDR members left the Darbar Hall. He then stated that he

could not remember whether there was any screen on the glass of the Darbar. The I.O of the case did not want to know about his phone number. He tried his best to talk with his commander over phone but did not connect him. On that time he did not inform anyone of the cantonment of the incident. The duty of the Runer is to provide assistance to his officers. The washroom is about 30 yards away from the sitting place. The drain is 16 inches wide. He remained in the drain one sided vertically. He denied the suggestion that it was not possible on his part to conceal himself in the drain. He also denied the suggestion that there was a slab over the drain. There was a frame of table over the drain. There were as many as 4/5 basins in the washroom. He and Major Maksumul Hakim took shelter under the different basins located side by side. It is possible to stay in a vacant place of a basin.

However, he denied the suggestion that it was not possible for a man to stay in a basin. He then denied the suggestion that it was not possible to locate Major Maksum in the basin. He further denied the suggestion that it was not possible on his part to come out through the window. The distance between the floor and ceiling is about 13 feet or 15 feet and the height of the same is about 10/12 feet. It is not a fact that the ceiling was attached to a tin. He did know whether the Darbar Hall were innovated or not. It is not a fact that it was not possible on his part to climb up on the ceiling. He denied the suggestion that it was not possible to hear anything from a height of 15 feet. He was in a height of 10-15 feet. His mobile phone was with him. He did not make any phone call to the cantonment from the drain. He was neither in service in 44 Battalion nor in 13 Battalion. He told about the batch numbers of

Sepoy Razibul and Sepoy Shahadat to the I.O. He did not depose their names and batch numbers in the deposition in chief. He does not know whether there is more Sepoys in the name of Razibul and Shahadat. Most probably, he joined in the BDR again on 10/11 March. He never met I.O earlier. He knew Major Munshi Mahbub, but did not know whether he was a runner after the alleged occurrence when accused Razibul joined in the service. He did not make any conversation with Munshi Mahbub over the incident. He does not know when accused Razibul was arrested. He made statements before the I.O on 30.3.2009. He denied the suggestion that he deposed against Razibul falsely at the dictation of his authority. He watched and identified accused Razibul by his own eyes. He denied the suggestion that none of the Sepoys told the name of Sepoy Razibul. He also denied the suggestion

that he had no opportunity to see Sepoy Razibul. He denied the suggestion that at the time of meeting at the Darbar Hall, Sepoy Razibul was at his quarter. He denied the suggestion that he deposed against the accused falsely in order save his service.

In cross-examination on behalf of Sepoy Shazzad Hosen, he stated that the kitchen room is situated beside the washroom. A passage goes along washroom and kitchen room. His dress became blood stained. He did not handover the blood stained garments to the I.O. He did not make any conversation with anyone over the stage. The washroom and kitchen room are attached with the Darbar Hall. One can go to the washroom from the Darbar Hall opening a door only. There is no corridor in front of the washroom. A toilet is situated after a washroom. There is no urinary attached to the basin. The door of the Darbar Hall was

opened. It is not a fact that one has to go to the south side coming out from the washroom. The roof over the washroom is comparatively low than the roof of the Darbar Hall. It is not a fact that the upper roof is attached to the wall. It is also not a fact that the basins are situated in the western side of the kitchen. It is not a fact that the kitchen room is separated from the Darbar Hall. The washroom stands beside the toilet and the kitchen. To the southern side of the kitchen, there is a way of exit. The back side of the Darbar Hall indicates the east side. The sewerage drain is adjacent to the Darbar Hall. He does not know the names of all the soldiers. He does not know how many Sazzad is there in his battalion. He did not tell about the batch number of Sazzad to the I.O. He identified him watching his photography. He denied the suggestion that he implicated this accused in this case at the

instruction of others. He denied the suggestion that the kitchen room is not visible from the washroom. He denied the suggestion that he did not go to the washroom. He also denied the suggestion that he did not come out through the window. He denied the suggestion that the BDR rebels did not enter into the Darbar Hall or he did not see anyone being armed with weapons. He denied the suggestion that there is ceiling at the Darbar Hall. He denied the suggestion that the ceiling is nine feet away from the roof of the Darbar Hall. He denied the suggestion that none else died at the Darbar Hall. He stated that one person was killed at the washroom and the another at the drain. He denied the suggestion that he participated in the killings following BDR mutiny. He denied the suggestion that he did not hear the name of Sazzad. He stated that he saw Sazzad to kill officers by opening



fire on them. He denied the suggestion that he deposed against this accused falsely.

In the cross-examination on behalf of sepoy Rubel, he stated that he gave statements to the I.O at noon for about an hour. The I.O recordsd the statements and typed in the computer as well. The I.O recordsd the statements for about 30/40 minutes and the same was typed then and there. At the time of occurrence, he was in service at 13 Battalion. He denied the suggestion that Rubel was not happened to meet with him. He did not know whether accused Rubel was runner of a DAD. He denied the suggestion that Rubel was not present at the time of occurrence. He denied the suggestion that he did not see any officers to enter into the kitchen room. He denied the suggestion that he deposed falsely against this accused.

In cross-examination on behalf of Sepoy Zia, he stated that on the very day of occurrence, he stayed in the ways of Darbar Hall from 9:00 a.m to 9:15 a.m. He remained in the washroom from about 9:15 a.m to 11:15 a.m and in the drain from about 12:00 p.m to 12:30 p.m. He denied the suggestion that it was not possible on his part to see the Darbar Hall from the washroom. At the time of occurrence, he saw Zia with arms having a name-plate on his uniform and identified him. In the month of February, he saw Zia at 44 Battalion. He did not have direct conversation with Zia. He denied the suggestion that he did not identify accused Zia or that at the time of occurrence, he was not present. The drain is situated in the east side of the washroom. There is a drain around the Darbar Hall. The depth of the drain is about 3 feet and his whole body was inside the drain. Both of them remained in

the drain side by side. He did not receive any bullet injury in his body. He got DA (daily allowance) for 10 days. He denied the suggestion that they were dissatisfied. He denied the suggestion that he had a conflict with Major Maksumul. He did not know of the dissatisfaction over money derived from Dal-Vhat programme. He denied the suggestion that the killings were committed by the cross fire of both the parties. He denied the suggestion that he participated in the killings. As they were unarmed, they could not resist the situation. He does not know the name of the soldier who uttered the name of Sepoy Zia. He denied the suggestion that he did not see anything remaining in the drain. While he was in drain there was a rolling carpet on him. He did not identify Sepoy Zia at the video footage. He denied the suggestion that whip knew that he was there in the drain. It is not a fact that

he deposed falsely against the accused. He mentioned the names of the rebels who participated in the killings. He denied the suggestion that the names mentioned by him were all tutored.

In cross-examination on behalf of accused Shahidul, he denied the suggestion that Shahidul was in service in 26 Battalion. He also denied the suggestion that the accused was in duty at Baipak. He did not know whether the accused was arrested by RAB at Nawabgonj on 26.02.2009. He denied the suggestion that he deposed falsely against the accused.

In cross-examination on behalf of accused Moin (absconded), he stated that Sepoy Moin was not in service under him. He does not know how many Main is there in service. He denied the suggestion that he deposed falsely against him and that he did not know him.

In cross-examination on behalf of accused Kamrul (absconded), he stated that he watched TV channels. He had acquaintance with accused Kamrul from a long time. He recognized the accused since he along with the accused was in service together. He denied the suggestion that he deposed falsely against the accused.

The attack at the Darbar Hall and the killing of army officers as described by **PW 9 Lieutenant Colonel Md. Maksumul Hakim** have been supported and corroborated by the evidence of **PW25 Lieutenant Colonel Md. Iqbal Hassan** who has stated in his evidence that on 25.02.2009, being a Major he was in service at BDR Hospital as Deputy Commander. His residence was situated at the 3<sup>rd</sup> floor of a building by name 'Taranga' at the BDR Hospital. On the occasion of BDR week, on 25.02.2009 he

along with other Doctors went to Darbar Hall before 9:00 a.m. and took his respective seat. At 9:00 a.m. DG of BDR started meeting at Darbar Hall and told about Dal-Vhat programme. At that time a Sepoy by name Moin of 13 Battalion being armed with weapons came over the stage and pointed his arms at the DG. Subsequently, another Sepoy by name Kazal also came over the same. On such situation everybody stood up and started moving towards the western gate. He found that the officers present therein caught hold of Sepoy Moin. He found Major Aziz, Major Khalid and others at the spot. During that period of time he heard sound of firing outside the Darbar Hall. He also found DG and Colonel Gulzar standing on the stage. He also found some BDR rebels to come towards Darbar Hall opening fire. He heard Colonel Gulzar to say Sir, sent the force as early as possible otherwise

they would kill us. Thereafter, he saw some BDR rebels to enter into Darbar Hall and among them he identified Sepoy Selim Reza taking arms in one hand and megaphone in another hand. By using the megaphone, he asked the officers to come out, then lady Doctor along with many other officers came out. The BDR rebels then took the lady doctor in the pickup and took away the male officers. He saw Lieutenant Colonel Badrul and others officers hiding them at green room. After a while many armed BDR rebels entered into the Darbar Hall and thereby he along with Colonel Aftab took shelter beside the utensils behind the tank passing through the ventilator attached with the bathroom. At about 11:00 a.m, he heard of firings and murmuring of the victim officers. The officers who took shelter at the bathroom were fired resulting in death and he also heard crying of

the injured officers. In the meantime, through the ventilator of another bathroom Colonel Reza, Colonel Arefin Lieutenant Colonel Sazzad and Colonel Jahid came and took shelter with them. Within a short span of time the Darbar Hall turned into a hell. This witness and others took shelter in the utensils kept in the kitchen. Thereafter, 5/6 BDR rebels came at the bathroom for which he hid himself beside a rice cooking pot (deckchy). Among them he recognized Sepoy Sazzad, Sepoy robin Miah and Sepoy Sahadat. When they opened fire on the officers, they fell down on the floor. At the time of coming out, a BDR militant told another one to come out rapidly addressing him as Sumon who is of 44 Battalion. Instead of coming out, Sumon pushed out the deckchy as a result of which Lieutenant Colonel Sazzad came out and thereby killed him by opening fire at him. On



that time he and Colonel Aftab survived luckily. He then put off his badge. On 25.02.2009 at the time of announcement of Azan of Esha prayer he went out breaking the window. Then, he started moving forward. One of the BDR rebels asked him who is he? In reply he told that he had been going to bring a flute. Then he started moving towards the north side. A group of 7/8 BDR rebels asked him about his identity. In reply he said he is Jahir who had been going to bring a flute. In front of the house of one Zahid, he came to see some BDR rebels to search out the each residence. On such situation he entered into rypocks and took shelter near the stage of bride and bridegroom and stayed therein the whole day and night. He stayed there till the afternoon of the next day. Subsequently, he came out from the rypocks and started to move towards the residence of DG. He

found some BDR rebels being weaponed with arms. He found some civil vehicles and among them some vehicles with national flag in front of the quarter guard. When he introduced himself they took him in one of their vehicles and dropped him at gate number 4 wherein he found his younger brother and thereafter, went to his sister's house.

In cross-examination on behalf of Sepoy Sajjad Hossain, he stated that on 26.04.2008, he joined as Doctor of BDR Hospital at Pilkhana. There were 27 Doctors at Pilkhana Hospital. Out of those Doctors 17 Doctors were Military Officers and 10 Doctors were from the Ministry of Health. In 161 statements he stated that the persons who were inside the Darbar Hall rushed towards the western gate. He took seat in the officer's row which was 25/30 yards away from the stage. There was a door in the southern side. The

green room was situated in the eastern side of the Darbar Hal and in the southern side of the stage. The doors of the green room and the bathroom were quite separate. The bathroom is situated besides the green room. The green room is not situated in the western side. He went out from the bathroom through the ventilator and came at the kitchen. He went to the green room for once. There was no dining beside the kitchen. He took shelter beside the cooking pot available in the kitchen. He denied the suggestion that there were no such big cooking pot in the kitchen. He denied the suggestion that it is not possible to go to kitchen through the ventilator. He did not shut up the door of the bathroom. He did not try to open the door of the kitchen. He denied the suggestion that it was not mentioned whom Sajjad and his cohorts killed. Sajjad killed Colonel Jahid, Sepoy Rubel killed Colonel Reza

and Shahadat killed Colonel Arefin by opening fire at them. He stated before the I.O. that who was killed by Sajjad. He denied the suggestion that he deposed falsely against Sajjad before the Court. Remaining in the Darbar Hall, somebody can see the eastern side being east faced from the western side. He denied the suggestion that he did not go out through the ventilator. He denied the suggestion that he did not go to the greenroom or kitchen. He denied the suggestion that he did not see Sajjad or that he deposed falsely against him. He denied the suggestion that it is not possible to hide beside the cooking pots. He stated that he hid himself in between 2/3 cooking pots. He joined in 22 BDR Battalion on 01.10.2007 and served both in 22/26 Battalions. He denied the suggestion that he did not mention the name and address of Sajjad as he was not known to him. He did not serve in 13 Battalion.

He denied the suggestion that he deposed against Sajjad at the instruction of others. He denied the suggestion that on 25.02.2009 the BDR members did not open any fire at Pilkhana. He denied the suggestion that Sajjad did not kill anybody by opening fire. He denied the suggestion that no army officers were died or killed at the Darbar Hall.

In the cross-examination on behalf of Sepoy Selim Reza and Sepoy Shahadat, he stated that he told before the I.O. that he is a Doctor. The I.O. recordsed his statements and the computer operator typed the same in the computer. After being composed the same was shown and read over to him. He cannot say about the excess amount of money derived from Dal-Vhat programme. He told about Selim Reza of 44 Battalion to the I.O. giving his badge number as 63907. The I.O. wrote down the necessary statements as required.

During the firing DG asked to stop fire. He cannot say to whom Colonel Gulzar talked over phone. He came back again to his unit on 12.03.2009. He did not disclose anything before making any statements before the I.O. He cannot remember where he had been on 16.02.2009 and 21.04.2009. He met I.O on 26.03.2009 for the first time. The register in respect of admission of patient to the Hospital is normally maintained. On 25.02.2009 the overall administration of the Hospital was not normal. Since he was not at Pikhana on 27.02.2009 he cannot not say what actually happened in the Hospital on that day. When he gets time he reads newspapers and watches TV. He cannot say whether on 27.02.2009 the hon'ble Home Minister sent accused Selim Reza to the Red Crescent Hospital for treatment. He cannot say whether Baishaki TV Channel aired any programme on Selim Reza. He

cannot say how many BDR rebels encircled the Darbar Hall. He did not tell before the I.O. that how many BDR rebels entered into Darbar Hall and whether he saw Selim Reza with arms. He cannot say the names of the lady Doctors. He told I.O. about the going out of the lady Doctors mentioning the numbers as well but he did not tell about the total numbers. He told to the I.O. about the time on which the BDR rebels came. He along with others hid inside the Darbar Hall. When the BDR rebels entered into the Darbar Hall with arms he went to the greenroom. He denied the suggestion that greenroom is situated at the north-east corner. He denied the suggestion that at the time of occurrence accused Selim was under treatment at BDR Hospital. He denied the suggestion that he had no opportunity to see the accused from the greenroom. He denied the suggestion that he did not tell about

Selim Reza or that he was not known to him. He denied the suggestion that he deposed falsely against Selim at the dictation of others. The size of ventilator of the bathroom is  $2\frac{1}{2}$  X 3 feet being made of glass having made steady on it and the same is situated at the height of 4 feet. He went to the ventilator crossing over the commode. The cooking pots were big in size and they were about 50 in number being stuck  $\frac{4}{5}$  together. The accused were  $\frac{4}{5}$  yards away from his position. He heard the sound of the presence of the accused. Hearing the sound, he became scared and squeezed and noticed everything in details. After 11:00, all the Sepoys appeared. He did not perform his duty in 13 and 44 Battalion. This two accused also did not work with him. He denied the suggestion that the ventilator was situated at very high place. He denied the suggestion that no one can go out from the



ventilator. He denied the suggestion that there was no accommodation for all the Sepoys at the Darbar Hall. He denied the suggestion that Sepoy Shahadat was at his residence. Major Monirul was known to him. The window was covered with mosquito net but there was no grill over the same and as such it became possible on his part to come out therefrom. On 25.02.2009 some places were lighted and some places were dark. The I.O. did not seize his mobile. He denied the suggestion that he deposed falsely at the dictation of others. He denied the suggestion that the accused did not kill the officers by shooting them down.

In the cross-examination on behalf of Sepoy Rubel Miah, he stated that he did not work with Sepoy Rubel. However, he told about his father's name, badge number and address to the I.O. He cannot say whether the I.O. penned down his statements while

speaking those before the I.O. The statements were not read over to him. The statements made by him do not contain the address of the accused. He denied the suggestion that to tell about the address of the accused before the I.O. was false. In order to save his life he hid himself behind the cooking pots. He denied the suggestion that at that time, he had no mental state to see all the things. He denied the suggestion that he did not see anything or that he deposed falsely. He stated that he told about the cooking pots found passing through the ventilator of the bathroom. There were no cooking pots at the bathroom. He denied the suggestion that he deposed falsely. He cannot say whether I.O. seized any cooking pots. He denied the suggestion that Rubel was not known to him. He stated that accused Rubel, Sajjad and Shahadat were

not found together. He denied the suggestion that Rebel was not know to him.

In cross-examination on behalf of Sepoy Kazal Ali, he stated that he told before the I.O. that he saw Sepoy Kazal of 44 Battalion coming over the stage. In front of the stage, he found so many persons coming and going. Accused Kazal was not previously known to him. He saw Kazal fleeing away from the Darbar Hall and thereafter identified him looking at the photograph. He cannot say whether the photograph of Kazal was available in the camera fitted inside the Darbar Hall. He cannot say when accused Kazal joined in BDR. He was not directly involved with the Dal-Vhat programme. He got TA for 10 days. He denied the suggestion that the alleged occurrence took place for the interest of some political groups as he was not satisfied with the TA of 10 days. He denied

the suggestion that the alleged occurrence took place out of cross firing among the BDR members. He denied the suggestion that he deposed falsely against the accused.

In cross-examination on behalf of Sepoy Sumon, he stated that he did not say whether there was a programme of games at Pilkhana on 25.02.2009. Usually, the uniforms of the BDR members bear the name of the BDR members. The name of Sepoy Sumon was written on his uniform. Lieutenant Colonel Sajjad came to their room coming through the ventilator of another bathroom. He disclosed the name and address of Sumon to the I.O. but it is upto the I.O. whether he wrote it or not. He denied the suggestion that he did not mention about the arms by which he opened fire. Accused Sumon opened fire on Lieutenant Colonel Sajjad as a result of which his

brain matters came out and touched his legs. He denied the suggestion that he did not say to the I.O. that Sumon opened fire at Sajjad. He did not get any copy of 161 statements. He cannot say whether I.O. wrote to the effect that the brain matter of Lieutenant Colonel Sajjad touched his legs. The I.O. wrote down whichever he liked. He told to the I.O. that the cooking pots are made of brass. He denied the suggestion that his evidence were not correct. He denied the suggestion that he did not say about Sumon to the I.O. He denied the suggestion that he could not see anything as he kept himself hiding. He denied the suggestion that Sumon did not open any fire or that he was not Sumon of 44 Battalion. He denied the suggestion that he deposed falsely against the accused for the death of his colleagues. He denied the

suggestion that he could not remember about the incidents.

In cross-examination on behalf of Sepoy Moin, an absconded accused by the State defence lawyer, he stated that he never worked with Moin. He denied the suggestion that he did not say the names and address of Moin to the I.O. He cannot say how many persons were there by name Moin. He did not remember the badge number of Moin and there might be many persons by name Moin but he specifically stated that he told about this Moin. Later on Colonel Aftab died. He denied the suggestion that this accused is not the actual Moin and that he deposed falsely against him.

With regard to the attack and killing of army officers, **PW 72 Major Farzana Kalam**, has testified in her evidence that in order to observe BDR week she was at the Darbar Hall on 25.02.2009. She appeared

there at 8:30 a.m and at about 9:00 a.m, the meeting at the Darbar Hall was started and the DG started giving his sermons. After sometimes when he was talking about operation Dal-Vhat programme at that time a soldier being armed with weapons coming from the western side entered into the Darbar Hall and pointed arms at him. The officers over there caught hold of him. In a moment a hue and cry was started at the Darbar Hall. Many soldiers started going out through the doors and the window of the Darbar Hall. She along with some officers came towards the stage when firings were started in and around the Darbar Hall. She, Lieutenant Colonel Dr. Lutfor Rahman, Lieutenant Colonel Rabi Rahman, Lieutenant Colonel Yeasmin and Major Roksana were there at the same place. In order to save themselves they took shelter behind the screen of the stage at the south-west corner

of the Darbar Hall. DG, DDG, DOT, Captain Majahar, Lieutenant Colonel Kamruzzaman, Central Subedar Major and many others took shelter behind the screen on the other side of the stage. The sound of firings started increasing. The BDR rebels asked all the officers to come out behind the screen. At that time at the advice of Lieutenant Colonel Lutfor Rahman, the officers remaining in the south-east corner of the stage started coming out one after another. When they came down from the stage the BDR rebels caught hold of them and brought them out of the Darbar Hall. When they appeared in the middle place of the Darbar Hall the BDR rebels opened fire at Lieutenant Colonel Kaiser and beat Lieutenant Colonel Lutfor Rahman. They pushed them out through the gate located in the north-east gate of the Darbar Hall. Bringing out from Darbar Hall they called bad names of the officers and



beat them mercilessly. Some of the BDR rebels wanted to take them to the firing squad. Sepoy Selim Reza came there and told them not to kill them as they are lady doctors and also told that they would be needed for their treatment purpose. On that time he found Major Saleh who came out from the Darbar Hall receiving bullet injury. When a pickup came, the BDR rebels picked her along with Lieutenant Colonel Yesmin Akhter and Major Roksana on the pickup. Lieutenant Colonel Rabi Rahman tried to ride on the pickup but the BDR rebels resisted them from riding on the pickup. At the moment of starting the pickup the aforesaid Lieutenant Colonel Rabi Rahman were able to ride on the pickup but the BDR rebels pushed him down beating him by the bat of a rifle. The pickup came to the Hospital and dropped them there. They went to the O.T. Thereafters he went to attend them.

She came to see Lieutenant Colonel Sadrul, Lieutenant Colonel Tanvir thereat. Subsequently, on different times Lieutenant Colonel Anowar, Lieutenant Colonel Farhad, Lieutenant Colonel Razzaque, Lieutenant Colonel Zahanara, Major Ani, Major Ahsan and one of her civil doctor friends came to the O.T. one after another. They attended the patients at O.T. and gave treatment to the injured persons. At about 11:00-12:00 a.m, the wife of Dr. Afzal Hossain receiving bullet injury in her stomach came to the Hospital in critical condition. She attended her and gave treatment to her as well. While they were in O.T, she remembered the presence of Sepoy Hashib, Obaidur, Jashim, Ibrahim and Rafique who came to O.T how and then. Among them she also remembered Sepoy Ramjan of 13 Battalion. Basically they came to the O.T to look after as to whether proper treatment was being administered

to the injured soldiers or not and they also took some minor treatment. Sepoy Rezaul (RP) was also with them. They forbade them to make any communication over mobile phone. A gang of BDR rebels came and told that they had brought them saving their life but they were making contract outside. They also told that if they displayed any cleverness, they would be shot down. They spent the whole day of 25.02.2009 and the whole night following 26.02.2009 at the Hospital at the gunpoint of the armed BDR militants. On that day her mother, 2 children and maid servant were waiting for her at the Government residence at the Pilkhana. Her private car standing at the garage at his residence was also burnt down by the BDR militants. They went to her residence for several times and gave threat to her mother. At about 11:00 a.m 7/8 BDR rebels went to her residence and confined them in a room at

gunpoint and looted away the valuable goods like gold ornaments, hard cash and camera from her house. On 26.02.2009 in the morning 2 armed BDR rebels out of them one is Sohel Rana went to his residence and misbehaved with her family members and gave death threat. They pulled her mother and children stretching them and confined them in the quarter guard. On that day she went out from the Pilkhana in the afternoon with the other members. On 26.02.2009 in the morning the BDR rebels occupied 2 office rooms located at the O.T. at gunpoint. They were also waiting thereat. On that day in the afternoon at about 4:00 p.m with the help of Ataur, Naik Assistant (O.T.A), they went to gate No.1 and went outside Pilkhana. Subsequently, she came to know from I.O that the looted ornaments were recovered from the possession of one Sepoy Abdur Rahman, son of

Azizar Rahman from Bogra and some looted goods were recovered from the possession of mother Johora Khatun and maternal uncle Abdus Salam of Sepoy Jahangir Alam of 24 Battalion from Naogaon. On 18.11.2009 she identified the looted gold ornaments at TIP in presence of Magistrate. The gold ornaments were brought before the Court and the same were exhibited as Ext. XIX series.

As far as the attack at the Darbar Hall and in other places of Pilkhana and killing the army officers, **PW 73 Colonel Yasmin**, has stated in her evidence that on 01.03.2005 she joined in BDR Hospital as pathologist and was in service till 25.02.2009. On 25.02.2009 at about 9:00 a.m, she along with her colleagues namely Major Roksana, Major Farzana, Lieutenant Colonel Lutfor, Major Ani and doctor Majhar went to the Darbar Hall to attend the meeting

and took their respective seat thereat. The meeting at the Darbar Hall was started at 9:00 a.m, in the morning. When the meeting was going on at about 9:30 a.m, a BDR soldier being armed with weapons entered into Darbar Hall from the south-east corner and pointed arms at the DG. On that moment, the BDR soldiers seated over there started running here and there and started making a hue and cry. While she was going out from the Darbar Hall she heard an announcement to come back to the Darbar Hall. As a result, she along with Major Farzana and Major Roksana went back to the Darbar Hall. An that time intermittent firings were going on outside the Darbar Hall. When she came to the stage she found a BDR soldier lying on the stage, who actually came to attack the DG, BDR. She came to know that the name of the said BDR soldier is Moin of 13 Battalion. At the

instruction of DG she along with Major Farzana, Major Rokhsana and many other officers took shelter beside the screen located at south-east corner of the stage. The other officers took shelter behind the screen at the north-east corner of the stage. She made contact with her husband, mother and other relatives over mobile phone. The DG, BDR also asked for help from the higher army officers over telephone. At about 10:30 a.m, the armed BDR rebels entered into Darbar Hall opening fire repeatedly. They taking hand mike in their hand asked all the army officers to get out of the Darbar Hall. The lady doctors hearing the aforesaid announcement started coming out raising their hands. The other officers also came down from the different concealments. Sepoy Selim of 44 Battalion aiming arms at them was taking them towards the outside of the Darbar Hall. Then and there

other militant groups obstructed their way. They asked them to lie down on the floor and to put off their rank badge. They lay down on the floor and in that moment one BDR militant killed Colonel Kaisar opening fire at him. Then they asked them to stand up. When they stood up they were brought outside the Darbar Hall. They put them on the line outside the Darbar Hall and attempted to kill them with arms. Among them one of the BDR militant kicked on the stomach of Lieutenant Colonel Lutfor as a result of which the 3 lady doctors fell down on the ground. One of the BDR rebels beat at the jaw of Major Zahid by the rifle bat. They started beating Major Zahid and Major Roksana by their boots and rifle bat. On that time Sepoy Wahid of Dhaka sector told them to stand up and to ride on a pickup. Then she along with Major Roksana and Major Farzana boarded the pickup. The BDR rebels



obstructed male doctors from boarding the pickup. They were 3 armed BDR rebels at that pickup and there were 3 boxes of ammunitions thereat. When the pickup was started for departure Colonel Rabi board the pickup. After going some paths, the BDR rebels pushed down Colonel Rabi by beating him with rifle bat. Sepoy Wahid with arms was also at the pickup. He dropped them at the Hospital and directed them to attend the patients at O.T. Thereafter, they went to the O.T. room. When they went to the O.T. room they found many BDR rebels to keep guards on the different floor of the Hospital. Going to the O.T. she put off her uniform and wore the O.T. dress and gave treatment to the injured BDR soldiers. At about 12:00 a.m the wife of Dr. Amjad who received bullet injury was brought to the Hospital in a critical condition. She administered treatment to the patient as a result of

which she escaped from the imminent danger. She stayed at O.T. whole day and then talked with the family members over telephone intimating her whereabouts. During that time, her husband Arifur Rahman, mother, 2 sons, 2 housemaids, the driver and body guard of her husband were at his residence. She came to know from Lieutenant Colonel Sadrul that at about 2:00 p.m. 3 dead bodies of the army officers were brought to the mortuary by the truck. She also came to know from other officers that Naib Subedar Torab and Naib Subedar Monoranjan were looking after the activities of bringing dead bodies thereat. At the time of staying at the O.T. the armed BDR rebels came at the Hospital and gave threat to her. On 26.02.2009 after 3:00 p.m, after delivery of speech by the Hon'ble Prime Minister, the whole situation become calm and quite. She also heard of firings at

4:00 p.m. When the situation became clam and quite, they came at gate No.1 and went to the residence of a relative of Major Farzana. From there she went to the staff quarter and met family members. She came to know from her husband Arifur Rahman that on 26.02.2009 at about 12:00 a.m, they were brought at the quarter guard at gunpoint and confined them thereat. On 02.03.2009 she went to his quarter at 6/C, Sagorika and found the door of her residence broken. Entering into the residence, she found that her fridge, TV, computer and other valuable materials were found on broken condition. The lock and key of the Almira were also found broken. The BDR rebels took Taka 50,000/-, necklace set of diamond, gold ornaments, digital Camera and 3 mobile phone. The vehicle of her husband kept at the garage was also burnt to ashes. Subsequently, she came to know that under the

leadership of DAD Touhid the offences of killing, looting and arson were committed. She came to know that a delegation of 14 members under the leadership of DAD Touhid went to the Hon'ble Prime Minister office to meet her. Suppressing all the facts, DAD Touhid provided wrong information to the Hon'ble Prime Minister and mislead the whole nation. On 24.02.2009 she gave statement to the I.O.

As regards the attack at the Darbar Hall and the other places of Pilkhana and killing of the army officers, **PW 77 Major Roksana Khanom**, has stated in her evidence that she joined in the BDR Hospital as pathologist on 03.09.2007. On 25.02.2009, in order to participate in the meeting at the Darbar Hall she along with her colleagues went to the Darbar Hall at 8:45 a.m through the microbus and took their respective seats. At 9:30 a.m a BDR soldier being armed with

weapons entered into the Darbar Hall. The name of that Sepoy is Moin. Subsequently, Sepoy Kazal also entered into the Darbar Hall. The officers over there disarmed Sepoy Moin as a result of which the other BDR soldiers stood up and started feeling away from the Darbar Hall. She was coming out from the Darbar Hall, she stayed there at the order of the DG. She along with Lieutenant Colonel Yeasmin, Major Farzana also stayed thereat. After 5/7 minutes getting sound of firings from the northern side she became frightened and went to the stage at the call of DG and hid themselves beside the screen. At 10:30 a.m the BDR rebels entered into the Darbar Hall opening fire thereat. One of the BDR rebels directed them to surrender making announcement by a hand mike. All of them raising hands started getting down from the stage. In front of the stage she found 10/15 BDR

rebels thereat. Among them she found Sepoy Selim Reza with arms in one hand and one megaphone in another hand. He pointed arms at them and directed them to go out from their hiding places. Then other groups of the BDR rebels came, directed them to put off their rank badges and ordered them to lie down on the floor. One of the BDR rebels killed Lieutenant Colonel Kaiser opening fire at him while he was on lying position. At the order of Selim Reza they stood up and pushed them out from the western gate of the Darbar Hall. The BDR rebels who remained outside put them on the line and one of the BDR rebels pushed a kick on the stomach of Lieutenant Colonel Lutfor in consequence of which the 3 lady doctors fell down on the ground. Another BDR militant made a kick on Major Zahid as a result of which he also fell down. Thereafter, the BDR rebels beat them mercilessly.

Then at the order of Sepoy Wahidul of Dhaka sector they stood up. They compelled them to board a pickup. There were 3 armed BDR rebels and 3 boxes of ammunitions on the pickup. They did not allow Lieutenant Colonel Lutfor, Kazi Rabi Rahman and Major Zahid to board the pickup. When the pickup was started to depart, Lieutenant Colonel Kazi Rabi boarded the pickup jumping thereat. The armed BDR rebels pushed him out. Under the leadership of Sepoy Wahid the BDR rebels brought them at the Hospital and compelled them to go to the O.T. Going at the O.T, they understood they were confined by the BDR rebels. Then they wore O.T dress changing their uniform. The BDR rebels were watching and patrolling over the Hospital and compelled them to provide treatment to the injured BDR soldiers at 12:00 a.m. The wife of Dr. Amjad who received bullet injury

was brought to the Hospital with a critical condition. They provided them treatment as a result of which she escaped from the danger. At 2:00 p.m, she came to know from Lieutenant Colonel Sadrul that the dead bodies of the army officers were being carried towards the mortuary by the 3 trucks. Under the leadership of Naib Subedar Monoranjan Sarkar and Naib Subedar Torab Hossain the dead bodies were brought there by trucks. At morning he saw through the window that the BDR rebels were patrolling under the building with arms. At 3:00 p.m after the speech of the hon'ble Prime Minister the BDR rebels moved here and there with sticks depositing their arms. She also heard sound of firings at 4:00 p.m. At 5:00 p.m the situation thereat became calm and quite and then he went out of the Pilkhana through gate No.1 and took shelter at the house of relative of Major Farzana at Lalmatia. Going



to her residence she came to know from TV and news paper that 57 army officers were killed by the BDR rebels and the alleged occurrence of killing, vandalism, looting and arson attacks were happened under the leadership of DAD Touhid, DAD Nasir, DAD Rahim and DAD Jalil. A delegation of 14 members under the leadership of DAD Touhid went to the Hon'ble Prime Minister office to meet the Hon'ble Prime Minister and mislead the entire nation, suppressing the fact of killings. All of them were involved in the killings. She identified the photographs of the BDR rebels whom she saw at the Darbar Hall during the occurrence and among them they were DAD Nasir, Sepoy Selim Reza, Sepoy Kazal Ali, Sepoy Moinuddin, Sepoy Shahbuddin, Sepoy Sadek, Sepoy Sumon Miah, Sepoy Sajjad, Sepoy Saidul, Sepoy Ibrahim, Sepoy Obaidul, L/Naik Ekram, Sepoy

Habibul, Sepoy Jashim Mollik, Sepoy Matin, Sepoy Muhit, Sepoy Mehedi Hasan, Havildar Moniruzzaman and Sepoy Rafiqul Islam. On 2<sup>nd</sup> March, 2009 she came back to Pilkhana. Coming to her residence she found that the money and the ornaments were looted by the BDR rebels and her personal vehicle kept at the garage was also burnt down. On 25.03.2009 she made statements before the I.O.

With respect to attack at the official residence of DG BDR by the BDR rebels, **PW 40 Havildar Md. Babul Miah**, has stated in his evidence that on 25.02.2009 at about 7:00 a.m. he was on duty as guard commander at the Bungalow of DG. On that day he took over charge of duty from guard commander Havildar Rezaul. As many as 13 guards namely Naik Hasmat, Naik Sanaullah, L/Naik Mostafa, Sepoy Arshad, Sepoy Zia, Sepoy Mobin, Sepoy Mostafa,

Masum, Sumon, Zafar, Kamrul, Hafiz and Monju were also on duty with him. He appointed guards at the 3 posts of the DG Bungalow and guarded it up to 8:00 a.m. The DG of BDR went out of the house through Government vehicle. At 8:00 a.m, DG of BDR went towards the Darbar Hall and 9:30 a.m, he heard sound of firing from Darbar Hall and alerted the guard in that regard. He tried to make communication with Lieutenant Colonel Shams, commanding officer of 44 Battalion over telephone but failed. Subsequently Sepoy Selim Reza, Sepoy Obaidul, Sepoy Ibrahim, Sepoy Altaf, Sepoy Habib, Sepoy Shahin, Sepoy Mohasin, Havildar Jashim and 10/15 BDR rebels came at the DG Bungalow. He obstructed them from entering into DG Bungalow as a result of which Sepoy Selim Reza opened fire at him causing grievous injury in his left hip. Receiving injury he fell

down on the ground. The BDR rebels entered into the DG Bungalow opening fire through the ways. After sometime he heard shouting and sound of firing from inside the Bungalow. Profuse blood came out from the injuries he received. Thereafter, he shouted for help. After a while, a pickup came at the DG Bungalow. L/Naik Mostafa and Badrul picked him up on the pickup. Mostafa admitted him to the BDR Hospital. On 25.02.2009, he was taken to Holy Family Hospital and at about 8:00 p.m, he came to know from the doctors that 3 bullets hit on his left hip and a bullet was also there at his urinary bladder. The doctors also informed him of the injury on his urine bladder. After treatment, he was transferred to PG Hospital on 16.03.2009. After treatment he was again transferred to the BDR Hospital on 13.05.2009 and stayed there under treatment till 29.10.2009. A bullet fired by BDR

rebels is still in his body. At present, he is in service at 44 Battalion. He submitted all the papers relating to his treatment.

**As per evidence led by the prosecution and confessional statements made by the accused, the places in which the army officers were mercilessly killed are as follows:-**

**Place No. 1: Darbar Hall and Darbar Hall area:**

In the aforesaid places, on 25.02.2009 Major General Shakil Ahmed, DG BDR, Brigadier General MA Bari, DDG, Colonel Anis, Director Operation and Training (DOT), Lieutenant Colonel Enshad Ibn Amin, Commanding Officer (CO) Rifle Security Unit (RSU), Lieutenant Colonel Md. Badrul Huda, Commanding Officer (CO) of 13 Rifles Battalion Dhaka and many other officers were brutally and barbarously killed by the BDR rebels. From the evidence of **PW 72 Major**

**Farzana Kalam, PW 73 Colonel Yasmin, PW 77 Major Rokhsana Khanom and PW 9 Lieutenant Colonel Md. Maksudul Haque** and from the confessional statement of **Sepoy Selim Reza CS accused No.6** and **Sepoy Md. Habibur Rahman CS accused No.26**, It appears that on 25.02.2009 at around 9:30 a.m, when the DG BDR was delivering his speech on different matters including DAI-Vhat Programme, one BDR soldier namely Sepoy Moin of 13 Rifle Battalion being armed with weapon entered the Darbar Hall. Following Sepoy Moin, another BDR soldiers namely Sepoy Kazol of 44 Rifle Battalion with arms entered the Darbar Hall. Sepoy Moin pointed arms at DG but the officers present over there disarmed him. At that time Sepoy Kazol went out of the Darbar Hall through the southern gate of the Darbar Hall opening a fire. At that time one of the

BDR soldiers made a shouting saying 'Jago' as result of which all the BDR soldiers stood up and a chaotic and disordered situation was arisen therein. On that situation, DG BDR tried to control the situation and directed the BDR officers and soldiers to remain seated and wanted to hear their speeches, but the BDR soldiers ignoring the order of DG started leaving the Darbar Hall. At that point of time, DG directed the concerned commanders to control the troops of their respective units. On getting order of DG some of the officers went out of the Darbar Hall with a view to controlling the troops. In the midst of aforesaid situation, the intermittent firings in and around the Darbar Hall were started. On that situation, at the instruction of DG BDR, one group of the officers took shelter behind the screen at the south-east corner of the stage while another group of the officers took

shelter behind the screen at north-east corner of the stage. DG BDR remaining therein talked with the higher officials through mobile phone seeking help from them. On that day at around 10:30 a.m, the armed BDR rebels by opening fires entered the Darbar Hall under the leadership of Sepoy Selim Reza. Entering into the Darbar Hall, Sepoy Selim Reza making announcement by megaphone directed the officers to surrender giving assurance that the officers would be taken to a safe place. The one group of the officers came out from the stage raising their hands. As soon as the officers got down from the stage, one group of armed BDR rebels encircled them. Sepoy Selim Reza started taking out the officers from the Darbar Hall aiming arms at them. When the officers appeared in the middle place of the Darbar Hall, at that time, one group of armed BDR rebels obstructed



their ways and directed them to lie down and to put off their rank badges. Having instructed, the officers laid down. During that time, one of the BDR rebels killed Lieutenant Colonel Kaiser opening fire on him while he was on lying position. The BDR rebels also assaulted Lieutenant Colonel Lutfor. Then Sepoy Selim Reza ordered the officers to stand up from the lying position and then the officers stood up therefrom. The BDR soldiers brought out the officers from the Darbar Hall pulling and dragging them through the north-west gate of the Darbar Hall. The BDR rebels brought out the officers from the Darbar Hall beating them with the bat of rifle, kicking them with the boots and scolding them in filthy languages. Among the officers group, three lady doctors namely **PW 72 Major Farzana Kalam, PW 73 Colonel Yasmin and PW 77 Major Rokhsana Khanom** were

there. Some of the BDR rebels wanted to take the lady doctors to firing squad tiding the eyes. At that time armed Sepoy Selim Reza came there and told the BDR rebels that ‘they are lady doctors and do not kill them as they will come to our use for taking treatments’. At that time, **Major Shaleh** came out of the Darbar Hall being injured by bullets. When a pickup came therein under the leadership of Sepoy Wahid of Dhaka Sector, the BDR rebels picked up **PW 72 Major Farzana Kalam, PW 73 Colonel Yasmin and PW 77 Major Rokhsana Khanom** on the backside of the pickup. When **Lieutenant Colonel Robi Rahman** boarded the pickup, the BDR rebels pushed him down beating him by the bat of the rifle. The pickup went towards the hospital taking the lady doctors leaving the remaining officers. The BDR rebels compelled the officers to lie down on the entry way to Darbar Hall situated beside

the north side of the fountain. At that moment a vehicle coming through the south street of the Darbar Hall came and took stand beside the north-west side of the officers lying therein. Thereafter a Sepoy sitting in the second seat of the vehicle opened burst fires on the officers and then went away towards gate No.5 of the Darbar Hall. The vehicle again came back and that Sepoy again opened burst fires on the officers and then went away towards the swimming pool along the road of west side of the Darbar Hall. Afterwards, the BDR rebels under the leadership of Sepoy Selim Reza, who brought out the officers from the Darbar Hall persecuting and scolding them, again opened burst fires on the officers. Subsequently the dead bodies of the army officers including the dead bodies of aforesaid three army officers namely **Lieutenant Colonel Kaiser, Lieutenant Colonel Lutfor,**

**Lieutenant Colonel Robi Rahman** were found and recovered from the mass grave (Gono Kobor) near mortuary of BDR hospital on 27.02.2009. The dead body of **Major Saleh** was found and recovered from near MT garage of Pilkhana on 27.02.2009.

The aforesaid evidence of assaulting and killing has been described in the evidence of **PW 72 Major Farzana Kalam** who has stated in her evidence as follows:-

২৫/২/০৯ তাং আমি পিলখানায় অবস্থিত বিডিআর সপ্তাহ উপলক্ষে ডিজি, বিডিআর এর দরবারে উপস্থিত ছিলাম। .....  
 দরবারের হলের আশে পাশে গোলাগুলি শুর“ হলে আমি লেঃ কর্ণেল ডাঃ লুৎফুর রহমান, লেঃ কর্ণেল রবি রহমান, লেঃ কর্ণেল ইয়াসমিন, মেজর রোখসানা এক সাথে ছিলাম। আমরা মঞ্চার পিছনের পর্দার দক্ষিণ পূর্ব কোনে পর্দার আড়ালে আত্মরক্ষার জন্য দাড়াই। মঞ্চার অপর পার্শ্বে পর্দার আড়ালে ডিজি, ডিডিজি, ডিওটি, ক্যাপ্টেন মাজহার, লেঃ কর্ণেল কামর“জ্জামান, কেন্দ্রীয় সুবেদার মেজর সহ আরও অনেকে ছিল। বাহিরে

গোলাগুলির আওয়াজ বাড়তে থাকে। বিদ্রোহীরা আমাদের পর্দার আড়াল থেকে বের হয়ে আসার নির্দেশ দেয়। ঐ সময় লেঃ কর্ণেল লুৎফর রহমানের পরামর্শে দক্ষিণ পূর্ব কোণে যারা ছিলাম তারা একে একে বের হয়ে আসি। Stage থেকে নামার পর পরই একদল সশস্ত্র সৈনিক আমাদের ধরে ফেলে। টেনে হিচড়ে দরবার হল থেকে বের করে। দরবার হলের মাঝামাঝি আসলে সশস্ত্র সৈনিকরা লেঃ কর্ণেল কায়সারকে গুলি করে। লেঃ কর্ণেল লুৎফরকে মারধোর করে। তারা আমাদের দরবার হলের উত্তর পশ্চিম গেইট দিয়ে বের করে। বাহিরে এনে আমাদের গালিগালাজ ও মারধোর করে। কেউ কেউ আমাদের চোখ বেধে ফায়ারিং Squad এ নিয়ে যেতে তৈরী হলে ঐ সময় সশস্ত্র সিপাহী সেলিম রেজা সেখানে আসে এবং বলে এরা মহিলা ডাক্তার, এদের মারিস না। এরা এখন আমাদের চিকিৎসা নেয়ার কাজে লাগবে। ঠিক ঐ সময় দরবার হলের ভিতর থেকে মেজর সালেহ কে গুলি বিদ্ধ অবস্থায় বের হয়ে আসতে দেখি। একটি পিক আপ এসে থামলে সশস্ত্র সৈনিকরা আমাকেসহ লেঃ কর্ণেল ইয়াসমিন ও মেজর রোকসানাকে পিকআপের পিছনে উঠায়। লেঃ কর্ণেল রবি রহমান গাড়ীতে উঠার চেষ্টা করলে সশস্ত্র সৈনিকরা তাকে গাড়ীতে উঠতে দেয় না। গাড়ী ছেড়ে দেয়ার পূর্ব মুহূর্তে তিনি গাড়ীতে উঠতে সক্ষম হলে কিছুদূর যাওয়ার

পরে সশস্ত্র সৈনিকরা রাইফেলের বাট দিয়ে আঘাত করে গাড়ী থেকে নামিয়ে দেয়। পিকআপটি হাসপাতালে আসে। তারা আমাদের নামিয়ে দেয়।

The aforesaid evidence of **PW 72** has been corroborated and supported by **PW 73 Colonel Yasmin** who has stated in her evidence as under:-

২৫/২/০৯ তাং আনুমানিক সকাল পৌনে ৯.০০ টায় আমার সহকর্মী মেজর রোখসানা, মেজর ফারজানা, Lieutenant Colonel লুৎফর, মেজর অ্যানি ও ডাক্তার মাজহারসহ দরবার হলে ডিজি দরবারে attend করতে যাই এবং যথাস্থানে আসন গ্রহন করি।.....ডিজি মহোদয়ের নির্দেশক্রমে আমি মেজর ফারজানা ও মেজর রোখাসানসহ আরও কয়েকজন অফিসার মঞ্চে দক্ষিণ পূর্ব কোণে পর্দার আড়ালে আশ্রয় নেই। অন্যান্য বেশ কয়েকজন অফিসার মঞ্চে উত্তর পূর্ব কোণে পর্দার আড়ালে আশ্রয় নেন। মোবাইলে আমি আমার স্বামী ও মা সহ অন্যান্য আত্মীয় স্বজনের সাথে যোগাযোগ করি। ডিজি মহোদয় মোবাইলে সাহায্য চেয়ে উর্দ্ধতন কর্মকর্তাদের সাথে কথা বলেন। সকাল অনুমান ১০.৩০ ঘটিকায় অস্ত্রধারী বিডিআর সৈনিকরা গুলি করতে করতে দরবার হলে

প্রবেশ করে। হ্যান্ড মাইক যোগে তারা আমাদের সবাইকে দরবারের বাইরে যেতে বলে। আমরা **Lady doctor** রা আরও ডাক্তার সহ হাত উচু করে বের হয়ে আসি। মঞ্চ থেকে অন্যান্য অফিসাররাও মাঠে নেমে আসে। সিপাহী সেলিম ৪৪ রাইফেল ব্যাটালিয়ন আমাদের দিকে অস্ত্র তাক করে দরবার হলের বাইরে নিয়ে যেতে থাকে। ঠিক তখনই অপর একটি বিদ্রোহী গ্রুপ আমাদের গতিরোধ করে। আমাদের গুয়ে পড়তে বলে ও র্যাংক ব্যাজ খুলে ফেলতে বলে। আমরা গুয়ে পড়ি। ঠিক ঐ মুহূর্তে একজন সৈনিক **Lieutenant Colonel** কায়সারকে গুলি করে হত্যা করে। তারা আবার আমাদের উঠে দাড়াতে বলে। আমরা উঠলে দরবার হলের বাইরে নিয়ে আসে। দরবার হলের বাইরে ওরা আমাদের লাইন করে দাড় করায় এবং অস্ত্র হাতে নিয়ে গুলি করতে উদ্যোগ নেয়। তাদের মধ্যে একজন **Lieutenant Colonel** লুৎফর এর পেটে লাথি মারলে তিনি সহ আমরা ৩ জন **Lady doctor** মাটিতে পড়ে যাই। বিদ্রোহীদের মধ্যে একজন মেজর জাহিদের রাইফেলের বাট দিয়ে চোয়ালে আঘাত করে। মেজর জাহিদ ও মেজর রোখসানাকে বুট দিয়ে লাথি দিয়ে দিতে এবং রাইফেলের বাট দিয়ে আঘাত করতে থাকে। সেই সময় সিপাহী ওয়াহিদ,

ঢাকা সেক্টর আমাদের উঠে দাড়াতে বলে। আমরা উঠে দাড়ালে সে আমাদের একটি পিকআপে উঠতে বলে। আমি সহ মেজর রোখসানা ও মেজর ফারজানা পিক আপে উঠি। ২ জন পুরষ ডাক্তারকে ওরা বাধা প্রদান করে ও পিক আপে উঠতে দেয়নি। পিক আপে ৩ জন অস্ত্রধারী সৈনিক ছিল। পিক আপে ৩ টি গুলির বাক্স ছিল। এর মধ্যে পিক আপটি ছেড়ে দিলে কর্ণেল রবি পিক আপে উঠে পড়ে। পিক আপটি কিছুদূর যাওয়ার পর সৈনিকরা কর্ণেল রবিকে চল ১ পিক আপ থেকে রাইফেলের বাট দিয়ে আঘাত করে ফেলে দেয়। সিপাহী ওয়াহিদ অস্ত্রসহ আমাদের পিক আপে ছিল। সে হাসপাতালে আমাদের নামিয়ে দেয়।

The aforesaid evidence of killing stands supported and corroborated by the evidence of **PW 77 BA-100624 Major Rukhsana Khanam** who has stated in her evidence as under:- গত ২৫/২/০৯ তারিখে ডিজি এর দরবারে যোগদানের জন্য ৮-৪৫ মিঃ হাসপাতাল থেকে রওয়ানা হই মাইক্রোবাসযোগে অন্য সহকারীদের সংগে। নির্দিষ্ট স্থানে আসন গ্রহন করি। ৯-৩০ মিঃ একজন সশস্ত্র সৈনিক দরবার হলে প্রবেশ করে। তার নাম সিপাহী মাইনউদ্দিন। তারপরে সিপাহী কাজল প্রবেশ করে। সিপাহী



মাইনকে অফিসাররা নিরস্ত্র করে। সৈনিকরা তখন দাড়িয়ে যায় ও পালাতে থাকে। আমি দরবার হল থেকে বের হওয়ার প্রাক্কালে ডিজি আদেশে দরবার হলে থেকে যাই। আমার সংগে লেঃ কঃ ইয়াসমীন, মেজর ফারজানা থেকে যান। ৫/৭ মিনিট পরে উত্তর দিক থেকে গুলির শব্দ পেয়ে ভীত হয়ে যাই ও ডিজি এর আহবানে মঞ্চের উঠি পর্দার আড়ালে আত্মগোপন করি। ১০<sup>১</sup>/<sub>২</sub> টার সময় সশস্ত্র বিদ্রোহীরা গুলি করতে করতে দরবার হলে প্রবেশ করে। একজন হ্যাণ্ড মাইকে আমাদের আত্মসমর্পনের নির্দেশ দেয়। আমরা হাত উচু করে মঞ্চ থেকে নেমে আসি। মঞ্চের সামনে ১০/১৫ জন সশস্ত্র বিদ্রোহীকে দেখতে পাই। এদের মধ্যে অস্ত্র ও মেগাফোন হাতে সিপাহী সেলিম রেজাকে দেখতে পাই। সে অস্ত্র তাক করে আমাদের বের হয়ে যাওয়ার আদেশ দেয়। অন্য একটা বিদ্রোহী গ্রুপ এসে আমাদের ব্যাচ খুলতে বলে ও শুয়ে যেতে বলে মাটিতে গুয়া অবস্থায় একজন বিদ্রোহী লেঃ কঃ কায়সারকে গুলি করে হত্যা করে। সিপাহী সেলিম রেজার নির্দেশে আমরা উঠে দাড়াই এবং সে আমাকে দরবার হলের পশ্চিম গেট দিয়ে বের করে দেয়। বাইরে থাকা বিদ্রোহীরা আমাদের লাইন করে দাড় করায় তাদের একজন লেঃ কঃ লুৎফরের পেটে লাথি মারলে

লুৎফর সহ আমরা ৩ জন মহিলা ডাক্তার মাটিতে পরে যাই। অপর একজন বিদ্রোহী মেজর জাহিদকে লাথি মেরে ফেলে দেয়। তাকে প্রচণ্ড মারধর করে। সিপাহী ওয়াহেদুল ঢাকা সেকটরের নির্দেশে উঠে দাড়াই। সে আমাদের একটি Pickup এ উঠতে বাধ্য করে। Pickup এ ৩ জন অস্ত্রধারী ছিল ও ৩ বাস গুলি ছিল। লেঃ কঃ লুৎফর কাজী রবি রহমান ও মেজর জাহিদকে Pickup এ উঠতে দেয়না। Pickup ছেড়ে দিলে লেঃ কঃ কাজী রবি Pickup এ লাফ দিয়ে উঠে পড়েন। তাকে অস্ত্রধারীরা ফেলে দেয়। সিপাহী ওয়াহেদের নেতৃত্বে Pickup টা আমাদের হাসপিটালে আনে ও ও টি তে চলে যেতে বাধ্য করে।

In this regard **PW 9 Lieutenant Colone Md. Maksudul Haque** has stated in his evidence as follows:-

২৫/২/০৯ তারিখে সকাল ৮.৪০ মিঃ DG এর দরবারে অংশ গ্রহনের জন্য দরবার হলে উপস্থিত হই। সকাল ৯ টায় দরবার শুরু হয়। DG দরবার শুরু করেন। কুশলাদি বিনিময় করেন DG। সকাল অনুমান ৯.৩০ মিঃ DG বলেন ডালভাতের লভ্যাংশের টাকা অফিসার ও

সৈনিকদের কল্যাণ তহবীলে জমা করা হবে। DG মহোদয়ের বক্তব্যের এক পর্যায়ে সিপাহী মইন ১৩ রাইফেল ব্যাটালিয়ন অস্ত্র হাতে দরবার হলে প্রবেশ করে। সে DG এর দিকে অস্ত্র তাক করে তারপর সিপাহী কাজল ৪৪ ব্যাটালিয়ন দরবার হলে প্রবেশ করে। DDG, DG এর বাম পাশে বসা ছিলেন। তিনি সিপাহী মইনকে ধরে ফেলেন অন্য অফিসাররা মইনকে নিরস্ত্র করে। সিপাহী মইন ষ্টেজে পরে যায়। আমি একজন Medical কোরের অফিসারকে মইনের সার্টের বুতাম খুলতে দেখি। ঐ সময় সিপাহী কাজল দরবার হল ত্যাগ করে। আমি এর পরে একটি গুলির আওয়াজ শুনি এবং BDR সদস্যদের একজন “জাগো” বলে চীৎকার করে। তখন দরবার হলে বিশৃংখলার সৃষ্টি হয় এবং বেশ কিছু সৈনিক দাড়িয়ে যায়। DG বলেন আপনারা চুপ করুন আমি আপনাদের কথা শুনবো। তখন কিছু BDR সদস্য দরবার হল ত্যাগ করতে থাকে। DG বলেন আপনারা দরবার হল ত্যাগ করবেন না। সৈনিকরা দ্রুত দরবার হল ত্যাগ করতে থাকে। সৈনিকরা হলের দরজা জানালা ভেঙ্গে হল ত্যাগ করে। আমি তখন দরবার হলের বাইরে গুলির শব্দ শুনি। গুলির আওয়াজ ক্রমেই বাড়তে থাকে। DG সকল অফিসারদেরকে নিজ নিজ সৈনিকদের নিয়ন্ত্রণ করতে

বলেন। এক পর্যায়ে সিনিয়র অফিসারগন DG সাহেবকে স্টেজের পিছনে নিয়ে আশ্রয় গ্রহন করে। দরবার হলে গুলি আসতে থাকলে সকলে শুয়ে পরে। পরে দরবার হল প্রায় ফাকা হয়ে যায়। আমি স্টেজে পর্দার আড়ালে লুকিয়ে থেকে পরিস্থিতি পর্যবেক্ষন করি। হঠাৎ ১০/১৫ জন BDR এর সশস্ত্র বিদ্রোহী দরবার হলে ঢুকে এলোপাথারী গুলি করতে থাকে। বিভিন্ন জায়গায় লুকিয়ে থাকা অফিসারদের মাথার উপর হাত তুলে বের হয়ে আসতে বলে। তাদের আদেশে অনেকেই বের হয়ে আসতে থাকে। অফিসারদের ১০/১৫ জনের একটি দলকে মাথার উপর হাত তুলে দরবার হল থেকে অস্ত্রের মুখে বের করে নিয়ে যায়। কিছুক্ষন পর দরবার হলের বাইরে প্রচন্ড গুলাগুলির শব্দ শুনি।

With regard to the killing of the aforesaid army officers, **PW 8 BA-4397 Lieutenant Colonel Md Zahid Hasan** has stated in his evidence as follows:-

.....২৫/২/০৯ সকালে দরবার হলের উদ্দেশ্যে রওয়ানা দেই Officer's Mess থেকে। সকাল ৯ ঘটিকায় দরবার শুরু হয়। অনুমান ৯.৩০ মিঃ সিপাহী মইন Stage এ উঠে মহাপরিচালককে অস্ত্র তাক করে। তখন কয়েকজন অফিসার মইনকে নিরস্ত্র করে। সিপাহী মাইন মাটিতে

পড়ে যায়। তখন BDR সদস্যরা বিক্ষিপ্তভাবে চালাফেরা করে। তখন DG সাহেব সবাইকে দরবারে বসার জন্য আহ্বান করেন। যার যার অধিনাশ্ৰুদের নিয়ন্ত্রনের নির্দেশ দেন। সকাল অনুমান ৯.৩৫ মিনিটে আমি গুলির শব্দ শুনতে পাই। অন্যান্য BDR সদস্যকে দরবার হলের দিকে অস্ত্র নিয়ে আসতে দেখি অফিসারদের হত্যার উদ্দেশ্যে। DG সবাইকে শান্ড হয়ে অস্ত্র রেখে দরবারে আসতে বলেন তাদের সকল দাবী দাওয়া মানা হবে বলে জানান। তখন দরবার হলে অনর্গল গুলি হয়। তখন Director কর্ণেল আনিছ শান্ড থাকতে ঘোষণা দেয় কিন্তু সৈনিকেরা শান্ড হয় নাই ও গুলি বর্ষন করতে থাকে। আমরা মহাপরিচালক শাকিল ব্রিগেডিয়ার জেনারেল বারী, ৪ জন পরিচালক অপর সেক্টর কমান্ডার ৭/৮ জন লেঃ কর্ণেল পদাতিক অফিসার ১৫/১৬ জন মেজর পদবী অফিসার ২ জন মহিলা ডাক্তার এবং ২ জন লেফটেন্যান্ট পদাতিক অফিসার ২ জন ইমাম ২ জন সুবেদার মেজর ৪০/৫০ জন দরবার হলে আটকিয়ে পড়ি। ইতি মধ্যে DG ফোনে সাহায্য চান সকাল ১০.১৫ মিঃ সিপাহী সেলিম রেজা সহ ৪/৫ জন BDR সদস্য সহ মেগাফোন নিয়ে অস্ত্র সহ উত্তেজিত অবস্থায় দরবার হলে প্রবেশ করে। সিপাহী সেলিম রেজা মেগাফোনে আমাদের বের হতে বলে

ও আত্মসমর্পনের নির্দেশ দেন কাউকে কিছু করা হবে না মর্মে ঘোষণা দেন। আমরা তখন ১৫/২০ জন বের হয়ে আসি আমাদের হাত উচু করার নির্দেশ দেয়। ঐ সময় দরবার হলে বাইরে ২০/২৫ জন সৈনিককে দরবার হল ঘেরাও করে রাখতে দেখি। সিপাহী সেলিম রেজা আমাকে লাইন পজিশনে যেতে বলেন আমরা সামনের মেঝেতে শুয়ে পড়ি। সিপাহী সেলিম রেজা, সিপাহী ইব্রাহিম সিপাহী হাবিব ও সিপাহী রফিকুল সিপাহী আবিদুল ও হারুনুর রশিদ ২ জন ২৪ রাইফেল আমাদের উপর গুলি বর্ষন করে। ঐ গুলিতে লেঃ কর্নেল কায়সারের গলায় গুলিবিদ্ধ হয়। সঙ্গে আরও ২ জন গুলি বিদ্ধ হয়। তাদের মধ্যে মেজর আজিজুল হাকিম ও মেজর রফিক, আমি লেঃ কর্নেল কায়সারের ডান পাশে শুয়েছিলাম। তাকে গুলিবিদ্ধ দেখে দাড়িয়ে পড়ি, তাকে উঠানোর চেষ্টা করি। আমাকে দেখে ২ জন অফিসার দাড়িয়ে পরে তাদের নাম লেঃ কর্নেল রবি, ও লেঃ কর্নেল লুৎফর। আমরা ৬ জনে মিলে লেঃ কর্নেল কায়সারকে উঠাই, তাকে দরবার হলের বাইরে নিয়ে আসি। BDR সদস্যরা আমাদের বাধা দেয়। গুলিবিদ্ধ অফিসারদের হাসপাতালে নিতে দেয় নাই। আমরা পুনরায় অস্ত্রের মুখে দরবার হলে ঢুকতে বাধ্য হই লেঃ কর্নেল কায়সারকে রেখে। দরবার হলে ২জন অফিসারকে মেঝেতে পড়ে থাকতে দেখি। অন্যান্য অফিসারদেরকে

বের হতে সারিবদ্ধ দাড়াতে দেখি। আমাকে ঐ লাইনে দাড়াতে বলে। আমি  
 DAG মেজর সালেহের পিছনে লাইনের দাড়াই। দরজা দিয়ে বের  
 হওয়ার সময় মেজর সালেহ পেটে গুলিবিদ্ধ হয়। তাকে না মারার জন্য  
 অনুন্নয় বিনয় করেন। তা সত্ত্বেও তাকে টেনে হেঁচড়ে বের করে নেয়  
 সৈনিকরা। আমাকে একজন অস্ত্রধারী সৈনিক আমাকে কলার চেপে ধরে ও  
 আমার মোবাইল নিয়ে নেয় মোবাইল নম্বর ০১৭১১৮৮৩৩৭২ সে আমার  
 র্যাংক খুলে ফেলতে বলে। র্যাংক খুলে সে আমার চোখ বেধে ফেলে।  
 চোখ বাধার আগে ২ জন মহিলা ডাক্তারকে হাটু গোড়ে বসে থাকতে দেখি,  
 তখন পর্যল্গড় অন্যান্য BDR সদস্য উপস্থিত ছিল। খুব কাছ থেকে গুলির  
 শব্দ পেয়ে আমি শুয়ে পড়ি। তখন একজন সৈনিক বলে ও “মরেনি মার”।  
 তখন অস্ত্রধারী সৈনিক আমার চোয়ালে রাইফেল দিয়া আঘাত করে ও ২টি  
 হাত ভেঙ্গে দেয়। আমি চোখে বাধা কাপড় খুলে দেখতে পাই ২ জন  
 ডাক্তারকে অস্ত্রের মুখে গাড়ীর পিছনে উঠানো হচ্ছে। পিক আপ টি ছেড়ে  
 যাওয়ার মূহুর্তে মেজর মিজানকে দৌড়ে Pickup এ উঠতে দেখি। একজন  
 সৈনিক আমাকে ঝাপটিয়ে ধরে। আমার চোয়ালের দাত ২ ভাগ হয়ে গেছে  
 বুঝতে পারি। তখন ঐ সৈনিক ৫০/৬০ গজ দুরে একটা ঘরে আটকিয়ে

রাখে। আমার চোখ খুলে দেখি আমি ৫ নং গেটের গার্ডরুমের বাথরুমে। ঐ সৈনিক বাইর থেকে আমাকে আটকিয়ে স্থান ত্যাগ করে। আমি বাথরুমের জানালার ফাঁক দিয়ে দেখি দরবার প্রধান দরজায় ১টা গাড়ী রাখা আছে। রাস্তার উপরে Pickup চলাচল করছিল। আমি প্রচণ্ড গুলির শব্দ পাই। অনুমান ১১.২৫ মিঃ একজন BDR সদস্য বাথরুমের বাইরে থেকে এসে মাথার হেলমেট খুলে অস্ত্র নীচে রেখে মোবাইল এ চট্টগ্রামের আঞ্চলিক ভাষায় বলে DG কে আমরা মেরে আসলাম ১টা গুলি করার পরেও দাঁড়ানো ছিল পরে আরও ২টা গুলি করেছি। পরে ১২টায় আরও একজন BDR সদস্যকে Mobile ফোনে জানাতে শুনি যে DG এর বাসভবনে যারা প্রবেশ করেছিল তারা DG ম্যাডামকে সাইজ করেছে গহনা ও শাড়ী নিয়ে গেছে। অনুমান ১২ টার সময় ঐ গার্ড রুমের উপরে ভারি অস্ত্র রাখার শব্দ পাই ও মেশিন গান, মটার চালানোর সেলফের উপরে উঠার জন্য ডাকাডাকি করে। এর মধ্যে একজন A P C- (Armer Personal Carrier) এর উপরে BDR ও এলাকাবাসীর উদ্দেশ্যে বজ্রতা দিতে শুনি এবং বলে আমাদের এই আন্দোলন কিছু সংখ্যক ইউনিফর্মধারী সন্ত্রাসীদের বিরুদ্ধে এবং যারা দুর্নীতিবাজ। এলাকাবাসীকে



আহ্বান করে সাহায্যের জন্য। সন্ত্রাসীদের মুখোস উন্মোচনের কথা বলে। BDR দের অস্ত্র গোলাবারুদ হেফাজতে রাখতে বলে। সেনাবাহিনী আক্রমণ করলে প্রতিহত করবেন। সেনাবাহিনী ও আমাদের একই অস্ত্র। এলাকাবাসী আমাদের সাথে আছে। সেনাবাহিনী আসার পূর্বে আমাদের সতর্ক করুন। অনুমান বিকেল পৌনে ৫টায় ২জন BDR সদস্য বাথরুমে নক করে ও দরজা খোলে দেয়। আমি ভিতর থেকে ছিটকানি খুলে দেই ও দেখি ২ জন NCO, একজন হাবিলদার ও ১জন ল্যান্সঃ নায়েক। আমার পরিচয় জানতে চায় ও বিস্ময়িত শুনে আমার ঘটনা। তখন একজন হাবিলদার বলে আপনার অনেক হায়াত তাই বেচে গেছেন। দরবার হল থেকে কেউ বাচতে পারে নাই তারা আমাকে ভিতর দিয়ে দরজা বন্ধ করে রাখতে বলে। আমি হাসাপাতালে যেতে চাই, বলে যাওয়া সম্ভব না। পিছন দিয়ে গুলি করবে এখন সৈনিক আছে। আমাকে বলে আপনি থাকেন দেখি কতক্ষণ বাচিয়ে রাখতে পারি। এই বলে তারা ২ জন-ই ঐ জায়গা ত্যাগ করে। ১০ মিনিট পর ৫জন BDR সদস্য বাহির থেকে দরজা জোরে ধাক্কা দেয় ও খুলতে বলে আমি দরজা খুললে ৩জন আমাকে গুলি করতে উদ্ভত হয় এই তিনজন হচ্ছে সিপাহী আল মামুন, সিপাহী

আনিছ, ২ জনই ৪৪ রাইফেল ব্যাটালিয়ন ও ৩৬ ব্যাটালিয়ন সিপাহী কামরুল্ল। এই ৩ জনকে অপর ২ জন বাধা দেয় ও বলে শুনতে দে। তাদেরকে সব ঘটনা বলি। ৩ জন আমাকে বাঁচিয়ে রাখার পক্ষে ছিল না ২ জন আমাকে মারতে বাধা দেয়। ঐ ৩ জন সেনাবাহিনীকে উদ্দেশ্য করে গালাগালি করে। ইতিমধ্যে পূর্বের হাবিলদার উপস্থিত হয় ও এসে শান্ডু করার চেষ্টা করে। ৩ জনে উচ্চ স্বরে হাবিলদারকে গালি দেয়। একজন সৈনিক আমার হাতে থাকা মোবাইল ছিনিয়ে নেয়। ব্যক্তিগত Mobile নম্বর 01712014990। পরে জানি ঐ সিপাহীর নাম পলটন চাকমা। একটু পরে আমার I/D Card ও হাত ঘড়ি ফিরিয়ে দেয়। রাতে মাইকে শুনতে পাই মাননীয় স্বরাষ্ট্রমন্ত্রী পিলখানায় প্রবেশ করবেন ও বিদ্রোহীদের সংগে আলোচনা করবেন। BDR রা অস্ত্রসমর্পন করতে নিষেধ করে। ২৬/২/০৯ সকাল পৌনে ৬ টায় মাইকে বলে সেনাবাহিনী আক্রমণ করতে পারে প্রস্তুত থাকেন। সকাল পৌনে ১০ টায় আমাকে বাথরুম থেকে বের করে Pickup এর পিছনে উঠায় এবং বলে সেনাবাহিনী এসেছে আপনাকে নিয়ে যাবে। সকাল ১০ টায় কেন্দ্রীয় কোয়ার্টার গার্ড কয়েদী সেলে আমাকে আটক করে। আমি সেখানে অফিসার ও পরিবারকে দেখতে পাই। ৩ টার

সময় রেড ক্রিসেন্ট এর উদ্ধার কর্মীরা পিলখানায় প্রবেশ করেও মহিলা ও শিশুদের নিয়ে যায়। পৌনে ৪ টার সময় এম.পি গোলাম রেজা কোয়ার্টার গার্ডে উপস্থিত হন, সকল ঘটনা শুনে কাগজে লিখে নেন। তখন তিনি বলেন DAD তৌহিদের অনুমতি ছাড়া আপনাকে ছাড়া হবে না। তিনি অনুমতি সংগ্রহের জন্য চলে যান। কিছুক্ষণ পরে ফেরত আসেন। অনুমান ৪.১৫ মিঃ আমাকে কোয়ার্টার গার্ড থেকে ৪ নং গেটে আনেন। ৪ নং গেটে BDR সদস্যরা গেট খুলতে অস্বীকার করে। তখন DAD তৌহিদের অনুমতি শুনে গেট খুলে দেন। আমরা ৪ নং গেট দিয়ে বের হয়ে আসি। ৫০/৬০ গজ আসার পরে গেট থেকে আমাদের উপর গুলি বর্ষন করে তখন দৌড় দিয়ে সবাই স্থান ত্যাগ করে। আমাকে ২ জন DGFI এর অফিসার তাহাদের Car এ উঠায় ও আমাকে City কলেজের সামনে আনে। আমি স্ত্রীর সঙ্গে যোগাযোগ করি। বিকেল ৬টায় ঢাকা CMH এ চিকিৎসার জন্য ভর্তি হই। এক মাসের অধিক চিকিৎসাধীন ছিলাম।

With regard to the killing of the aforesaid army officers, **PW 3 BA-2255 Lieutenant Colonel Md Abu Tasnim** has stated in his evidence as follows:-

.....২৫-২-০৯ তারিখে ডি.জি মহোদয় দরবারে ছিলেন দরবার হলে। দরবার শুরু হওয়ার ৪/৫ মিনিট পূর্বে দরবার হলে পৌঁছি, তখন অনুমান ৮.৫৫ মিঃ হবে। সকাল ৯.০০ ঘটিকায় দরবার শুরু হয়। ডিজি মহোদয় বক্তব্য দেওয়ার সময় ৯-৩০ মিনিটে ১ জন সিপাহী রান্না ঘরের দরজা দিয়ে প্রবেশ করে। সে Stage এ এসে ডিজি বরাবর অস্ত্র তাক করে। পরে Stage এ উপস্থিত ডিজি মহোদয় ও কয়েকজন অফিসার ঐ সৈনিককে ধরে ফেলে। তখন হেঁচৈ শুরু হয়। আমি Stage এর দিকে এগিয়ে যাই তখন অন্য একজন সৈনিক অস্ত্র সহ দৌড় দেয়। মেজর রাশেদ ঐ সৈনিককে ধরার জন্য ধাওয়া করে। পরে আমি জানতে পারি Stage যে উঠেছিল তার নাম সৈনিক মাস্টিন, যে সৈনিক পালাইয়া যায় তার নাম কাজল। কর্ণেল আনিছ তখন দরবার শুরু হবে বলে সবাইকে আসতে বলে। ঐ সময় আমি দরবার হল থেকে বের হয়ে ৫ নং গেটের কাছাকাছি যাই। তখন মেজর মকবুল ও মেজর কামরুল উপস্থিত ছিলেন। আমরা সৈনিকদের দরবার হলে ফেরৎ আসতে অনুরোধ করছিলাম। আমি দেখতে পাই দরবার হলে উত্তর পশ্চিম কোণে মাঠের উপর ৩/৪ জন সৈনিক দাড়িয়ে আছে অস্ত্র সহ। শুনতে পেলাম তাড়াতাড়ি ঘেরাও করো একজন ও

যেন বের হতে না পারে। ১টা Pickup দরবার হলের দিকে আসতে দেখি। আমি তাড়াতাড়ি দরবার হলের দিকে অগ্রসর হই। ঐ সময় মেজর মকবুল এবং মেজর গাজ্জালী ওখানে দাঁড়িয়ে ছিল। আমি তাড়াতাড়ি দরবার হলে প্রবেশ করি। দরবার হলে তখন প্রচুর হৈ চৈ হচ্ছিল। দরবার হলে ও মাঠে ফায়ারিং হচ্ছিল। আমি ডিজি সাহেব কে বলি We are encircled. DG সাহেব নির্দেশ দেন take care of troops. আমি নির্দেশ পেয়ে দরবার হল থেকে বের হই এবং Signal Sector এর উদ্দেশ্যে রওয়ানা দেই। যাবার সময় দেখতে পাই বীর উত্তম নূর মোহাম্মদ স্কুলের কাছে ফোয়ারার পাশে একটি Pickup গাড়ী দাড়িয়ে আছে। ২/৩ জন সৈনিক অস্ত্র সহ গাড়ী থেকে নেমেছে। Signal Sector যাওয়ার পথে Swimming Pool এর কাছে মেজর মকবুল ও মেজর গাজ্জালীর সঙ্গে দেখা হয়। তারা আমাকে বলে Sir Rank খুলে ফেলুন। আমি খুলি নাই। তারপর তারা ২ জন চলে যায়। আমি JCO's Mess এর কাছাকাছি যাই। তখন মেজর গাজ্জালীকে ৬/৭ জন সৈনিক পিটাচ্ছে দেখি। আমি তখন দালানের পাশে লুকিয়ে যাই। তখন আমি চিৎকার শুনি ও গুলির শব্দ পাই। একটু পর আমি বের হই তখন নায়ক সুবেদার ফজলুল

করিম, হাবিলদার আনিছুজ্জামান, নায়েক ওয়াজেদ, সৈনিক মতিউর রহমান সহ আরো কিছু সৈনিক অস্ত্র সহ ছালার উপর গাজ্জালী সাহেবের মৃত দেহ নিয়ে যাচ্ছে। তখন কিছু সৈনিক দৌড়িয়ে এসে বলে ৩৬ ও ১৩ ব্যাটালিয়নে কোত (অস্ত্রাগার) ভেঙ্গে ফেলা হয়েছে এই বলে তারা চলে যায়। ২জন J.C.O এসে আমাকে তাদের মেসে নিয়ে যায়। আমি J.C.O মেসে কিছুক্ষন অবস্থান করি। পরে ঐ মেসের ভিতরে আসিয়া আমার মাথায় অস্ত্র ধরে বলে আরেকটাকে পেয়েছি কে কোথায় আসিছ আয়। ৭/৮ জন সৈনিক আমাকে ঘেরাও করে পিটানো শুরু করলো। আমাকে মারতে মারতে RSB দালানের কাছে নিয়ে যায়। তখন ল্যান্স নায়েক রেজাউল ও ৩/৪ জন সৈনিক এসে আমাকে লাইনে নিয়ে গেল। ২৬-২-০৯ উদ্ধার হওয়া পর্যন্ত আমি ওখানেই ছিলাম। বিভিন্ন সময় আমি মোবাইলে কর্ণেল আরিফ, কর্ণেল মশিউর, মেজর তারেক ও সুবেদার মেজর আনছারীর সঙ্গে কথা বলি। জানতে পারি DAD তৌহিদ, DAD হাবিব, DAD নাসির, DAD জলিল ও DAD রহিম সহ ১৪ সদস্যের দল মাননীয় প্রধানমন্ত্রির সঙ্গে সাক্ষাৎ করেছে। BDR বিদ্রোহ ও হত্যাকাণ্ডের কথা প্রকাশ করে নাই। ২৬-২-০৯ তারিখে সন্ধ্যা ৫ টায় আমাকে উদ্ধারের পর মিরপুর

সেনানিবাসে নেওয়া হয়। পরে আমি বাসায় গমন করি। সেখানে আমার স্ত্রীর সঙ্গে সাক্ষাৎ হয় এবং জানতে পারি তাদের বিদ্রোহীরা কোয়ার্টার গার্ডে বন্দী করে রেখেছিল ও আমার সরকারী বাসা BDR এর ভিতরে বিদ্রোহীরা লুট করে। পরে পত্রিকা TV মাধ্যমে অন্য অফিসারদের মাধ্যমে জানতে পারি DAD তৌহিদ, DAD নাসির, DAD হাবিব, DAD রহিম, হাবিলদার রফিক, সৈনিক মনির জ্জামান, সৈনিক সেলিম রেজা ও সৈনিক মনির, DAD জলিল সকলে প্রধান মন্ত্রীর সঙ্গে সাক্ষাৎ করেছে ও সেখানে হত্যাকাণ্ডের কথা প্রকাশ করে নাই। পরবর্তীতে আমার মোবাইলটা সৈনিক জিলঞ্জুরের শ্বশুরের বাসায় তার স্ত্রী চায়না বেগমের কাছ থেকে উদ্ধার হয়।

With regard to the killing of the aforesaid army officers, **PW4 BA-3012 Colonel Md Shamsul Alam Chowdhury** has stated in his evidence as follows:-

আমি বর্তমানে National Security intelligence এ কর্মরত। গত ১-২-০৯ থেকে ১১-৩-০৯ পর্যন্ত আমি পিলখানায় ৪৪ ব্যাটালিয়নের অধিনায়ক হিসাবে কর্মরত ছিলাম।.....২৫-২-০৯ তারিখে

পিলখানার দরবার হলের সাজ সজ্জা ও মেরামত ব্যবস্থাপনার দায়িত্ব ৪৪ রাইফেলের উপরে ন্যাস্তা ছিল। ঐ দিন বিকেল ১৫.৩০ মিঃ হতে পাগলা জিম খানার দায়িত্ব ৪৪ রাইফেল ব্যাটেলিয়নের উপর ন্যাস্তা ছিল। ইতিপূর্বে ২৪-২-০৯ তারিখে BDR সপ্তাহ উপলক্ষে drill করানোর দায়িত্ব আমার ও ২৪ রাইফেল ব্যাটালিয়নের অধিনায়ক লেঃ কর্ণেল শহীদ লুৎফরের উপর ন্যাস্তা ছিল। ২৪-২-০৯ তারিখে BDR সপ্তাহ উপলক্ষে পিলখানাতে মাননীয় প্রধানমন্ত্রীর আগমন উপলক্ষে আমাকে মাননীয় প্রধানমন্ত্রীর প্রধান নিরাপত্তা কর্মকর্তা হিসাবে দায়িত্ব দেওয়া হয়। আমি আলাহর মেহেরবানীতে উক্ত দায়িত্ব সঠিকভাবে সম্পন্ন করি। ২৫-২-০৯ তারিখে সকাল ০৮ ঘটিকায় আমি দরবার হলের ব্যবস্থাপক হিসাবে দরবার হলে আগমন করি। দরবার হলের সার্বিক তদারকি সম্পন্ন পূর্বক সৈনিকদের বসার ব্যবস্থাপনা এবং পুরস্কার বিতরণের সার্বিক ব্যবস্থা সম্পন্ন করি। সকাল অনুমান ৯ ঘটিকায় পবিত্র কোরান তেলোয়াতের মাধ্যমে ২৫-২-০৯ তারিখ দরবার শুরু হয়। DG সাহেবের দরবারে বক্তব্য প্রদান শুরু করেন। তিনি কিছুক্ষণ বক্তব্য দেওয়ার এক পর্যায়ে ডাল ভাত কর্মসূচীর উপরে বিচারিত আলোচনা শুরু করেন। আমি তখন অফিসারদের বসার



২য় সারিতে ওয় চেয়ারে বসা ছিলাম। DG মহোদয় সকলের উদ্দেশ্যে বলেন যে, আপনারা কি ঐ ব্যাপারে সব বুঝতে পেরেছেন তখন সৈনিকের জবাব আশানুরূপ না হওয়ায় তিনি পুনরায় ডালভাতের উপর বি-  
 ারিত বক্তব্য শুরু করেন। এক পর্যায়ে তিনি বলেন ডালভাতের উদ্ধৃত অর্থ বা লভ্যাংশ BDR এর কল্যাণে ব্যয় করা হবে। তখন DG মহোদয়ের বাম পার্শ্বে হতে ও দরবার হলের দক্ষিণ পূর্ব কোণা হতে একজন সৈনিক অস্ত্র নিয়ে DG মহোদয়ের দিকে দৌড়ে আসতে থাকে। আমি তখন চীৎকার করে ধর ধর করতে করতে স্টেজের দিকে দৌড়িয়ে যাই। সাথে সাথে শহীদ কর্ণেল মুজিব, কর্ণেল আনিছ ও কর্ণেল এলাহী সহ আরো অনেকে স্টেজে উঠে পড়েন। ইতি মধ্যে ঐ সৈনিক DG মহোদয়ের মাথার বামপার্শ্বে রাইফেলের ব্যারেল লাগিয়ে ফেলেছে। ঐ ছেলেটাকে তখন খোব নার্ভাস মনে হচ্ছিল আমি এগিয়ে গিয়ে ১৩ রাইফেলের ব্যাটালিয়নের উক্ত সৈনিক মাইনকে ধরে ফেলি এবং এক ঝটকায় অস্ত্রের ব্যারেল ফ্রি করে ফেলি। সেই মুহূর্তে স্টেজে উপস্থিত ব্রিঃ জেনারেল বারী (যিনি এই ঘটনায় নিহত) শহীদ কর্ণেল আনিছ, শহীদ ক্যাপটেন মান্নান, শহীদ লেঃ কর্ণেল এলাহী সহ আরও কিছু অফিসার মাইনকে পাকড়াও করে স্টেজে ফেলে

দেয়। আমি তখন DG মহোদয়কে দরবার থেকে চলে যেতে অনুরোধ  
 করি। DG মহোদয় বলেন দরবার হবে। তোমরা Troops Control  
 কর। সেই মুহূর্তে স্টেজ থেকে নিচে নেমে আসি এবং Troops দের  
 নিয়ন্ত্রন করার চেষ্টা করতে থাকি। তখন দরবার হলের পশ্চিম দরজার দিক  
 থেকে এক রাউন্ড ফায়ারের আওয়াজ শুনতে পারি। এর পর আরও কয়েক  
 রাউন্ড গুলির শব্দ পাই। ইতিমধ্যে দরবার হল থেকে ইত - ত বিক্ষিপ্ত  
 অবস্থায় যে যার মত পালাতে শুরু করেছি আমি ফায়ার করা সৈনিকদের  
 তাড়া করতে বলি এবং নিজেও তাড়া করি। সে মুহূর্তে দরবার হলের উত্তর  
 পার্শ্বের মাঠে আমি ৬/৭ জন BDR সৈনিককে বেল্ট টুপী ছাড়া  
 বিক্ষিপ্তভাবে ঘুরাঘুরি করতে দেখি। সেই মুহূর্তে দরবারের ভিতরে উপস্থিত  
 অফিসারেরা কিংকর্তব্য বিমূঢ় হয়ে যাই এবং JCO রা কিছু বুঝতে পারছিল  
 না। আমি DG সাহেবের কাছে Stage এ চলে আসি। আমি তখন কর্ণেল  
 আনিছ সহ অন্যান্য অফিসারদেরকে DG মহোদয়কে গাড়িতে করে নিয়ে  
 যেতে অনুরোধ করি। আমি DG সাহেবকে চলে যেতে অনুরোধ করতে  
 থাকি। DG সাহেবের গাড়ীটি তখনো দাঁড় করানো ছিল। DG মহোদয়  
 তখন আদেশ দেন তোমরা তোমাদের Troops Control কর এবং

তাদেরকে ভিতরে আন। দরবার হবে। আমি তখন Stage থেকে নিচে নেমে যাই। অফিসাররা ছুটাছুটি করছে কেউ কেউ জট পাকিয়ে আলোচনা করছে। আমি তাদের বলি DG মহোদয় Troops Control করে ভিতরে আনতে বলেছেন। আমি DG নির্দেশ পালনের জন্যে Troops দের ভিতরে আনয়নের লক্ষ্যে প্রধান ফটক দিয়ে বাইরে যেতে থাকি দরবার হল তখন খালি হয়ে গেছে। আমি যাবার সময় আমার পিছু পিছু LT. কর্ণেল এনায়েত অধিনায়ক ৩৬ ব্যাটেলিয়ন, মেজর শাহনেওয়াজ, মেজর হুমায়ুন, মেজর সালেহ ও মেজর শহীদ সহ আরও কিছু অফিসারকে আমাকে অনুসরণ করতে দেখি। যাবার সময় দরবার হলের উপস্থিত JCO দের আমি নির্দেশ দেই Troops Control করতে। আমার নির্দেশ মত আমার ইউনিটের সুবেদার মিরাজ সুবেদার ইসমাইল, নাঃ সুবেদার সাইদুল সহ আরও অনেকে বাইরে যান। দরবার হলের বাইরে যেয়ে আমি Troops কন্ট্রোল করার চেষ্টা করতে থাকি। Troops দের বিভিন্ন জায়গায় দাড়িয়ে থাকতে দেখি। আমি বড় অংশের সামনে ছিলাম। এটা দরবার হলের দক্ষিণ পার্শ্বের রাস্তার পার্শ্ব। আমি উপস্থিত সৈনিকদের বুঝানোর চেষ্টা করছিলাম যে উচ্ছৃংখলার মাধ্যমে সমস্যার সমাধান হয় না।

তোমরা DG মহোদয়ের ও অফিসারদের রেখে কোথায় যাও তোমরা দরবারে ফেরত চল এবং তোমাদের দাবি থাকলে আমরা আলোচনার মাধ্যমে সমাধান করতে পারব। সৈনিকদের তখন সিদ্ধা ১ হীনতায় ভুগতে দেখেছি। এরা সবাই দরবারে অংশগ্রহণরত সাধারণ সৈনিক। চতুর্দিকে তখন Fire হচ্ছিল এবং হৈ চৈ হচ্ছিল। আমার কথা হয়ত শোনা যাচ্ছিল না। সৈনিকরা তখন আমাকে শুনান চেষ্টা করছিল। সে মূহুর্তে আমার মনে হয়েছিল দরবারে সৈনিকরা ফেরত আসতে চাচ্ছে। পাশে আরো কিছু অফিসারদের দেখেছিলাম। Troops Control করার চেষ্টা করতে। তখন আমার ডান পার্শ্বে পিছন থেকে ৪/৫ জন হাবিলদার ও নায়ক পদবীর সৈনিক আসে এবং চিৎকার করে বলে উনিও ৪৪ এর CO উনিওতো Army Officer উনারা এক জাতের এবং কোন উপকার করবে না। ১৩ রাইফেলের যারা আছিস তারা চল ব্যাটালিয়নে। ব্যাটালিয়নে গিয়ে সিদ্ধান্ড নেব। তখন আমার সামনে প্রায় ১/১২ হাজার সৈনিক ছিল। তাদের নির্দেশ মতে একটা বিরাট অংশ ১৩ রাইফেলে চলে যেতে থাকে। তখন আমার পাশে অনেক JCO উপস্থিত ছিল। সেখানে সিগন্যাল সেক্টরে সুবেদার মেজর SM আলমাছ বীর প্রতিককে বলি আপনি

তাদেরকে কন্ট্রোল করেন ও ফেরত আনেন। কিন্তু Troops চলে যেতে থাকে। তখন আমার সামনে থেকে হাবিলদার বায়েজীদ উজ্জামান ও নায়ক দলিল চিৎকার করে বলে ৩৬ এ যারা আছিস তারাও চলে আয়। তাদের নির্দেশ মত হাবিলদার কাশেম, লোকমান, ফারুক শেখ শহীদ ল্যাঃ নায়ক বারেক ও ল্যাঃ নায়ক শামীম সহ অপর একটি অংশ আমার সামনে থেকে চলে যায় ঐ সময় চিৎকার করে বলে চল যাই কোতে (অস্ত্রাগার) যাই। কোতে গিয়ে ব্যবস্থা নিব। সেই মূহুর্তে আমার বাম পার্শ্বে পিছনে ৩৬ ব্যাটালিয়নে অধিনায়ক শহীদ লেঃ কর্ণেল এনায়েত ও শহীদ কর্ণেল মুজিবকে দেখি। আমি কর্ণেল এনায়েতকে বলি আপনার সৈনিকরাও চলে যাচ্ছে। তিনি তখন তার সৈনিকদের বলতে থাকে তোমরা কোথায় যাও তোমাদের দাবী থাকলে আমাকে বল এই বলতে কর্ণেল এনায়েত তার সৈনিকদের অনুসরণ করে। তখন আমার সামনে ৩/৪ শতক সৈনিক ছিল। আমি তাদেরকে দরবারে আনার চেষ্টা করছিলাম। এক পর্যায়ে আমি দরবার হলে উপস্থিত DG এবং অন্য অফিসারদের অবস্থা জানার জন্য দরবার হলে অগ্রসর হতে থাকি। তখন দরবার হলের বাইরে ১০/১২ জন বিক্ষুব্ধ সৈনিককে সশস্ত্র অবস্থায় ঘুরাঘুরি করতে দেখি। আমি তাদের মধ্যে ৪৪ ব্যাটেলিয়নের সিপাহী সেলিম রেজা ( তার এক হাতে অস্ত্র অন্য হাতে

মেগা ফোন ছিল), সিপাহী ওবায়দুল এবং সিপাহী রফিকুলকে চিনতে পারি। তখন ৫ নং গেটের দিক থেকে কয়েকজনকে ব্রাশ ফায়ার করতে করতে আমাদের দিকে আসতে দেখি। তখন উপস্থিত সকলেই দৌড়া দৌড়ি শুরু করে। আমাকে JCO রা ধাক্কাতে থাকে, আমার নিকটস্থ JCO কোয়ার্টারের প্রাচীরের পার্শ্বে আশ্রয় নেই। তখন আমরা অবস্থান থেকে ১০-১২ গজ দূরে একজন সৈনিককে দরবার হল লক্ষ্য করে গুলি চালাতে দেখি সে তখন চিৎকার করে বলে আমরা অফিসারদের রক্ত চাই তারা কারো বন্ধু নয়। সব ফায়ারের লক্ষ্য ছিল দরবার হল। JCO রা আমাকে ঘিরে ফেলে কেউ একজন আমার মুখ চেপে ধরে আমার Rank খুলে ফেলে হাত ঘড়ি ছিড়ে দেয়, আমাকে নিকটস্থ বাসার দিকে ধাক্কাতে থাকে। আমি তখন বলি চলেন অফিসে যাই, তখন BDR এর একটি পুরাতন Pickup গাড়ী রাস্তার পার্শ্বে সৈনিকদের পার্শ্বে অবস্থান নেয়। Pickup এর পিছনে ১৫/১৬ টা বা তার বেশী গুলির বাক্স ছিল। এর মধ্যে ৩/৪ টা বাক্স খোলা ছিল। এদের মধ্যে ক্লিপে লাগানো গুলি ছিল। সৈন্যদের ঐ গুলি দিতে দেখি। Pickup এর পিছন থেকে দুই জন সশস্ত্র সৈনিক SMG সহ লাফ দিয়ে নামে এবং দরবার হল লক্ষ্য করে গুলি করে। তখন একজন J.C.O

বলে সময় শেষ এদের নিয়ন্ত্রন করা সম্ভব না। অন্য জন আমাকে বলে  
আপনার বয়স কম অনেক কিছু দেখেননি এদের আর নিয়ন্ত্রন করা সম্ভব  
না। তখন J.C.O কোয়ার্টারে ৩ তালায় আমাকে নিয়ে যায় J.C.Oরা।  
আমি বাসায় ঢুকার সময় কেউ কেউ নিচে নেমে আসে ও সুবেদার  
ইসমাইল, সুবেদার সিরাজ, নাঃ সুবেদার সাইদুল ও নাঃ সুবেদার রহিম ও  
হাবিলদার জাকির আমার সামনে ছিল। আমি তখন ইউনিফর্ম পরিহিত।  
আমি ৩ তালায় ঢুকে জানালা দিয়ে বাহিরের অবস্থান দেখি। দরবার হলে  
দক্ষিণ পাশে ২০/২২ জন সশস্ত্র সৈনিক গুলি করছিল। দরবার হলের  
ভিতরে তখন লাগাতার গুলির শব্দ পাই। আমি তখন অসহায় হয়ে পড়ি।  
আলাহ তায়ালার সাহায্য প্রার্থনা করি। তখন দরবার হলের দিক থেকে  
একজন সুবেদার সেদিন DAD পদে পদানুতি পাবার কথা ছিল সে রা - া  
পার হওয়ার সময় ২ জন BDR সিপাহীর সাথে কথা কাটা কাটি হচ্ছিল।  
এক পর্যায়ে ঐ সৈনিকেরা DAD কে গুলি করে। তিনি তখন রা - ায়  
লুটিয়ে পড়েন। এর ৫/৭ মিনিট পরে মেজর শাহনেওয়াজকে হাত উপরে  
তুলে ৩ জন সৈনিক পিছনে অস্ত্র ধরে ৫ নং গেটের দিকে নিয়ে যাচ্ছিল।  
কিছু দূর যাওয়ার পরে গুলির শব্দ পাই। এর কিছুক্ষনের মধ্যেই মেজর

সালেহকে হাত উপরে তুলে ৩ জন সৈনিক অস্ত্র তাক করে ৫ নং গেটের দিকে নিয়ে যায়, কিছুক্ষন পরে গুলির শব্দ পাই। আমি তখন হতাশ হয়ে পড়ি। দরবার হলের ভিতরে ও বাইরে গুলির আওয়াজ পাই। আমার সাথে থাকা JCOরা তাদের মধ্যে আলোচনা করেন আমাকে বেডর“মে নিয়ে আসে। JCOরা তারা আমাকে সাদা পাজামা পাঞ্জামি পরতে দেয়। আমার ID Card Mobile হাতঘড়ি ব্যাজ সব নিয়ে যায়। আমাকে পাশের র“মে নিয়ে আসে ও বক্স খাটের পাটাতন তুলে এর ভিতর ঢুকাতে চায়। আমি তাদের বলি যখন দরকার হয় তখন ঢুকব। তখন কেউ এসে ধাক্কা দিলে সুবেদার ইসমাইলের স্ত্রী দরজায় গিয়ে বলে তিনি একা আছেন। পরে আমাকে কালো জিন্সের প্র্যান্ট ও কালো গেঞ্জি পরতে দেয়। আমি জিজ্ঞাসা করি সময় কত তখন বলে সময় ১১.৩৫ মিঃ। তখন দরবার হলের দক্ষিন পার্শে প্রচুর BDR সৈনিক সশস্ত্র অবস্থানে ছিল। APC (Armour Personal Carrier) ও Pickup গাড়িতে পেট্রোলিং চলতে থাকে। একটা Pickup এ মাইকিং হয়। Pickup এর পিছনে লেখা ছিল সদর। ঐ Pickup ও মাইকিং করে বলছিল BDR এর দাবী মানতে হবে আর্মি অফিসাররা দেশের ও তাদের শত্রু“। আর্মি ঘিরে রেখেছে আক্রমন



করতে পারে এমন কথা মাইকিং হচ্ছিল। কোন অফিসারকে বাচতে দেওয়া যাবে না। তারা ছয় মাস যুদ্ধ করতে পারবে মর্মে সৈনিকদের আশ্বস্ত করছিল। বাসায় অবস্থানরত সৈনিক ও JCO দের রাশ্‌ড়য় নেমে বিদ্রোহীদের সঙ্গে একত্রিত হতে আহ্বান করছিল। এ অবস্থায় আমার সাথে থাকার JCOরা বলে স্যারকে বাচানো যাবেনা। অন্য JCOরা বলে আমাদের মৃত্যুর পরে যেন স্যারের মৃত্যু হয়। সেই মুহূর্তে মাইকে গুনি হেলিকপ্টার থেকে ফায়ার হচ্ছে, সবাইকে হেলিকপ্টারকে fire করতে নির্দেশ দেয়। তখন অনেক সৈনিক অস্ত্র হাতে উপরে হেলিকপ্টারকে fire করে। বহু সৈনিক তখন গুলাগুলি করে। আমি তাদের মধ্য হতে সিপাহী জাহিদুল ও সিপাহী রাখাল চন্দ্রকে চিনতে পারি। আমার নিজস্ব মোবাইলটি দরবার হলে ঢুকান আগে আমার রানার কে দেই। ঐ মোবাইলে বিভিন্ন নাম্বার Save ছিল। আমার সঙ্গে সরকারী যে মোবাইলটা ছিল ঐ মোবাইলটা JCO রা নিয়ে নেয়। JCO ইসমাইলের ছেলে রাসেলের Mobile টা নেই এবং আমার মা বাবা ভাই বোনকে ঘটনা ঐ মোবাইলে জানাই ও দোয়া করতে বলি। আমার ছেলেকে ফোন করি অবস্থা জানাই এবং SSF এর মহাপরিচালক ব্রিঃ জেঃ আমিনীর নাম্বার আমার ছেলের

কাছ থেকে সংগ্রহ করি। জেনারেল আমিনীকে ফোন করি ও ঘটনা জানাই। সাহায্য প্রার্থনা করি। তিনি বলেন ব্যবস্থা গ্রহন করা হচ্ছে এভাবেই দিনটা কেটে যায়। সেদিন বিকেল থেকেই ৫ নং গেটের দিকে মিছিল মিটিং চলতে থাকে। সন্ধ্যার সময় মাগরিবের নামাজের সময় JCO সাহেবদের পরামর্শে দেয়াল টপকিয়ে পালানোর পরিকল্পনা করেছিলাম। কিন্তু সৈনিকদের অবস্থানের কারণে সম্ভব হয় নাই। ফজরের নামাজের পরে পিলখানা থেকে পালানোর পরিকল্পনা করে ব্যর্থ হই। রাতের বেলা সুবেদার ইসমাইলের ছেলে রাসেল Radio tody শুনার পর Mobile এ বাইরের অবস্থা জানায়। রাতে এক সময় মাইকে শুনতে পাই তাদের প্রতিনিধি দল মাননীয় প্রধানমন্ত্রীর কাছে গেছেন। সেখান থেকে ফেরত আসার পর প্রয়োজনীয় ব্যবস্থা নিবেন। মাইকে অযথা গুলি অপচয় না করার নির্দেশ দেয়া হইতে ছিল। গভীর রাতে মাননীয় স্বরাষ্ট্র মন্ত্রীর আগমনের খবর মাইকে প্রচার হচ্ছিল। তাদের বিভিন্ন দাবী নিয়ে স্পেচাগান দেন ও অস্ত্র ত্যাগ না করার নির্দেশ দেন। ২৫-২-০৯ মাগরিবের নামাজের পর দরবার হলের পাশে লাইট বন্ধ হয়ে যায়। বাইরের আলোতে কিছু লোককে দেখা যাইতে ছিল। একটি সাদা এ্যাম্বুলেন্স ও ১টা Pickup ঘন ঘন দরবার হলে যায় ও

RSB এর দিকে যায়। আমি তখন খালি পোশাক পরা ঝাড়ুদারদের দুই চাকার ময়লার গাড়ি ধাক্কায়ে ও বালতি নিয়ে দরবার হলের দিকে যেতে দেখি। এ্যাম্বুলেন্স ও Pickup দরবার হলে আসা যাওয়ার পর পুকুরের পার্শ্ব মাজারের কাছে যায় ও ফেরৎ আসে। ঝাড়ুদাররা গ্রাউন্ডশীটে করে ভারী বস্তু ১৩ রাইফেল থেকে নিয়ে যেতে দেখি। পরদিন সকালেও একই অবস্থা দেখি। সব গাড়ীর সাইট লাইট জ্বলছিল কোন হেড লাইট জ্বলে নাই। ২৬-২-০৯ তারিখে একইভাবে মাইকিং চলছিল BDR এর দাবী মানতে হবে শোগান চলছিল। আগের দিনের একই কথা বলতেছিল। মাইকিং এ বেসামরিক ব্যক্তিদের বলছিল RAB বা সেনাবাহিনীকে সাহায্য না করতে। সকাল ১০ টায় দরবার হলের পশ্চিম পার্শ্ব বরাবর DAD তৌহিদ জিন্দাবাদ মর্মে শোগান শুনি। সম্ভবত সৈনিকরা শোগান দিচ্ছিল। আমি জানালা দিয়ে সব দেখতেছিলাম। কিছুক্ষন পরে DAD তৌহিদ জীপে করে আমার আশ্রিত বাসার সামনে আসে। তখন BDR এর সৈনিকরা DG তৌহিদ জিন্দাবাদ বলে শোগান দেয়। DAD তখন তাদের সঙ্গে কথা বলে চলে যায়। সেদিন সময় ১১<sup>১</sup>/<sub>২</sub> থেকে ১২ টার দিকে BTV ফুটেজে দেখি মাননীয় প্রধানমন্ত্রী ভাষন দিবেন। তখন Mobile

Network বন্ধ। তখন কিছু সৈনিক বলছে BDR এর সৈনিকরা ভাগছে। আর কেউ যেন না ভাগে। ১২ টার দিকে ১ টা মিছিল ৫ নং গট দিয়ে ঢুকে দরবার হলের পশ্চিম পার্শে বরাবর গিয়ে ফেরত আসে। মিছিলে অনেক বিদ্রোহী সৈনিক ছিল বলে মনে হয়েছে। বেলা ১ ½-২ টায় ১টি মিছিল ৫ নং গোট দিয়া ঢুকে ও দরবার হলের পশ্চিম গোট দিয়ে পুনরায় বের হয়ে যায়। মিছিলে মনে হয়েছে অনেক বিদ্রোহী সৈনিক বের হয়ে গেল। দুপুর ২/২½ টার দিকে ২ জন সৈনিক আমার আশ্রিত বাসায় আসে ও দরজা খুলার জন্য ধাক্কা দেয়। রাসেলের স্ত্রী মুনমুন বলে তিনি বাসায় একা। সৈনিক ২ জন গুলি করে বাসায় ঢুকান হুমকি দেয় এক পর্যায়ে দরজা মুনমুন খুলে দেয়। সৈনিকরা ঢুকে JCO দের সঙ্গে রাগান্বিত হয়ে কথা বলে। ইতিমধ্যে রাসেল আমাকে খাটের নীচে ঢুকিয়ে দেয়। সৈনিকরা বলে অফিসারদের দিয়ে দেন। JCO রা বলেন তারা সারারাত বাইরে ছিল সকালে এসেছে আবার বাইরে যাবে। JCOরা মিথ্যা বলে তাদের বুঝানোর চেষ্টা করে। এক পর্যায় সৈনিক ২ জন বাসায় অবস্থান করে। একজন JCO একজন সৈনিকের অস্ত্র কেড়ে নেওয়ার চেষ্টা করছিল। অন্য সৈনিক অস্ত্র তাক করে ও মেরে ফেলার হুমকি দেয় ও অফিসারদের ফেরত দিতে

বলে। তখন JCOরা অস্ত্র ছেড়ে দিতে বাধ্য হয়। সৈনিক ২ জন বেডর“মে প্রবেশ করে তখন কলমা পড়ছিলাম। হাবিলদার জাকিরকে ঐ সৈনিকরা রাইফেল দিয়া আঘাত করে। ৩ জন JCO, মুনমুন রাসেলকে তারা নিচে নিয়ে যায়। আমি তখন চৌকি থেকে বের হয়ে আসি ও আমি টয়লেটে ঢুকে যাই। তখন নায়েক সুবেদার রহিম বলে টয়লেট নিরাপদ না। সে আমাকে পুনরায় বেড র“মে নিয়ে যায়। সৈনিকরা পুনরায় উপরে আসে রহিম চৌকি নীচে ঢুকে যায় তখন আমি বুটের শব্দ পাই। আমি চৌকির নিচে আশ্রয় নেই। একজন JCO বলে মাননীয় প্রধানমন্ত্রী সাধারণ ক্ষমা ঘোষণা করেছেন। সবাই অস্ত্র জমা দিচ্ছে তোমরাও অস্ত্র জমা দাও। সৈনিকরা বলে অস্ত্র জমা দিলে আমাদের নিস্শঙ্কর নাই। সৈনিকরা নীচে নেমে গেলে মুনমুন ও রাসেল উপরে আসে। হাবিলদার জাকিরকে গুলি করার মূহুর্তে সে বলেন সে অফিসার না তার তাই তারা পুনরায় আমাকে খুজতে উপরে আসে। আমি তখন বের হয়ে আসি। সৈনিক ২ জন আবার উপরে আসে। অস্ত্র জমা দেওয়া কথা ও সাধারণ ক্ষমা করা বলায় সৈনিকরা নীচে যায়। নায়েক সুবেদার সনদ একটা Pickup নিয়ে আসে। সুবেদার সাইফুল নীচে যেতে বলে আমাকে। আমি নীচে গিয়ে তাদের সশস্ত্র অবস্থায় দেখি। আমি

তাদের কথামত ঐ Pickup এ উঠি। তখন মাননীয় সংসদ সদস্য রেজা ১টা PAJERO গাড়ীতে আসে এবং অফিসারদের খোঁজে। আমি তখন Pickup থেকে সংসদ সদস্যের গাড়ীতে উঠি। আমি তখন ভীত ছিলাম আমাকে ৪ নং গেটে আনে ঐ গাড়ীতে পরে আলতাফের রহমতে রক্ষা পাই এই হত্যা কাণ্ড থেকে।

With regard to the killing of the aforesaid army officers, **PW 5 BA-3015 Lieutenant Colonel Md Abdul Mukim Sarkar** has stated in his evidence as follows:-

.....গত ২৫শে ফেব্রুয়ারী, ২০০৯ সনে পিলখানা দরবার হলে অফিসার সারির মাঝামাঝি স্থানে বসা ছিলাম। সকাল আনুমানিক ৯.০০ টার সময় নিয়মিত কোরআন তেলাওয়াতের মাধ্যমে দরবার শুরু হয়। দরবারের শুরুতেই ডিজি মহোদয় ২/১ টি প্রসঙ্গ উল্লেখ করার পর ডাল ভাত কর্মসূচী প্রসঙ্গে কথাবার্তা শুরু করেন। তিনি বলেন ঐ প্রকল্পে যা লাভ হয়েছে তার সমস্ত অর্থ সৈনিকদের দেয়া হবে। ঐ প্রকল্পে যে সমস্ত সৈনিক অংশ গ্রহন করেনি তাদেরকেও ন্যূনতম ১০ দিনের ডি এ

প্রদান করা হয়েছে। তিতি বলেন লাভ থেকে সরকারের পাওনা টাকা পরিশোধ করা হয়েছে এবং আরও আনুমানিক ৪ কোটি টাকা বাকী আছে যা পরিশোধ করা হবে। তিনি বলেন আরও কিছু মালামাল আছে যা বিক্রি করা হলে প্রাপ্ত অর্থ বিডিআর এর কল্যাণে ব্যয় করা হবে। এর পর তিনি চোরা চালান প্রসঙ্গে কথাবার্তা শুরু করেন। ডিজি সাহেব আরও বলেন ৩৩ ও ২২ রাইফেল ব্যাটেলিয়ান যথাক্রমে ১ম ও ২য় স্থান অধিকার করেছে। তিনি বলেন প্রতিদিন আনুমানিক ১কোটি টাকার মালামাল ধরা পড়ে এবং প্রায় ৯/১০ কোটি টাকার মালমাল খোঁয়া যায়। এরপর ডিজি সাহেব ফোর্সদের নিকট থেকে সমর্থন আদায়ের চেষ্টা করলে তিনি যথেষ্ট সাড়া পান না। এর পর তিনি আরও ২/১ টি বিষয় কথা বলেন। অতঃপর দরবার হলের ডিজি মহোদয়ের বাম দিকে থেকে সিপাহী মাইন ও সিপাহী কাজল অস্ত্রসহ দরবার হলের প্রবেশ করেন। সিপাহী মইন চিৎকার করে Stage এ উঠে আসে এবং ডিজি মহোদয়ের দিকে অস্ত্র তাক করে ধরে। এই পর্যায়ে দরবারে আসা সৈনিকরা দাড়িয়ে যায় এবং হট্টগোলের সৃষ্টি হয়। এ সময় গোলা গুলির শব্দ শুনতে পাই। দরবারে হলের সৈনিকরা বিক্ষিপ্তভাবে বিভিন্ন দিকে ছুটছুটি শুরু করে। আমি লক্ষ্য করি দরবার হলের উত্তর দিকে ১টি জানালার কাঁচ ভেঙ্গে সৈনিকরা বের হয়ে যাচ্ছে।

আমি এক পর্যায়ে ঐ জানালা দিয়ে বের হই ও হতবাক হয়ে যাই। অতঃপর আমি মাঠের উত্তর দিকে অগ্রসর হতে থাকি এবং ২ জন আরপি সৈনিক কে দেখতে পাই। আমি তাদের ঘটনার কারন জিজ্ঞাসা করিলে তারা কোন উত্তর দেয় না। আমি আরও একটু উত্তর দিকে এগুলে দেখতে পাই ১০/১২ জন সৈনিক অস্ত্র সহ দরবার হলের দিকে অগ্রসর হচ্ছে। আমি তাদের ভাবমূর্তি দেখে ভয় পাই এবং পূর্ব দিকে ট্রেনিং শেডের দিকে চলে যাই। কিছুক্ষনের মধ্যে সেই সমস্ত অস্ত্রধারী সৈনিকরা এগুতে থাকলে তাদের মধ্যকার সিপাহী খন্দকার শাহাদাৎ, সিপাহী শাহীন, এবং সিপাহী সাজ্জাদকে চিনতে পারি। এর পর আমি উত্তর দিকে কিছুটা অগ্রসর হয়ে সদর রাইফেল ব্যাটেলিয়ানের পূর্ব দিকে ১টি দোতলা বিল্ডিংয়ের নিচ তলায় স্টোর রুম্‌মে ঢুকে পড়ি। সেই সময় Storeman রাধা store এ উপস্থিত ছিল। আমি ঢোকান সাথে সাথে সে ঐ store এর দরজা বন্ধ করে দেয়। এরপর আমরা সেখানে সকাল ১০.০০ থেকে ১৩.০০ ঘটিকা পর্যন্ত অপেক্ষা করি। ঐ সময় বাইরে প্রচণ্ড গোলাগুলি চলতে থাকে। সৈনিক রা আমাদের store এর চতুর্দিকে মাঠের মধ্যে পজিশন নিয়ে থাকে। আমি store এর জানালা দিয়ে লক্ষ্য করি ১৪/১৫ জন অস্ত্রধারী সৈনিক



আমাদের store এর বারান্দায় পজিশন নিয়ে আছে। আমি তাদের ভিতর থেকে সিপাহী সুজাউল, নায়েক সুরজ্জামান, সিপাহী আকবর হোসেন ও সিপাহী সফিকুল ইসলাম সকলেই সদর রাইফেল ব্যাটেলিয়ানের সদস্য, তাদের চিনতে পারি। storeman আমাকে বার বার চলে যাওয়ার তাগিদ দেয় ও আমার পরিচয় জানতে চাইলে আমি তাকে ২৫ রাইফেল ব্যাটেলিয়ানের সৈনিক বলে পরিচয় দেই। তারপর ১৪.৩০ ঘটিকার সময় storeman ঐ store ছেড়ে চলে যায় এবং যাওয়ার সময় আমাকে বাইরে থেকে তালাবদ্ধ করে চলে যায়। আমি সেখানে তখন নামাজ পড়ি ও রক্ষিত কিছু খাবার খাই। বেলা অনুমানিক ১৫.৩০ ঘটিকার সময় লক্ষ্য করি আমার store এর তালা খোলা হচ্ছে। ৫/৬ জন সৈনিক store এর তালা খুলে আমাকে store থেকে বের করে। তাদের কারও হাতে অস্ত্র এবং কারও হাতে লাঠি ছিল। তারা আমার পরিচয় জানতে চাইলে আমি ২৫ রাইফেল ব্যাটেলিয়ানের সৈনিক পরিচয় দেই। এ পর্যায়ে তারা আমাকে শক্ত করে বেঁধে ফেলে এবং আমার পকেট থেকে মোবাইল ও মানিব্যাগ ছিনিয়ে নেয়। ঐ ফোনটি আমার অফিসিয়াল ফোন ছিল। তারা আমাকে মারপিট করতে থাকে এবং আমাকে মেরে ফেলার পরিকল্পনা করতে থাকে।

তারা রাইফেলের বাট দিয়ে আমার কাঁধে আঘাত করে। তারা আমার ডান চোখে আঘাত করলে চোখে জখম প্রাপ্ত হই। তারা আমার বাম হাটুতে আঘাত করে। এভাবে তারা আমাকে মারতে মারতে একটি মাঠের কাছে নিয়ে যায়। সেখানে প্রচুর সৈনিক জমা হয়। সেখানে থেকে একজন সৈনিক আমাকে টেনে লাইনে নিয়ে যাওয়ার চেষ্টা করে। আর একজন সৈনিক আমার মাথায় পিস্তল ঠেকিয়ে টেনে নিয়ে অন্য দিকে যাওয়ার চেষ্টা করে। অতঃপর তাদের কয়েকজন বলে ২/১ জনকে জিম্মি রাখা প্রয়োজন সকলকে মারিস না। একজন বলে এনাকে দ্বারা Statement লেখাতে হবে। এর পর তারা আমাকে বিভিন্ন ভাবে নির্যাতন করার পর একটি গোল ঘরে চোখ বেঁধে বসায়। সেখানে কিছুক্ষন আমাকে তারা বিভিন্ন ভাবে নির্যাতন করে। তৎপর আমাকে তারা ১টি ব্যাটেলিয়নের কোয়ার্টার গার্ডের কয়েদী সেলে প্রবেশ করায়। সন্ধ্যার দিকে তারা কাগজ কলম নিয়ে এসে আমার Statement লেখার জন্য চাপ প্রয়োগ করে। আমি চাপের মুখে তাদের কথামতো ১টি Statement লিখে দেই। পরবর্তীতে জানতে পারি যে, ঐ Statement টি তারা টিভিতে প্রচারের জন্য পাঠিয়ে দেয়। আমাকে যারা আটকে রেখেছিল তাদের মধ্যে থেকে ১ জনের নাম সিপাহী রাকিবুল এবং

নায়েক রফিকুল ইসলাম, ৪৪ রাইফেল ব্যাটেলিয়ন বলে জানতে পারি।  
 রাত্রি ২২.০০ ঘটিকায় ১ জন সুবেদার আসে এবং আমাকে রক্ষা করার  
 ইচ্ছা পোষণ করে। তিনি আমাকে কোয়ার্টার গার্ডের মধ্যে তালা বন্ধ করে  
 রাখেন এবং মাঝে মাঝে খাবার দিয়ে যান। বিভিন্ন সময়ে সৈনিকরা আসে  
 এবং আমাকে সেখান থেকে ধরে নিয়ে যাওয়ার চেষ্টা করে। পরের দিন  
 দুপুর বেলায় সৈনিকরা অস্ত্র জমা দেয় এবং সন্ধ্যার দিকে লক্ষ্য করি কয়েক  
 জন লোক আমার সেলের বাইরে কথাবার্তা বলছে। তারা আমার সেলের  
 তালা ভেঙ্গে আমাকে উদ্ধার করলে আমি দেখতে পাই কয়েকজন সংসদ  
 সদস্য আমাকে উদ্ধার করতে এসেছেন। তারা আমাকে উদ্ধার করে আমার  
 বাড়ী পৌঁছিয়ে দেন। পরদিন পিলখানা আসি এবং আমার রুম্মে গিয়ে  
 আমার জিনিস পত্র খোঁজ করতে যাই। সেখানে গিয়ে দেখতে পাই আমার  
 কিছু ক্যাশ টাকা, ১টি ল্যাপটপ কম্পিউটার, ১টি মোবাইল সেট, কিছু  
 প্রয়োজনীয় কাগজপত্র ও ১টি ঘড়ি আমার কক্ষ থেকে লুণ্ঠিত হয়েছে।  
 আমার ব্যক্তিগত মোবাইল সেট নম্বর ছিল ০১৭২৭-৫৯১১৭০, নোকিয়া  
 লুণ্ঠিত হয়। এরপর বিভিন্ন গণমাধ্যম এবং অন্যান্য অফিসারদের নিকট  
 থেকে জানিতে পারি ডিএডি তৌহিদের নেতৃত্বে ডি,এডি রহিম, ডিএডি  
 জলিল, ডি,এডি নাসির, ডিএডি হাবিব, সিগন্যাল ম্যান মনির,সিপাহী

মনিরুজ্জামান হাবিলদার রফিক, সিপাহী সেলিম রেজা সহ ১৪ জনের ১টি দল মাননীয় প্রধানমন্ত্রীর নিকট তাদের কিছু দাবী দাওয়া উপস্থাপন করে। সেখানে তারা পিলখানার ৬৭ জন সেনা অফিসারকে সহ সর্বমোট ৭৪ জনকে হত্যার ঘটনা, গাড়ী ও বাড়ীতে অগ্নি সংযোগ ঘরবাড়ী লুণ্ঠনের ঘটনা গোপন করে এবং তারা তাদের ঘটনাকে চাপা দেয়ার চেষ্টা করে। বিডিআর বিদ্রোহীরা পরিকল্পিত ভাবেই হত্যাকাণ্ড সংঘটন করে।

With regard to the killing of the aforesaid army officers, **PW 10 BA-3094 Major Md Alamgir Hossain Dewan** has stated in his evidence as follows:-

.....গত ২২/২/০৯ তারিখে পুরস্কার গ্রহণের জন্য BDR সপ্তাহ উপলক্ষে পিলখানায় যোগদান করি। BDR এ সৌরভ কোয়ার্টারে উঠি। ২৫/২/০৯ সকাল ৮-৫৫ মিনিটে দরবার হলে পৌছে অফিসারদের সারিতে বসি। ৯ টায় DG দরবার শুরু করেন। যখন ডালভাত সম্পর্কে অর্থ হিসাবের কথা বলেন তখন Stage এ একজন সৈনিক DG মহোদয় বরাবর অস্ত্র তাক করে। তার নাম সিপাহী মঈন। একটু পরে ২ রাউন্ড ফায়ার হয়। তখন সব সৈনিকরা বের হতে উদ্ধত হয় এবং দরজা জানালা

ভাংতে থাকে। আমি তাদের ধাক্কায় দরজার দিকে যেতে বাধ্য হই। তখন দরবার হলের চার দিকে সৈনিকরা গুলাগুলি করছে। ১০/১২ জন সশস্ত্র সৈনিক ফায়ার করতে করতে এগিয়ে আসে। তাদের মধ্যে সিপাহী মতিন, সিপাহী মিন্টু শেখ, সিপাহী কামাল মোলা, সিপাহী সাইদুল ইসলাম সকলে ৪৪ ব্যাটালিয়ানের, আমি তাদের চিনতে পারি। এর পর সুবেদার বেলায়েত আমাকে ধাক্কা দিয়ে বলে স্যার আপনি চলে যান। পরে আবার এসে বলে আপনি চলে যান। আমি তখন দরবার হলের উত্তর দিকের মাঠ পেরিয়ে ঢাকা সেক্টরের দিকে যাই। সেখানে গেটে সৈনিকদের কথা বলতে দেখি ও আমার দিকে সন্দেহের দৃষ্টিতে তাকায়। আমি পরিস্থিতি অনুকূলে না দেখে আমার বাসায় চলে যাই। আমি তখন DGFI ডেস্কে ও মেজর আছাদ DGFI, কর্ণেল মহসিন, কর্ণেল আরিফকে বিষয়টা অবহিত করি। তখন ১০<sup>১</sup>/<sub>২</sub>টা বেজে গেছে। তখন সমস্‌ড সৈনিকদের হাতে অস্ত্র দেখি ও তারা গোলাগুলি করছে দেখি। বাসায় গেলে কর্ণেল আজারের স্ত্রী ও অন্যান্য অফিসারদের স্ত্রীগণ আমার বাসায় আশ্রয় নেয়। বাসার নীচে মেজর ইউসুফের Private Car এ আগুন লাগিয়ে দেয়। আমি Uniform বদলায়ে আগুন নিয়ন্ত্রনে আনার চেষ্টা করি। কিছু সৈনিক আমার দিকে গুলি

করলে আমি বাসায় চলে যাই। গুলি আমার মাথার উপর দিয়ে যায়। সকলেই বাসার ভিতরে দরজা আটকিয়ে থাকি ও অনুমান ১১-১৫ মিঃ ৬জন সশস্ত্র সৈনিক দরজা ভেঙ্গে ঘরে প্রবেশ করে ও সকলের মোবাইলফোন ছিনিয়ে নেয়। আমি তাদের মেহমান পরিচয় দিয়ে রক্ষা পাই। একজন সৈনিক আমার স্ত্রীকে রাইফেল দিয়ে পিঠে আঘাত করে। অনুমান ১১ টার দিকে আমাদের সকলকে কোয়ার্টার গার্ডে নিয়ে যায়। সিপাহী মজিবর বলে পাজেরো গাড়ীতে উঠার মজা বুঝবে। সিপাহী মজিবর সশস্ত্র ছিল। কোয়ার্টার গার্ডে শুনতে পাই ও দেখতে পাই একজন হাবিলদার ও কিছু সৈনিক বলা বলি করছে দরবার হলে সব অফিসারদের হত্যা করা হয়েছে, বিভিন্ন ইউনিটে Mobile করে বলে এখানকার সব অফিসারদের হত্যা করেছি তোমরাও তোমাদের অফিসারদের হত্যা কর। পরের দিন ২৬/২/০৯ বেলা ৩টায় আমাদের পরিবারের সদস্যদের ৪নং গেট দিয়ে ছেড়েছে। অনুমান ৫টায় MP গোলাম রেজার সহায়তায় আমরা ছাড়া পাই। পরে BDR সদস্যরা আমার বাসার সব মালামাল লুট করে। টাকা পয়সা ল্যাপটপ। Mobile সব নিয়ে যায়। বাসার সব জিনিষ লুটপাট করে। ২৫ ভরি স্বর্ণ নেয়।

With regard to the killing of the aforesaid army officers, **PW 11 BA-3861 Major Md Sujaul Haque** has stated in his evidence as follows:-

.....২৫/২/০৯ তারিখে সকাল ৬-৩০ মিঃ অফিসার মেসে মেজর জায়েদীর সংগে সকালে না-া করি। তার পূর্বে মেজর শাহ আলমের দেখা হয়। তিনি জানান দরবার ১ঘন্টা পিছিয়ে ৯টায় অনুষ্ঠিত হবে। আমি ৯টার পূর্বেই দরবার হলে উপস্থিত হয়ে পিছনের দিকে বসি। ৯টায় দরবার শুরু হয়। ৯.৩০ মিঃ দরবার চলাকালে সিপাহী মার্গিন অস্ত্র হাতে দরবার হলে প্রবেশ করে ও DG এর দিকে অস্ত্র তাক করে। এই সময় দরবার হলে উপস্থিত সৈনিক গন দাঁড়িয়ে যায় ও বিভিন্ন দিকে দৌড়াদৌড়ি শুরু করে। এই সময় আমি গুলির আওয়াজ শুনতে পাই। পরে অন্যান্য সকলের মত আমি দরবার হল থেকে বের হয়ে উত্তর দিকে যাই। এই সময় আমি গুলির আওয়াজ শুনতে পাই। আমি তাকিয়ে দেখি ২০/২৫ জন BDR এর সশস্ত্র দল দরবার হলের দিকে দৌড়িয়ে আসছে কেউ কেউ দরবার হলের দিকে তাক করে ফায়ার করছে। আমি গাছের আড়ালে যাই। সেই সময় যে সকল সশস্ত্র BDR সৈনিকগন আমার সামনে দিয়া অস্ত্র সহ দৌড়িয়ে যায়, তারা হলেন হাবিলদার খলিল, হাবিলদার সেলিম, ল্যাঃ

নায়েক মোফাজ্জল, ল্যাঃ নাঃ হার“ন, সিপাহী সানোয়ার, সিপাহী দেলোয়ার,  
 সিপাহী মঞ্জুর সবাই ৩৬ ব্যাটালিয়নের সদস্য। পরে অবস্থা অবনতি দেখে  
 দরবার হলের পশ্চিমে অবস্থিত পারিবারিক বাসস্থানে প্রবেশ করি। বাসার  
 নাম্বার যমুনা-৪, পরে জানি বাসাটা নায়েব সুবেদার শাহ আলমের বাসা।  
 বাসায় পৌঁছে শাহ আলমের স্ত্রী ও ৩ m šান ও ২ জন BDR সদস্য  
 যাদের নাম হাবিলদার মমিন যিনি DDG অফিসের করনিক, নায়েক  
 শাহাদাত ইলেক্ট্রিশিয়ান ও ৩৬ ব্যাটালিয়নের ইমাম সাইদুলকে দেখতে  
 পাই। BDR সদস্যরা Uniform পরিহিত ছিলেন। শাহ আলম তখন  
 বাসায় ছিলেন না। পরে গোলাগুলি ও বিস্ফোরনের শব্দ শুনি। তখন নায়েক  
 শাহাদাতের পরামর্শক্রমে আমি Uniform খুলে ফেলি। সে আমাকে বাসা  
 থেকে লুঙ্গি ও জামা দেয়। আমি সেটা পরিধান করি। অনুমান ১১.৩০ মিঃ  
 শাহ আলম বাসায় আসেন। অনুমান ৪.৩০ মিঃ নায়েক শাহাদাত সংবাদ  
 আনার জন্য বাসা থেকে বের হয়। সে রাত ৮.৩০ মিঃ বাসায় ফেরত  
 আসে। সে আমাকে সাবধানে থাকতে বলে। বাসা থেকে চলে যায়। এর  
 পরে সশস্ত্র একজন সৈনিক ঐ বাসায় প্রবেশ করে সে রাতে খেয়ে রাত্রি  
 যাপন করে। পরে শাহ আলমের ছেলের কাছ থেকে জানতে পারি সৈনিকটি



তাদের পরিচিত। ২৬/২/০৯ তারিখে সকাল ৭.৩০ মিঃ শাহ আলমের পরিবার বাসা ছেড়ে চলে যান। পরে শাহ আলম, আমি, নায়েক শাহাদাত ও হাবিলদার মমিন ৪র্থ তালায় যাই এবং সেখানে অবস্থান করি। কিছু সময় পরে শাহ আলমও শাহাদাত চলে যায়। অনুমান ১৬.৩০ মিঃ নায়েক শাহাদাত মোবাইলে আমাকে বলে স্যার আপনি সরে পড়েন। পরে অনুমান বিকেল ৫টায় পিলখানায় পশ্চিমের প্রাচীর অতিক্রম করে বাইরে আমার বাসায় চলে যাই।

The aforesaid fact of killing has been supported and corroborated by **Sepoy Md. Habibur Rahman CS. Accused No. 26** who in his confessional statement has narrated as under:-

বিগত ১/১১/১৯৯২ ইংরেজী আমি সিপাহী পদে বি,ডি,আর এ যোগ দিই। চট্রগ্রামে ৬ মাস ট্রেনিং এরপর জামালপুর যোগ দিই। জামালপুর, সাতক্ষীরা, কুষ্টিয়ায় বিভিন্ন মেয়াদে চাকরী করার পর ১৬/১০/২০০৫ ইংরেজী ৪৪ রাইফেল ব্যাটালিয়নের অধীন ঢাকা পিলখানায় যোগ দিই। অনুমান প্রায় দেড় বছর আগে সৈনিক লাইনের

সামনে বিকাল বেলায় সিপাহী সেলিমের সাথে আমার দেখা হলে সে বলে যে, আমাদের বি,ডি, আর এ সে আর্মি অফিসার আছে তাদেরকে সরিয়ে আমাদের নিজস্ব অফিসারের ব্যবস্থা করতে হবে। এজন্য উকিলের সাথে কথা বলেছে এবং বেশ কিছু টাকা পয়সা খরচ হবে। তখন আমি তাকে বলেছিলাম যে, এসব বললে তোর চাকরী থাকবে না।

বিগত ২৪/০২/০৯ ইংরেজী রাত অনুমান ১০.০০ টার সময় সিপাহী মিজানের (আমার ৪৪ রাইফেল ব্যাটালিয়নের) সাথে আমার দেখা হয়। মিজান বলে যে, চলেন পান খেয়ে আসি। তখন আমি আর মিজান ৫ নম্বর গেট দিয়ে বের হই। পান খেয়ে হাঁটতে হাঁটতে দক্ষিন দিকে অনুমান ৪০০/৫০০ গজ দূরে যাই। ফেরার পথে ৫ নম্বর গেইটের অনুমান ১০০ গজ দক্ষিন দিকে একটি বাড়ির পাশে রাস্তার উপর দুজন সৈনিককে দেখতে পাই। তাদেরকে দেখে আমি আর মিজান কৌতূহলী হয়ে বাসার সামনে দাঁড়াই। বাসার ভিতর উকি দিয়ে কয়েকজন বি,ডি,আর সৈনিক দেখতে পাই। তখন কারেন্ট ছিল না। তারা মোমবাতি জ্বালিয়ে বসেছিল। আমরা দেখিয়ে তারা এ শপথ নিচ্ছে। তারা শপথ করছিল যে, অফিসারদের জিম্মি করা হবে, ধরা পড়লে

কেউ কারও কথা বলবো না। ঐ সৈনিকদের মধ্যে আমি সিপাহী মাইন, সিপাহী সেলিম, সিপাহী কাজল, সিপাহী হাসিব, হাবিলদার রফিককে চিনতে পারি। আর কাউকে চিনতে পারিনি। ভেতরে বাহিরে সব মিলিয়ে আনুমানিক ১৪/১৫ জন লোক ছিল। ঐ সময় বাড়ী ওয়ালার এক লোক বলে যে, আপনারা এতগুলো লোক এতরাতে কি করেন? তার কথা শুনে আমি আর মিজান চলে আসি। অন্যরাও তাদের নিজেদের মত করে চলে যায়।

বিগত ২৫/০২/২০০৯ ইংরেজী সকাল অনুমান সাতটার সময় হাবিলদার ইমদাদ আমাদের ব্যাটালিয়নের অনুমান ৯৫/৯৬ জন সৈনিককে ফলইন করিয়ে দরবার হলের দিকে নিয়ে যায়। অনুমান পৌনে ৮ টার দিকে আমি দরবার হলে প্রবেশ করে মাঝামাঝি জায়গায় বসি। সকাল ৯.০০ টায় দরবার শুরু হয়। অনুমান ৯.৩০ টার সময় ডি,জি, সাহেব যখন ডালভাত কর্মসূচী বিষয়ে বক্তৃতা দিচ্ছিলেন হঠাৎ করে ১৩ রাইফেল ব্যাটালিয়নের সিপাহী মইন মঞ্চে উঠে ডি,জি র দিকে এস, এম, জি তাক করে। তখন হৈচৈ শুরু হয় সবাই চেয়ার ছেড়ে দাড়িয়ে যায় এবং যে যার মত দরবার হল থেকে বের হয়ে যায়। আমি পশ্চিম গেট দিয়ে দরবার হল থেকে বের হয়ে আসলে সুলতান গ্রাউন্ড এর দিক থেকে

৩/৪ জন মুখোশপরা সিপাহীকে অস্ত্র উঠিয়ে দরবার হলের দিকে যেতে দেখি। তখন আমি মাঠের দিকে না গিয়ে সেন্ট্রাল এস,এম, এর বাসার সামনের রাস্তা দিয়ে ৪৪ রাইফেল ব্যাটালিয়নের লাইনে আসি। তারপর ৪৪ রাইফেল ব্যাটালিয়নের লাইনে আসি। তারপর সকাল অনুমান ৯.৪০ টার সময় কেন্দ্রীয় কোয়ার্টার গার্ড কোতে যাই। বি কোম্পানীর কোত থেকে একটি এস, এম, জি, নং ৪৪/বি/১৩ নিই এবং একটি ম্যাগাজিন লোড করি। অস্ত্র সহ আমি ৪৪ রাইফেল ব্যাটালিয়নের সামনে চলে আসি। ঐখানে আমি অস্ত্র হাতে কিছু কিছু সৈনিক দেখতে পাই। পৌনে ১০টার দিকে আমি ৪র্থ শ্রেণীর ফ্যামিলি কোয়ার্টার এর পূর্ব পাশে আর, পি পোস্টে যাই। পোস্টের সামনে খোলা অবস্থায় গুলির বন্ধ দেখে ম্যাগাজিন লোড করি এবং একটি ফাঁকা ফায়ার করি। ঐখান থেকে ব্যারাকে এসে সামনে নাস্তা করে হেলমেট নিই। তারপর ঐখান থেকে বের হয়ে কসাই মোড়ে যাই। কসাই মোড়ের পাশে ফ্যামিলি কোয়ার্টারের ৫ম তলার ছাদের উপর অস্ত্র হাতে সিপাহী হাসিবকে দেখতে পাই। তার সাথে আরও কয়েকজন ছিল চিনতে পারিনি। ঐখান থেকে ডেইরী ফার্ম হয়ে নুর মোহাম্মদ কলেজের গেইটের দক্ষিণ পাশে আসি। ঐখানে সিপাহী মুহিতকে অস্ত্র হাতে দেখি। সিপাহী মুহিতের সাথে আমি দরবার

হলের দক্ষিণ পাশের মেইন দরজার কাছে যাই। দরবার হলের ভিতরে সিপাহী সেলিম এর হাতে হ্যান্ড মাইক ছিল। সে মাইক দিয়ে সকল অফিসারকে পর্দার আড়াল হতে বের হয়ে আসতে বলছিল। সেলিমের সাথে আরও ৫/৬ জন অস্ত্র ধারী ছিল। আমি ও মুহিত তখন দরবার হলের দক্ষিণ পশ্চিম পাশে যাই। এ সময় সুবেদার বাবুলকে দক্ষিণ গেট দিয়ে বের হয়ে জেসিও মেসের দিকে যেতে দেখি। তারপর ৫/৬ জন অস্ত্র ধারী সহ সেলিমকে অফিসারদের লাইন করে পশ্চিম গেটের দিকে নিয়ে যেতে দেখি। তারা উক্ত অফিসারদের পশ্চিম পাশের দরজা দিয়ে বের করে ফোয়ারার উত্তর পাশে দরবার হলে ঢুকানো রাষ্ট্রীয় শোওয়াহিয়া রাখে। একটু পরে একটি গাড়ী আসে। গাড়ীতে ড্রাইভার এবং কালো চেহারার একজন সৈনিক ছিল। গাড়ীটি দরবার হলের দক্ষিণের রাষ্ট্র দিয়ে এসে শুয়ে থাকা অফিসারদের উত্তর পশ্চিম পাশে দাঁড়ায়। তারপর গাড়ির সেকেন্ড সীটে বসা সিপাহী অফিসারদের দিকে একটি ব্রাশ ফায়ার করে ৫ নং গেটের দিকে চলে যায়। সাথে সাথে ফিরে এসে আবার ব্রাশ ফায়ার করে। তারপর গাড়ীটি দরবার হলের পশ্চিম পাশ দিয়ে সুইমিং পুলের দিকে চলে যায়। তখন সৈনিকরা অফিসারদেরকে বের করে নিয়ে আসে তারাও অফিসারদের দিকে ব্রাশ ফায়ার করে।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **Sepoy Selim Reza CS accused No.6**, which runs as follows:-

.....আমি ২৫/০২/০৯ ইং তারিখ অনুমান ৬.৩০ মিনিটের সময় ৪৪ রাইফেলস ব্যাটালিয়নের মাঠে গিয়ে দরবারের উদ্দেশ্যে ফলিন হই। আমার সাথে 'ই' কোম্পানীর ১০/১২ ফলিন হয়। আমি সিপাহী রফিককে বলি যে তোমার দরবারে যেতে হবে না। মার্চ করে দরবারের দিকে যাবার সময় আমি প্রসাব করার নাম করে লাইন হতে বের হয়ে যাই। আমি তখন ধূপিকানার রাস্তা দিয়ে আবার মাঠে আসি। এ সময় ৪৪ ব্যাটালিয়নের সিপাহী মেহেদীকে ফেটিগ ড়েসে দেখে কোথায় যাচ্ছে সে- জিজ্ঞাসা করলে সে জানায় যে, আই.এন.টির ওয়ার্কিং-এ যাচ্ছে। আমি তাকে দরবার হলে আসতে বলি। একটু পর সিপাহী মঈন, রবেল, শাহাদত, সাজ্জাদ সহ ১৮/২০ জন BDR জওয়ান মাঠে আসে। প্রত্যেকের গায়ে দরবারে যাবার ইউনিফর্ম পরা ছিল। আমরা আরও কিছুক্ষন অপেক্ষা করি। আর কেহ আসছে না দেখে আমি বলি যে এত কম লোক নিয়ে দরবার হল এ্যাটাক করা যাবে না। আমি দরবারে যাবার জন্য বলি। তখন আমরা সবাই দরবার

হলের দিকে রওনা দেই। ৭.৩০ টার দিকে সুলতান গ্রাউন্ডে পৌঁছি। দেখি ৪৪ ব্যাটালিয়নের সিপাহী হাবিব এবং সিপাহী আলতাফ মাঠে গল্প করত আছে। সিপাহী হাবিব চলে আসার কারন জানতে চান। আমি বলি লোকজন নাই। কাজ হবে না তাই চলে এলাম। সিপাহী হাবিব আমাদেরকে সদর মেসে যেতে বলে। আরো বলে যে, দরবার হবে ৯.০০ টার দিকে এবং তিনি লোক পাঠাবেন বলে আমাদেরকে জানান। আমি সিপাহী মঈন এবং আর.পি রেজাউলকে নিয়ে সদর মেসে আসি। মেস হতে সিপাহী মঈন মোবাইলে ফোন করে। ১৩ ব্যাটালিয়নের সিপাহী রুবেল, সিপাহী সাজ্জাদ সহ ১০/১২ জন বি ডি আর আসে। এরপর সিপাহী আলতাফ আসে (৪৪ ব্যাটালিয়ন)। সিপাহী আলতাফ ফোর্সকে দুইভাগ করে। এক গ্রুপ কোত ভেঙ্গে অস্ত্র নিবে এবং অন্য গ্রুপ ম্যাগজিন ভেঙ্গে গোলা বারুদ নিবে। কোত ভাঙ্গা গ্রুপে আমি, সিপাহী রুবেল, সিপাহী সাজ্জাদ, সিপাহী মঈন, সিপাহী কাজল, ল্যান্স নায়েক আকরাম সাথে আরও ১৩ ব্যাটালিয়নের সৈনিক ছিল। আমরা মোট ১৫ জনের মতো হব। ম্যাগজিন ভাঙ্গা গ্রুপে সিপাহী আলতাফ, আর. পি রেজাউল, এ বি সিদ্দিক (সিপাহী ৪৪ ব্যাটালিয়ন) সহ ১৩ ব্যাটালিয়নের সৈনিক ছিল। আরো অনেক BDR সদস্য এসে যোগ দেয়। আমার দল

কোত হতে অস্ত্র আনবে আর আলতাফের দল ম্যাগজিন হতে গুলি আনবে ।  
 তারপর অস্ত্র ও গুলি নিয়ে দুই দল এক হয়ে অস্ত্র ও গুলি বিনিময় করে  
 দরবার হল অ্যাটাক করার পরিকল্পনা নেওয়া হয় । আমার দল সেন্ট্রাল  
 কোয়ার্টার গার্ডে যাই । পেছন দিক থেকে আমরা কোয়ার্টার গার্ডে প্রবেশ  
 করি । দেখি কোয়ার্টার গার্ডের সামনে এবং পেছনে দু'জন সিপাহী অস্ত্র সহ  
 ডিউটি করছে এবং মেজর রিয়াজ স্যার অফিসার্স রুমের দরজাতে দাঁড়িয়ে  
 আছে । আমি, সাজ্জাদ ও রুবেল মেজর স্যারকে ধরে ফেলি এবং শোয়িয়ে  
 ফেলে চোখ, হাত, পা বেঁধে ফেলি । সাজ্জাদ স্যারের মোবাইল পকেট  
 থেকে নিয়ে নেয় । স্যার বলেন, আমাকে মারিস না; আমাকে ছেড়ে দে ।  
 রুবেল স্যারকে কোতের চাবির কথা জিজ্ঞাসা করলে স্যার বুলানো থাকা  
 চাবি দেখিয়ে দেয় । সাজ্জাদ আর রুবেল রুম হতে বের হয়ে যায় ।  
 স্যারকে তারপর আমি রুমে আটকিয়ে দরজায় তালা লাগিয়ে দেই ।  
 আমাদের সাথে একজন কোয়ার্টার গার্ডের ডিউটিতে থাকে । তার হাতে  
 রাইফেল ছিল কিন্তু গুলি না থাকায় ডিউটিরত সিপাহীকে ম্যাগজিন হতে  
 গুলি আনতে পাঠাই । সে গুলি নিয়ে আসে । সিপাহীটি ১৩ ব্যাটালিয়নের ।  
 সেও আমাদের সাথে যোগ দেয় । এর মধ্যে মঈন, একরাম, সাথে আরো  
**BDR** অস্ত্র কোত হতে নিয়ে দরবারের দিকে যায় । আমি কোয়ার্টার



গার্ডের পিছন দিক দিয়ে ২৪ রাইফেল ব্যাটালিয়নের সামনে দিয়ে বের হয়ে যাই। আমি দরবারের দিকে যেতে থাকি। অনুমান ৯.৩০ টা সময় হবে। এমন সময় দেখি **BDR** সদস্যরা সবাই দৌড়াইয়া কোয়ার্টার গার্ডের দিকে আসছে। দরবার হলের পশ্চিমে স্কুলের সামনে একটি শিশু গাছের নিকটে একজন **BDR** কে হাতে বুলেট প্রুফ জ্যাকেট এবং হেলমেট পরিহিত অবস্থায় দেখতে পাই। প্রচণ্ড গুলি হচ্ছে। আমি জ্যাকেট এবং হেলমেট আমাকে দিতে বলি। সে জ্যাকেট এবং হেলমেট খুলে দিলে আমি পরিধান করি এবং তার নিকট হতে রাইফেল নেই। ঠিক এমন সময় উত্তর দিক হতে **BDR**- এর একটি পিক-আপ আসতে দেখি। পিক আপ থেকে মাইকে সবাইকে অস্ত্র নিতে বলে। আমি গাড়ী থামাই। পিক আপটি হাত তুলে থামাই। পিক আপ থেকে আমি ম্যাগাফোন নেই। দেখি ডান পাশের সুইমিং পুলের (উত্তর-পূর্ব দিক) দিক হতে মুখোশ পড়া অস্ত্রধারী লোকজন আসছে। চারিদিক হতে অস্ত্রধারী **BDR** দরবার হলের দিকে আসতে থাকে। এবং সামনে ফায়ার হতে থাকে। আমি ম্যাগাফোন নিয়ে দরবার হলের ভিতরে প্রবেশ করি। দরবার হলের ভিতরে সব চেয়ার টেবিল উলট পালট করা। স্টেজের সামনের পর্দার নড়াচড়া দেখতে বুঝতে পারি সেখানে

অফিসাররা লুকিয়ে আছে। আমি ম্যাগাফোনে বলি, “স্যার, আপনারা বের হয়ে আসেন, আপনাদেরকে নিরাপদ জায়গায় নিয়া যাবো”। তখন সেন্ট্রাল এস. এম এবং আর.পি জেসিও বের হয়ে আসে। তারপর তিনজন মহিলা ডাক্তার মেজর রক্ষসানা, লেঃ কর্নেল ইয়াসমীন এবং মেজর জাহানার আবার বলেন লেঃ কর্নেল জাহানারা সহ ৫/৬ আর্মি অফিসার এবং ৪০ ব্যাটালিয়নের মেজর বের হয়ে আসেন। আমি দেখি একজন অস্ত্রধারী মুখোশ পরা **BDR** জওয়ান গুলি করতে চায়। আমি নিষেধ করি। আমি তারপর তিনজন মহিলা ডাক্তারকে পশ্চিম পার্শ্বের গেইট দিয়া বের করে দেই। ঠিক তখনই দরবার হলের বাহির বাহির হতে একটি গুলি এসে একজন আর্মি অফিসারের মাথায় লাগলে তিনি মাটিতে পড়ে যান।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No.75014 Sepoy Md. Kamal Mollah CS accused No.69**, which runs as follows:-

.....ডেস চেঞ্জ করে পৌনে দশটার দিকে আমি কোতে গিয়ে একটি রাইফেল নিই এবং কোতের বাইরে একটি এমুনিশন বক্স থেকে দশ রাউন্ড গুলি নিই। রাইফেল নিয়ে আমার ব্যারাকের দিকে আসার সময় দেখি

৪৪ ব্যাটালিয়নের রহমত গাড়ি চালিয়ে নিয়ে আসছে। সে আমাকে ধমক দিয়ে গাড়িতে উঠতে বলে। কিছুদূর যাওয়ার পর আমার ৪৪ ব্যাটালিয়নের সিপাহী আমিনুলকে দেখতে পেয়ে রহমত আমিনুলকেও গাড়িতে তুলে নেয়। রহমত গাড়িটি দরবার হলের দিকে নিয়ে যায়। গাড়ি দরবার হলের সামনে আসলে আমিনুল লাফ দিয়ে নেমে যায়। তার হাতে রাইফেল ছিল। রহমত আমাকে জে.সি.ও কোয়ার্টারের কোনায় নামিয়ে দেয়। তখন দরবার হলের উত্তর দিক থেকে সিপাহী সাইফুলকে দরবার হলের দিকে গুলি করতে দেখি এবং অফিসারদের গালাগালি করতে দেখি। সাইফুলের সাথে আমিও এক রাউন্ড গুলি করি। পরে সাইফুলকে দরবার হলের মেইন গেটের দিকে দৌড়ে যেতে দেখি। তখন আমি দরবার হলের পশ্চিম দিকে যাই। ঐখানে ১৫/২০ জন বি.ডি.আর জওয়ানকে ৭/৮ জন অফিসারকে ফোয়ারার পাশে গুলি করে হত্যা করতে দেখি। ঐ বি.ডি.আর জওয়ানদের মধ্যে আমার ব্যাটালিয়নের সিপাহী মতিন সিপাহী মুহিত ভাইকে দেখি। ঐখানে ডি.এ.ডি নাসির এবং সিপাহী রফিকও (৪৪ ব্যাটালিয়নের) ছিল। একটু পরে সিপাহী রমজানকে (১৫ রাইফেল) একটি সাদা মাইক্রোবাসে করে আনতে দেখি এবং তাঁকে গাড়িতে বসে গুলি করতে দেখি। এ সময় হাসপাতালের তিনজন মহিলা ডাক্তারকে ফোয়ারার পাশে দেখি।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. 61489 Sepoy Md. Abdul Muhit CS accused No.70**, which runs as follows:-

.....গত ২৫.০২.০৯ খ্রিঃ সকাল ৮.০০ ঘটিকায় দরবার শুরু হবার কথা থাকায় সকাল ৭.০০ ঘটিকায় আমি দরবারে আসি। দরবার ৯.০০ ঘটিকায় হবে শুনে আমি বাসায় চলে যাই। অতপর বাসায় থেকে চিন্তা করি দরবারে যাব কিনা। বাসায় থাকাবস্থায় আমি গুলির শব্দ পাই। অতপর ভিতরে ঢুকি ৫ নম্বর গেট দিয়ে। সেখানে থেকে একজন সৈনিকের নিকট হতে ১টা রাইফেল নেই। একটু সামনে যেয়ে আমি সিপাহী হাবিব, সিপাহী সেলিমকে পাই। সেখানে আমি ও অনেকে ছিল তাদের চিনি না। এই জায়গাটা হল দরবার হলের দক্ষিণ পার্শ্বের মেইন গেইট। সেখানে থাকাবস্থায় সুবেদার বাবুলকে দরবার হল হতে বের হয়ে আসতে দেখি। সিপাহী সেলিম মেগা ফোন হতে ঘোষণা দিয়ে অফিসারদেরকে বাহিরে আসতে বলে। তখন সময় অনুমান ১০.৩০ ঘটিকা। আমার সামনে অনেক অফিসারদের গুলি করে হত্যা করে।

It may be mentioned that the 1<sup>st</sup> group of officers being compelled came out from different hideouts of the Darbar Hall at the order of Sepoy Selim Reza and then the officers including the lady officers were taken outside through the west gate of the Darbar Hall at gunpoint by Sepoy Selim Reza and the other BDR rebels. Subsequently, having gone out of the Darbar Hall, the officers were persecuted physically and mentally. The lady officers were also persecuted and tortured physically and mentally for some times and then taken to the hospital by the BDR rebels picking them on the backside of the pickup on the plea that the lady doctor army officers would come to their use for medical treatments. Lastly the remaining officers were mercilessly killed by the BDR rebels at the north-west entry way of the Darbar Hall situated in the north side

of the fountain opening several burst-fires and fires on them.

After killing the 1<sup>st</sup> group of officers, Sepoy Selim Reza again came back at the stage with arms and megaphone. By using the megaphone, Sepoy Selim Reza ordered the army officers to come out from the different hideouts of the Darbar Hall. In spite of ordering the army officers to come out, the officers did not come out as a result of which Sepoy Selim Reza scolded the army officers with the filthy languages and issued threat to kill them. When the DG, DDG and other officers came out from the stage, Sepoy Selim Reza scolded and ordered the army officers to go 'one by one' maintaining a line raising their hands. Then the officers started going towards the west side of the Darbar Hall maintaining a line as per order of the Sepoy Selim Reza. At the same time,

Sepoy Selim Reza, Sepoy Sajjad Hossain of 13 Rifle Battalion, Sepoy Ibrahim, Sepoy Obaidul, Sepoy Rafiqul of 44 Rifle Battalion and Lance Naik Ekram of 24 Rifle Battalion and other BDR rebels followed the army officers aiming arms at them. As soon as the DG and other officers went out of the Darbar Hall through west-north gate, the BDR rebels namely Sepoy Selim Reza, Sepoy Ibrahim, Sepoy Rafiqul, Sepoy Obaidul, Sepoy Abdul Matin, Sepoy Muhit, Sepoy Kamal Mollah of 44 Rifle Battalion, Sepoy Sajjad of 13 Rifle Battalion, Lance Naik Ekram of 24 Rifle Battalion opened burst-fires and fires on the army officers as a result of which the army officers succumbed instantly to the bullet injuries. The aforesaid BDR rebels also charged bayonets and kicked on the dead bodies to ensure the death of the officers. When the BDR rebels became confirmed

about the death of the officers, they went away from the place of occurrence. DAD Nasir was present with the BDR rebels at the time of taking out the officers from the Darbar Hall at gunpoint and at the time of killing the army officers.

The aforesaid fact of killing is evident from the evidence of **PW 9 Lieutenant Colonel Md. Maksudul Haque** who came to Pilkhana from Kumilla to receive President's Rifles Madel. He categorically stated in his evidence that.....এক পর্যায়ে সিনিয়র অফিসারগন **DG** সাহেবকে স্টেজের পিছনে নিয়ে আশ্রয় গ্রহন করে। দরবার হলে গুলি আসতে থাকলে সকলে শুয়ে পরে। পরে দরবার হল প্রায় ফাকা হয়ে যায়। আমি স্টেজে পর্দার আড়ালে লুকিয়ে থেকে পরিস্থিতি পর্যবেক্ষন করি। হঠাৎ ১০/১৫ জন BDR এর সশস্ত্র বিদ্রোহী দরবার হলে ঢুকে এলোপাথারী গুলি করতে থাকে। বিভিন্ন জায়গায় লুকিয়ে থাকা অফিসারদের মাথার উপর হাত তুলে বের হয়ে আসতে বলে। তাদের আদেশে অনেকেই বের হয়ে আসতে থাকে।



অফিসারদের ১০/১৫ জনের একটি দলকে মাথার উপর হাত তুলে দরবার হল থেকে অস্ত্রের মুখে বের করে নিয়ে যায়। কিছুক্ষন পর দরবার হলের বাইরে প্রচন্ড গুলাগুলির শব্দ শুনি। কিছুক্ষন পর সিপাহী সেলিম রেজা ৪৪ ব্যাটালিয়ন হাতে অস্ত্র তুলে ম্যাগাফোন নিয়ে স্টেজের কাছে এসে অফিসারদের বের হয়ে আসতে বলে। বের না হলে গুলি করার হুমকি দেয়। তখন **DG DDG** সহ প্রায় ১০/১২ জন অফিসার বের হয়ে স্টেজে থেকে নেমে আসেন। সিপাহী সেলিম গালাগালি দিয়ে আদেশ দেন **go one by one DG** সহ অফিসাররা সারিবদ্ধভাবে হলের পশ্চিম দিকে যেতে থাকে। সিপাহী সেলিম রেজা ছাড়াও সিপাহী সাজ্জাদ হুসেন ১৩ ব্যাটালিয়ন সিপাহী ইব্রাহিম ৪৪ ব্যাটালিয়ন সিপাহী ওবায়দুল ৪৪ ব্যাটালিয়ন সিপাহী সিপাহী রফিকুল ৪৪ ব্যাটালিয়ন ও ল্যান্স নায়েক একরাম ২৪ ব্যাটালিয়ন সহ আরও কিছু **BDR** সদস্য অফিসাদের দিকে অস্ত্র তাক করে দরবার হলের পশ্চিম দিকে যেতে থাকে। **DG** দরবার হলে পশ্চিম উত্তর গেট দিয়ে বের হওয়ার মাত্রই প্রচন্ড গোলাগুলি শুরু হয়। অফিসাররা আশ্রয়ের জন্য পালাতে থাকে। সিপাহী সেলিম রেজা সিপাহী আতোয়ার ৪৪ ব্যাটালিয়ন। সিপাহী ইব্রাহিম, সিপাহী ওবায়দুল, সিপাহী

রফিকুল, সিপাহী সাজ্জাদ, ল্যাঃ নায়েক একরাম ২৪ ব্যাটালিয়ন সহ অনেকেই অফিসারদের দিকে গুলিবর্ষণ করতে দেখি। পরিস্থিতির ভয়াবহতা উপলব্ধি করে এক সুযোগে দরবার হল থেকে বের হই।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **Sepoy Selim Reza CS accused No.6**. The relevant portion of confessional statements runs as follows:-

.....আমি আবার দরবার হলের স্টেজের সামনে এসে ম্যাগাফোনে অফিসারদের বের হয়ে আসার জন্য ডাকি। তখন সেক্টর এস.এম সুবেদার মেজর বের হয়ে আসে। তার পেছনে ডি জি, ডিডিজি স্যার, কর্নেল আনিস সহ ৭/৮ জন অফিসার বের হয়ে আসে। আমি ম্যাগাফোনে বলি, “গো ওয়ান বাই ওয়ান”। সেনারা তখন দরবার হলের ভিতরের উত্তর পাশ দিয়া পশ্চিম গেট দিয়া বের হবার জন্য যায়। ডি জি স্যার লাইনের আগে চলে আসেন। ডি জি স্যার সহ ৬/৭ জন অফিসার পশ্চিম গেইট দিয়া বের হতেই ফোয়ারার দিক থেকে একটি ব্রাশ করা হয়। ডিজি স্যার সহ ৪/৫ জন দরবারের বাহিরে এবং আরও ৩/৪ জন

দরবারের ভেতরে পড়ে যায়। তখন একটা গুলি আমার বাম হাতে আরেকটা গুলি আমার পাছায় লাগে। আমি তখন উত্তর- পশ্চিম দরজা দিয়ে বের হই গড়াইয়া গড়াইয়া। ইতিমধ্যে ১২/১৩ অফিসার মারা গেছে।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. 74852 Sepoy Md. Rafiqul Islam CS accused No.19.**

The relevant portion of confessional statements runs as follows:-

.....আমি অস্ত্র নিয়ে দরবার হলের দিকে যাই। দরবার হলের পশ্চিম পার্শ্বে শিমু গাছের নিচে দাঁড়াই। ওখানে আগে থেকে সেলিম দাঁড়ানো ছিল। গোল পানির চত্বরের পাশ থেকে সিপাহী কাজল ও সিপাহী রেজাউল দরবার হলের দিকে গুলি করতাকে। সেলিম আমাকে বলে ডি. এ. ডি নাসির স্যার কই? আমি বলি জানি না। তখন সেলিম বলে, চল ভিতরে গিয়া দেখি। আমি বলি, যাবনা। তখন সেলিম আমাকে বলে, না চল। তারপর আমি আর সেলিম দরবার হলের ভিতরে ঢুকি। দেখি সব চেয়ার এলোপাথারি ফেলানো। কোন মানুষ দেখা যায় না। আমাকে ডি.

এ. ডি স্যার কোথায় দেখতে বলে সেলিম। আমি দরবার হলের স্টেজের সামনে যাই। দেখি স্টেজের পাশের দেয়ালে ডি. এ. ডি নাসির স্যার হেলান দিয়া বসে আছে। আমি ওনারে হাত ধরে টাইনা নিয়া আসি। ওনার দেখাদেখি সেক্ট্রাল এস. এম. কেও ওয়ালের আড়াল হতে বের হয়ে আসে। দরবারের মাঝামাঝি দাঁড়িয়ে সিপাহী সেলিম হ্যান্ডমাইক দিয়ে যে সমস্‌ড় অফিসার স্টেজের পেছনে পর্দার আড়ালে, রান্নাঘরে, টয়লেটে লুকিয়ে আছে- তাদেরকে বের হয়ে আসতে বলে। তখন দরবার হলে সিপাহী রেজাউল, সিপাহী কাজল, সিপাহী আলতাফ, সিপাহী মঈন ঢুকে। তাদের সবার হাতে অস্ত্র ছিল। সেলিম কয়েক বার মাইকে বলার পর কেহ বের হয় নাই। তখন সেলিম গালিগালাজ করে অফিসারদেরকে বের হয়ে আসতে বলে। বলে, “বানচোতেরা, মাদার চোদেরা বেরা হয়ে আয়, না হয় গুলি করব”। এরপর দুই একজন দুই একজন করে বের হয়ে আসে। আমি তখন দরবার হলের মাঝামাঝিতে আসি। এরপর একে একে পর্দার আড়াল, রান্নাঘর এবং টয়লেট হতে ৮/১০ জন অফিসার বের হয়ে আসে। ডি জি স্যার পর্দার আড়াল থেকে বের হতে দেখি। অফিসাররা বের হবার পর সিপাহী সেলিম মাইকে বলে, এতদিন তোরা আমাদের সিঙ্গেল লাইনে ফল ইন করাইছস এখন তোরা সবাই সিঙ্গেল লাইনে ফল ইন হ।

অফিসাররা লাইন ধরে দাঁড়ায়, তখন সবার সামনে ছিল ডি জি। একজন অফিসার বলে উঠে, “তোমাদের কি সমস্যা, দাবী দাওয়া আমাদের বলো, তোমাদের দাবী দাওয়া পূরন করব, আমাদেরকে মেরোনা”। তখন সিপাহী কাজল বলে, এতদিন মানা হয় নাই, এখন আর কি মানা হবে। এরপর সব অফিসারদেরকে লাইন করে পশ্চিম গেইটের দিকে নেওয়া হয়। আমি অফিসারদের পেছনে থাকি। সাথে ডি. এ. ডি নাসের ছিল। অফিসাররা গেইটের মুখে পৌঁছলে গেইটের কাছ থেকে সিপাহী মুহিত সর্ব প্রথম গুলি করে। সাথে সাথে ডি জি স্যার পড়ে যায়। এরপর আমি, সিপাহী রেজাউল, সিপাহী মঈন, সিপাহী আলতাফ, এলোপাথারি গুলি করতে থাকি। পেছন হতে আমি গুলি করি। আমার গুলিকে লাইনের পেছনের মেজর র্যাংকের দুইজন অফিসার মারা যায়। এরপর আমরা সবাই প্রেয়নেট দিয়ে গুতিয়ে, লাথি মেরে দেখি যে কেহ জীবিত আছে কি না। আমরা নিশ্চিত হই কেহ জীবিত নাই। সিপাহী সেলিম আমাকে ডি. এ. ডি নাসির স্যারকে নিয়া চলে যেতে বলে। অনুমান ১.০০/ টার পর আমি ডি. এ. ডি নাসির স্যারকে নিয়ে ৪র্থ ফ্যামিলি কোয়ার্টার-এ বাবুর্চি সাইদুরের বাসায় যাই।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. 56942 Sepoy Md. Habibur Rahman CS accused No.26**. The relevant portion of confessional statements runs as follows:-

.....পরে সেলিম আবার মাইকে দরবার হলে থাকা অফিসারদের লাইন ধরে বের হতে বলে। ডি,জি কর্ণেল আনিস স্যার সহ ৫/৬ জন অফিসার পশ্চিম পাশের কাঁচ ভাংগা দরজা দিয়ে লাইন ধরে বের হওয়ার সময় ডিজিসহ ২/৩ জনবের হয়ে আসলে সিপাহী মুহিত ব্রাশ ফায়ার করে। তখন ডি,জি সহ তিনজন অফিসার মাটিতে লুটিয়ে পড়ে। তার মধ্যে কর্ণেল আনিস স্যারও ছিল। তখন সেলিমের সাথে থাকা অন্যান্য সৈনিকরাও ব্রাশ ফায়ার শুরু করে। তখন দরবার হলের ভিতরে ও গুলির শব্দ শুনি। এ সময় আমিও ২/৩ রাউন্ড ফাঁকা ফায়ার করি। ঐখান থেকে আমি ৪৪ রাইফেল ব্যাটালিয়নের ট্রেনিং শেডে এসে বসি।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No.**

**70906 Sepoy Md. Ibrahim CS accused No.68.** The relevant portion of confessional statements runs as follows:-

.....গুলির শব্দে অনেক অফিসার দরবারের স্টেজের পেছনের পর্দার আড়ালে লুকান আবার অনেক অফিসার দরবার হল থেকে পালাইয়া যান। তারপর ৪৪ রাইফেল ব্যাটালিয়নের সিপাহী সেলিম স্টেজের বাম পাশ দিয়া স্টেজে উঠে আসে। সে হ্যান্ডমাইক দিয়া পর্দার আড়ালে থাকা- লুকিয়ে থাকা অফিসারদেরকে বের হতে বলে। সে ইংরেজিতে বলে- ‘অল অফিসার্স ওয়ান লাইনে ফলিন’। আরও ইংরেজীতে বলে। আমি সব বুঝি নাই। জানালা দিয়া দরবার হলের বাহিরে কেমো গেঞ্জি এবং অস্ত্র হাতে অনেক BDR জওয়ানকে দেখি। সিপাহী সেলিমের এলাউন্সে প্রথমে ০৩ জন মহিলা অফিসার ৪/৫ জন পুরুষ অফিসার বের হয়। তারপর আন্দেড় আন্দেড় ডিজি, ডিডিজি, সেক্টর কমান্ডারগন সহ আনুমানিক ১৫/১৬ জন অফিসার বের হয়। সিপাহী সেলিম সব অফিসারদেরকে বেরে “গো ওয়ান বাই ওয়ান”। দরবারের ভিতরে তখন

২০/২২ জন অস্ত্রধারী BDR এবং অস্ত্র ছাড়া আরও কয়েকজন BDR সব অফিসারদেরকে লাইন ধরে পশ্চিম দিকের গেইটের দিকে নিয়া যায়। বাহিরে তখন প্রচুর গোলাগুলি হচ্ছিল। আমি তখন স্টেজের সামনে ছিলাম। অস্ত্রের মুখে অফিসারদের লাইনের প্রথমে ডিজি তারপর সেন্ট্রাল এস.এম সহ অন্যান্য অফিসাররা ছিল। অফিসারদের লাইন যখন বের হচ্ছিল, দরজার কাছে আসতেই বাহির হবার সাথে সাথে বাহির হতে ব্রাশ হয়। সাথে সাথে ডিজি স্যার, সেন্ট্রাল এস.এম পড়ে যায়। এরপর আবার অনেক গুলি হয়- ব্রাশ হয়। তখন ৫/৬ জন অফিসার পড়ে যায়। তারপর সিপাহী সেলিম আমাকে একটা রাইফেল দিয়ে গুলি করতে বলে আমি তখন দক্ষিণ গেইটের কাছে। দরবারের ভিতরের দক্ষিণ দিকের গেইট। তারপর আমি রাইফেল দিয়ে একজন অফিসারকে গুলি করি। সে পড়ে যা। আমি এই অফিসারের নাম জানি না। তারপর অস্ত্র যেখানে ফেলে ৪৪ রাইফেল ব্যাটালিয়নের অফিসে চলে যাই।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of No.



**75014 Sepoy Md. Kamal Molla CS Accused No.**

**69.**The relevant portion of confessional statements runs as follows:-

.....ঐ সময় সিপাহী সেলিমকে দৌড়ে যেতে দেখি। পরে ডি.জি স্যারের সাথে অন্যান্য অফিসাররা বের হওয়ার সময় সিপাহী মুহিত সহ আরও মুখোশধারী অনেক বি.ডি.আর জওয়ানকে ডি.জি স্যার সহ অন্যান্য অফিসারদের গুলি করে হত্যা করতে দেখি। ঐ সময় ঘটনাস্থলে সিপাহী মতিন, সিপাহী রফিক, ডি.এ.ডি. নাসির স্যার ছিল। পরে আমি ব্যারাকে চলে যাই।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No.**

**61489 Sepoy Md. Abdul Muhit CS accused No.70.**

The relevant portion of confessional statements runs as follows:-

.....আনুমানিক বেলা পৌনে ১১ টার দিকে ডিজি সাহেব এ,এ,জি সাহেব সহ কয়েক জন অফিসার দরবার হলের পশ্চিম গেট দিয়ে বের হয়ে আসছিল। তখন আমি ও সিপাহী হাবিব আমাদের হাতে থাকা অস্ত্র

দিয়ে তাদের গুলি করি। তখন তারা সেখানেই গুলি বিদ্ধ হয়ে পড়ে যায় এবং মৃত্যুবরণ করে। যেখানে ডি,এ,ডি নাসির সহ কয়েকজন সশস্ত্র সিপাহী উপস্থিত ছিল। দরবার হলের পশ্চিম পার্শ্বে ডিডি লে. কর্ণেল এলাহী মঞ্জুর সহ ৭/৮ জন অফিসারের লাশ পরে ছিল।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. 73929 Sepoy Md. Abdul Matin CS accused No.12.**

The relevant portion of confessional statements runs as follows:-

.....একটি চাইনিজ রাইফেল ও ১০ রাউন্ড গুলি নেই। সকাল অনুমান ৯.৪৫ ঘটিকার সময় ফেনং গেটের সামনে যাই। যাওয়ার সময় দেখি সবাই অস্ত্র নিয়ে দৌড়া দৌড়ি করছে। ফেনং গেটে পূর্বে থেকেই একজন হাবিলদারসহ আরো বি ডি আর সদস্য ডিউটি করছিল।তখন দেখি একজন দাঁড়িওয়ালা সেনা অফিসার বৃকে গুলিবিদ্ধ অবস্থায় । আমি এগিয়ে গিয়ে তাকে আমার ডান বাহুতে নিয়ে চিকিৎসার জন্য হাসপাতালে নিতে ফেনং গেটের বাহিরে নিয়া যাওয়ার চিন্তা করি। ঐসময় দেখি ডিজি, ডিডিজি মহোদয় ও আরো দুইজন মহিলা ডাক্তার অফিসারকে সিপাহী মুহিত এবং

আরো ৪জন বিডিআর সদস্য দরবার হল থেকে বারান্দা দিয়ে বের করছে। মুহিতের হেলমেট পড়া ছিল তবে মুখোশ পড়া ছিলনা। তাছাড়া তার বুকে নেমপ্লেট দেখে তাকে আমি চিনতে পারি। বাকী ৪জন বিডিআর সদস্যের হেলমেট ও মুখোশ দুটোই পড়া ছিল। ফলে তাদেরকে আমি চিনি নাই। হঠাৎ এক পর্যায়ে ডিজি ও ডিডিজি মহোদয় একটি পিলারের সাথে বসে পড়ে। তখন আমি দেখি সিপাহী মুহিত ডিজি ও ডিডিজি মহোদয়কে ব্রাশ ফায়ার করছে। আমি তখন খুব কাছেই ছিলাম। আমার বাহুতে দাঁড়িওয়ালার সেনা অফিসার ছিল। সিপাহী মুহিত বলে যে, শালা ধরবে তাকেও গুলি করা হবে। আমি তখন অঙ্গসহ লাইনে চলে যাই।

The fact of killing of Lieutenant Colonel Enshad Ibn Amin, Commanding Officer (CO) of Rifles Security Unit (RSU), Dhaka and Lieutenant Colonel Md. Badrul Huda, Commanding Officer (CO) of 13 Rifles Battalion Dhaka in the Darbar Hall area has been described in the confessional statement of **No. 75336 Sepoy Md. Saiful Islam CS accused No.61;**

the relevant portion of his confessional statement runs as follows:-

..... বি,ডি,আর সপ্তাহ উপলক্ষে ট্যাটু শোতে অংশ গ্রহনের জন্য জানুয়ারী মাসের ৮ তারিখে ঢাকায় আসি। ২৪/০২/০৯ ইংরেজী আমি ট্যাটু শোতে অংশ গ্রহন করি। ২৫/২/০৯ ইংরেজী ভোরে উঠে নামাজ পড়ে আমি আবার ঘুমিয়ে যাই। সকাল ৯.১০/৯.২০ মিনিটের সময় গুলির শব্দ শুনে ঘুম ভেংগে যায়।.....নীচে নামার পর ৪৪ রাইফেল ব্যাটেলিয়নের সিপাহী জসীম আমাকে একটি রাইফেল দেয়। ঐ রাইফেল নিয়ে আমি দরবার হলের পাশে জেসিও কোয়ার্টারের সামনে চলে যাই। ঐ খানে গিয়ে আমি ৪৪ ব্যাটালিয়নের সিপাহী কামালকে ফায়ার করতে দেখি। সে দরবার হলের দিকে ফায়ার করছিল। আমার রাইফেলে গুলি না থাকায় কামালকে জিজ্ঞাসা করি যে, গুলি কোথায় পাব ? কামাল একটি রিক্সা দেখিয়ে রিক্সা থেকে গুলি নিতে বলে। আমি রিক্সা থেকে ২০ রাউন্ড গুলি নিই। আমি দরবার হলের দিকে ১০ (দশ) রাউন্ড ফাঁকা গুলি করি। অনুমান ১০.৪৫ টার দিকে আমি দরবার হলের সামনে ফোয়ারা ও মূল গেটের মাঝামাঝি স্থানে যাই। ঐখানে আমি অফিসারের লাশ পড়ে থাকতে দেখি। দরবার হলের ভিতর থেকে সিপাহী

আলতাফ (৪৪ ব্যাটালিয়ন) বের হয়ে আমাকে দরবার হলের ভিতরে ঢুকতে বলে। দরবার হলে ঢুকে আমি স্টোরে সামনে উত্তর কোণে দাঁড়াই। ঐখানে সিপাহী আলতাফ আর্মি অফিসারদেরকে লাইনে দাঁড়িয়ে বের হয়ে আসতে বলে। আলতাফের কাছে মেগাফোন ছিল। অস্ত্র ও ছিল। আলতাফ আর্মি অফিসারদেরকে মোবাইল দিয়ে দিতে বলে। আমি দুই জন অফিসারের দুটি মোবাইল নিই। এরপর সিপাহী আলতাফ আসামীদেরকে লাইন ধরে পশ্চিম দিকের গেইটে যেতে বলে। এক অফিসারের স্টিক পড়ে গেলে আলতাফ স্টীক তুলতে হবে না বলে ধমক দেয়। এরপর অফিসারদেরকে মার্চ করিয়ে পশ্চিম দিকের গেটের দিকে নিয়ে যায়। অফিসারদের মধ্যে একজন মেজর বদরুল আলম আমার পূর্বের ব্যাটালিয়নের সিও ছিলেন। অফিসাররা দরজা দিয়ে বের হওয়া অবস্থায় বাইরে থেকে বি,ডি, আর সিপাহীরা ব্রাশ ফায়ার করে। কয়েক জন অফিসার পড়ে যায়। সামনে থেকে একজন অফিসার ইনশাদ স্যারের নাম ধরে দৌড় দিতে বলে। ইনশাদ স্যার দক্ষিণ দিকের গেইটের দিকে দৌড় দিলে আমি ইনশাদ স্যারকে দুই রাউন্ড গুলি করি। ইনশাদ স্যার পড়ে যান। ঐ সময় আমি ছাড়াও আর ও অনেক বি,ডি, আর ছিল তাদেরকে আমি চিনি না। ঐখানে যে অফিসাররা ছিল তারা সবাই গুলি

খেয়ে ঐখানেই পড়ে যায়। অনুমান ১১.০০ টার দিকে আমি দরবার হল থেকে বের হয়ে শিক্ষকদের কোয়ার্টারের সামনে যাই।

**The DG, Major General Shakil Ahmed and DDG, Brigadier General M.A. Bari of BDR and many army officers** were brutally and barbarously killed by the BDR rebels opening fires and burst-fires on them near north-west gate and south-east gate of the Darbar Hall at Pilkhana. Subsequently 38 dead bodies of the army officers were found and recovered from the mass grave (Gono Kobor) near mortuary of the BDR hospital. Out of 38 dead bodies, **PW 535 Colonel Mohammad Abdul Alim Tarafder** identified 30 dead bodies but he could not identify 8 dead bodies as those were decomposed. The dead bodies which were identified by **PW 535 Colonel Mohammad Abdul Alim Tarafder** are as follows:-

1. BA-1439 Major General Shakil Ahmed, ndc, psc,  
Director General, BDR.
2. BA-2441 Colonel Md. Akhter Hossain, psc, G+,  
Sector Commander, Chittagong.
3. BA-2508 Colonel Shamsul Arefin Ahmed, psc,  
Sector Commander, Kustia.
4. BA-2601 Colonel Md. Shawkat Imam, psc, G+,  
Sector Commander, Khagrachari.
5. BA-2440 Colonel Md. Rezaul Kabir, afwc,  
Director (Admin), Administrative Directorate.
6. BA-2409 Colonel Md. Naqibur Rahman, psc,  
Sector Commander, Comilla.
7. BA-2446 Colonel Nafiz Uddin Ahmed, psc,  
Commandant Rifle Training Centre and School  
(RTC&S).
8. BA-2526 Colonel Kazi Moazzem Hussain, psc,  
Sector Commander, Rangamati.

9. BA-2324 Colonel Mohammad Moshiur Rahman, psc, Director of Communication Directorate, Dhaka.
10. BA-2669 Colonel Md. Emdadul Islam, psc, Sector Commander, Khulna.
11. BA-2449 Colonel Quazi Emdadul Haque, psc, Sector Commander, Rajshahi.
12. BA-118018 Doctor Lieutenant Colonel Quazi Robee Rahman, Dental Surgeon, BDR Hospital, Dhaka.
13. BA-10086 Doctor Lieutenant Colonel Lutfar Rahman Khan, Psychology Specialist, BDR Hospital, Dhaka.
14. BA-2806 Lieutenant Colonel Md. Lutfar Rahman, psc, CO of 24 Rifles Battalion, Dhaka.
15. BA-2353 Lieutenant Colonel Md. Badrul Huda, CO of 13 Rifles Battalion Dhaka.



16. BA-2516 Lieutenant Colonel Md. Saiful Islam @ Saif @ Shahid, GSO-1 (Ops) Operation and Training Directorate, Dhaka.
17. BA-1891 Lieutenant Colonel Enshad Ibn Amin, G+, CO of Rifles Security Unit, Dhaka.
18. BA-3445 Major Humayun Haider, psc, Int Officer, 36 Rifle Battalion, Dhaka.
19. BA-3453 Major Md. Azharul Islam, psc, Second In Command(2IC), 23 Rifle Battalion, Khulna.
20. BA-2847 Major Mohammed Saleh, DAAG Administration, Dhaka
21. BA-4233 Major Mohammad Maksum-Ul-Hakim, Ops Officer, 24 Rifle Battalion, Dhaka.
22. BA-3393 Major Mustaque Mahmud @ Mahmud, psc, Second In Command(2IC), Sadar Rifle Battalion, Dhaka.

23. BA-3191 Major Mahmood Hasan, GSO-2 Sector  
HQ, Dhaka

24. BA-3396 Major Mahmudul Hasan, GSO-2  
(Intelligence), Operation and Training Directorate,  
Dhaka.

25. BA-3716 Major Mahbubur Rahman.

26. BA-4098 Major Md. Mizanur Rahman, GSO-2  
(Training) Training Branch, Dhaka.

27. BA-2711 Major Quazi Mosaddek Hossain,  
Second In Command (2IC), 33 Rifles Battalion.

28. BA-3689 Major Md. Khalid Hossain, GSO-2  
(Cods), Secretary of Director General, Dhaka.

29. BA-4762 Major Md. Rafiqul Islam, JAG Head  
Quarters, BDR, Dhaka.

30. RDO-161 DAD Masum Khan, A RO, Recordss  
Wing.

**Place No.2:- Green room, bathroom, washroom, utensils, behind the cooking pots and inside the toilets of the Darbar Hall.**

It appears from the evidence and the confessional statements of the accused that Lieutenant Colonel Sazzad, Colonel Zahid, Colonel Reza, Colonel Arefin, Colonel Quazi Emdadul Haque, Major Maksum-Ul-Hakim and many other officers who took shelter at the aforesaid places were atrociously killed by the BDR rebels. When the armed BDR rebels under the leadership of Sepoy Selim Reza entered the Darbar Hall opening fires, at that time DG BDR along with other officers took shelter behind the screen of the stage of the Darbar Hall. Apart from DG and others, in order to save lives, many officers took shelter at green room, bathroom, washroom, utensils, behind the cooking pots and inside the toilets of the Darbar Hall.

**Colonel Reza, Colonel Arefin, Lieutenant Colonel Sazzad, Colonel Zahid** and PW 25 Lieutenant Colonel Md. Iqbal Hasan took shelter beside the cooking pots at the kitchen. At one stage, the BDR rebels went to the aforesaid places and looked for the army officers who took shelter therein in order to save their lives. The officers who took shelter at the bathroom were brutally killed by the BDR rebels at around 11:00 a.m. The BDR rebels entering the kitchen found the officers who took shelter beside the cooking pots at the kitchen and then Sepoy Sazzad, Sepoy Rubel Miah and Sepoy Shahadat opened burst-fires on the officers killing them mercilessly. At that time, when Sepoy Sumon of 44 Rifle Battalion pushed the cooking pots, Lieutenant Colonel Sazzad who hid therein was seen and then BDR rebel Sepoy Sumon of 44 Rifle Battalion killed him by opening fires on him.

It appears from the evidence of PW 25 Lieutenant Colonel Iqbal Hasan that this witness was cross-examined by Sepoy Sazzad Hossain and this witness stated categorically in his cross-examination that Sepoy Sazzad Hossain killed Colonel Zahid, Sepoy Rubel killed Colonel Reza and Sepoy Shahadat killed Colonel Arefin by opening fires on them.

The aforesaid fact of killing has been described by **PW 25 Lieutenant Colonel Md. Iqbal Hasan** who has stated in his evidence as under:-

.....আমি লেঃ কঃ বদরুল্ল সহ গ্রীন রুমে দেখি কিছু অফিসার সেখানে আত্মগোপন করে আছে। কিছুক্ষনের মধ্যে আরও অনেক সশস্ত্র BDR সদস্য দরবার হলে ঢুকে পড়লে আমি কর্ণেল আফতাব সহ বাথরুমের ভেন্টিলেটর দিয়ে পিছনে টাংকির পাতিলের আড়ালে লুকাই। অনুমান ১১ টায় পিছনে গুলি করে মেরে ফেলার আওয়াজ শুনতে পাই। আমরা পিছনে বাথরুমের মধ্যে যে সব অফিসার পালিয়ে ছিলেন তাদের ব্রাশ ফায়ার করে মেরে ফেলে ও তাদের আর্তনাত শূনি এরই মধ্যে অপর

বাথরুমের ভেনটিলেটর দিয়ে কর্ণেল রেজা, কর্ণেল আরেফিন, ল্যাঃ কর্ণেল  
 সাজাদ এবং আরও একজন কর্ণেল জাহিদ এসে আমাদের মধ্যে আশ্রয়  
 গ্রহন করে। দরবার হলে সব কিছু স্থিমিত হয়ে যায়। আমরা রান্নাঘরের  
 হাড়ি পাতিলের মধ্যে আশ্রয় গ্রহন করে থাকি। এর মধ্যে ৫/৬ জন  
 অস্ত্রধারী সৈনিক আসলে আমি ডেস্কির আড়ালে লুকাই। তাদের মধ্যে  
 সিপাহী সাজ্জাদ, সিপাহী রবেল মিয়া, সিপাহী সাহাদতকে চিনতে পারি।  
 তারা ৩ জন অফিসারদেরকে ব্রাস ফায়ার করলে অফিসাররা লুটিয়ে পরে।  
 তারা বের হওয়ার সময় একজনকে সুমন বলে ডাকা ও বলে তাড়াতাড়ি  
 আয়। সিপাহী সুমন ৪৪ ব্যাটালিয়নের। সুমন বের না হয়ে ডেকচি ধাক্কা  
 দিয়ে ফেলে দেয় এবং সেখানে আত্মগোপন করে থাকা লেঃ কঃ সাজ্জাদকে  
 গুলি করে হত্যা করে। আমি ও কর্ণেল আফতাব ঐ মুহুর্তে বেচে যাই।  
 আমি তখন ব্যাচ খুলে ফেলি। ২৫/২ এশার আযানের সময় জানালা ভেঙ্গে  
 বাইরে যাই। পরে আমি হাটা শুরু করি। একজন সৈনিক জিজ্ঞাসা করে  
 কে? আমি বলি আমি বাসি আনতে যাই। আমি তখন উত্তর দিকে রওয়ানা  
 হই। পথে ৭/৮ জনের একটি অস্ত্রধারী দল আমাকে কে বলে জিজ্ঞাসা  
 করে। আমি বলি আমি জহির বাশি আনতে যাইতেছি। জাহিদের বাসার  
 সামনে গিয়ে দেখি অনেক অস্ত্রধারী সৈনিক প্রত্যেক বাসায় তলগাশী

করছে। আমি বামে রাইপকসে ঢুকে পড়ি। আমি ভিতরে বর কনে বসার সামনের নীচে ঢুকে পড়ি। আমি সেখানে সারারাত পরের দিন সারাদিন থাকি।

**XXX (সিপাহী সাজ্জাদ হুসেন)**

পিলখানায় আমি যোগদান করি BDR হসপিটালে ২৬-

৪-০৮ তারিখে আমি ডাক্তার। পিলখানা হসপিটালে মোট ২৭ জন ডাক্তার ছিলাম। তার মধ্যে ১৭ জন সেনাকর্মকর্তা ১০ জন স্বাস্থ্য মন্ত্রণালয়ে বেসামরিক চিকিৎসক ছিল দরবার হলে ১৭ জন চিকিৎসক যোগদান করি। দরবার হলের ভিতরে যারা ছিল তারা পশ্চিম দিক গেটে দৌড়িয়ে যায় বলেছি ১৬১ ধারার জবানবন্দীতে। আমি Stage থেকে ২৫/৩০ গজ দূরে অফিসারদের বাড়িতে ছিলাম। দক্ষিণ দিকে দরজা আছে। গ্রীন রুম দরবার হলে পূর্ব দিকে Stage এর দক্ষিণ দিকে। গ্রীন রুমের ও বাথরুমের দরজা আলাদা। গ্রীন রুমের পার্শ্বে বাথরুম। গ্রীন রুমের পশ্চিমে বাথরুম না। আমি বাথরুমের ভেন্টিলেটর দিয়েই বাইরে বের হই। ভেন্টিলেটর দিয়ে বের হয়ে কিচেনে পড়ি। গ্রীন রমে একবারই যাই। কিচেনের পার্শ্বে ডাইনিং নাই। ডেকচি গুলি কিচেনে ছিল আমি তার

আড়ালে আশ্রয় নেই। ইহা সত্য নহে কিচেনে বড় বড় ডেকচি ছিল না। ইহা সত্য নহে বাথরুমের ভেনটিলেটর দিয়ে কিচেনে যাওয়া যায় নাই। আমি বাথরুমের দরজা বন্ধ করি নাই। আমি কিচেনের দরজা খোলার চেষ্টা করি নাই। সাজ্জাদরা কাকে মেরেছে তা উল্লেখ নাই ইহা সত্য নয়। সাজ্জাদ কর্ণেল জাহীদকে গুলি করে হত্যা করে সিপাহী রবেল কর্ণেল রেজাকে হত্যা করে। শাহাদত হত্যা করে কর্ণেল আরেফিনকে।

The aforesaid fact of killing has been partly supported and corroborated by the evidence of **PW 21 Major Syed Monirul Alam** who has stated in his evidence as follows:-

.....পরে আমি জানালা দিয়ে বের হতে থাকলে ৫/৬ জন সশস্ত্র বিদ্রোহী রান্নাঘরে ঢুকে তাদের মধ্যে সিপাহী সাজ্জাদ, সিপাহী রবেল ও সিপাহী শাহাদাতকে চিনতে পারি তারা সবাই ১৩ ব্যাটালিয়নের। তারা সেনা অফিসারদের ব্রাশফায়ার করলে সেনা অফিসারগণ চিৎকার করে লুটিয়ে পড়ে।

It may be mentioned that when the armed BDR rebels entered the Darbar Hall and scolded the army



officers with filthy languages, at that time, in order to save lives, BA-4233 Major Mohammad Maksum-Ul-Hakim, Ops Officer, 24 Rifle Battalion, Dhaka and **PW 21 Major Syed Monirul Alam** took shelter under basin of the washroom. At one point of time, the BDR rebels entered the washroom and uttered whether there were any son of bitch therein. At one stage, the BDR rebels came to see Major Maksum-Ul-Hakim and opened fires on him causing bullet injuries wherefrom blood was coming out and at one stage, he fell down on the ground. Injured Major Maksum-Ul-Hakim requested the BDR rebels to send him to hospital as he sustained bullet injuries. The BDR rebels addressed him as son of bitch and uttered to send him to the hospital forever. On that situation, the BDR rebels opened fires on him as a result of which he succumbed instantly to the bullet injuries. The aforesaid fact of

killing has been vividly depicted by **PW 21 Major Syed Monirul Alam** who has stated in his evidence as follows:-

.....আমি কাঁচের গণ্ডাস দিয়ে বাইরে তাকিয়ে দেখি বিডিআর এর বিদ্রোহী সদস্যরা অস্ত্র হাতে দরবার হলের দিকে এগিয়ে আসছে ও ফাঁকা গুলি করছে। ডিজিকে অন্য অফিসাররা ঘেরাও করে রাখে। ডিজি পুণরায় দরবারে সবাইকে আসতে বলে। আমার স্ত্রীকে বিষয়টা অবহিত করি। দরবার হলের চারদিকে প্রচণ্ড গোলাগুলি শুরু হয়। আমি আত্মরক্ষার্থে ওয়াশরুমে প্রবেশ করি। আমি ও মেজর মাকসুমুল বেসিনের নীচে আশ্রয় নেই। ১০/১২ জন সদস্য অস্ত্র হাতে দরবার হলে প্রবেশ করে ও অফিসারদের গালাগালি করে। তাদের মধ্যে ৪৪ ব্যাটালিয়নের সিপাহী জিয়া, সিপাহী রাজিবুলকে চিনতে পারি। আমি স্থান পরিবর্তন করে বেসিনের পিছনে যাই। আমি বুঝতে পারি বিডিআর সদস্যরা অফিসারদের মেরে ফেলছে। আমার পাশে মেজর মাকসুমুল হাকিম ছিলেন। কিছু পরে বিদ্রোহী বিডিআর ওয়াশ রুমে প্রবেশ করে ও বলে "ভিতরে কোন কুত্তার বাচ্চা আছ নাকি।" বিদ্রোহীরা মেজর মাকসুমুল হাকিমকে দেখতে পায় ও বিদ্রোহীরা তাকে গুলি করে ও তিনি যখমপ্রাপ্ত হন ও রক্ত পড়তে থাকে।

একপর্যায়ে তিনি পড়ে যান। তিনি বিদ্রোহীদের বলেন তার গায়ে গুলি লেগেছে তাকে যে হাসপাতালে নেওয়া হয়। বিদ্রোহীরা তখন বলে কুত্তার বাচ্চাকে আজীবনের মত হাসপিটালে পাঠা। সিপাহীরা তাকে লক্ষ্য করে পুণরায় গুলি করলে তিনি সেখানেই মারা যান। আমি তার শরীর থেকে ঝড়ে আসা রক্ত কপালে লাগিয়ে শুয়ে পড়ি মরার ভান করে। বিদ্রোহীদের মধ্যে একজন বলে উঠে জিয়া, রাজিবুল চল কুত্তার বাচ্চারা মারা গেছে।

**BA-2449 Colonel Quazi Emdadul Haque, psc,**  
**Sector Commander, Rajshahi** took shelter in the toilet beside the drain adjacent to the Darbar Hall when the BDR rebels attacked the Darbar Hall. At one stage, the BDR rebels came to the toilet and knocked the door of the toilet asking who was there inside the toilet and ordered him to come out, otherwise they would shoot him. One officer from the toilet introduced him as the Sector Commander of Rajshahi and asked the BDR rebels what they wanted. The BDR rebels asked him, ‘sir please come out’. When

Sector Commander of Rajshahi came out of the toilet, the BDR rebels killed him opening fires on him.

The aforesaid fact of killing is evident from the evidence of **PW 21 Major Syed Monirul Alam** who has stated in his evidence as under:-

.....এর কিছুক্ষণ পর পরিস্থিতি কিছুটা শান্ত হলে আমি দরবার হল সংলগ্ন ড্রেনে শুয়ে পড়ি। গায়ের উপর একটা কার্পেট দিয়ে ঢেকে শুয়ে পড়ি। ড্রেনের ভিতর থেকে আমার অবস্থান স্ত্রীকে নিশ্চিত করি। ১৫/২০ মিনিট পর কয়েকজন সশস্ত্র বিডিআর সদস্য ড্রেনের পার্শ্ব এসে টয়লেটের দরজা বন্ধ করে। বিদ্রোহীরা বলে ভিতরে কে আছে বের হও নইলে গুলি করবো। ভিতর থেকে একজন বলে আমি রাজশাহী সেক্টর কমান্ডার তোমরা কি চাও। বিদ্রোহীরা বলে ও স্যার আপনি বের হয়ে আসেন। তখন তিনি বের হলে তাকে বিদ্রোহীরা গুলি করে ও হত্যা করে। তারা আমাকে দেখে নাই।

**Place No.3 :- 36 Rifle Battalion Area:**

It is evident from the evidence and the confessional statements of the accused that Colonel

Md. Mojibul Haque, Lieutenant Colonel Md. Enayetul Haque and Major Md. Mokbul Hossain were brutally killed by the BDR rebels at the 2<sup>nd</sup> and 4<sup>th</sup> floor of 36 Rifle Battalion. On 25.02.2009, that is, on the date of occurrence, when a turmoil situation was started at the Darbar Hall of the Pilkhana, the BDR rebels went out of the Darbar Hall running to and fro ignoring the order of DG BDR. At that time DG BDR directed all the commander to control and manage their soldiers. In order to carry out the order of the DG BDR, Lieutenant Colonel Enayet, Commanding Officer (CO) of 36 Rifle Battalion, Colonel Md. Mojibul Haque, Sector Commander, Dhaka and Major Mokbul, Second-In-Command (2IC) of 36 Rifle Battalion went to 36 Rifle Battalion. **PW 26 Havildar Md. Bazlur Rashid** also went in front of the soldiers line of 36 Rifle Battalion following the aforesaid

officers and came to see many BDR rebels who were making conversations with each other and then he went to the 4<sup>th</sup> floor of E company. He further noticed that BDR rebel Havildar Major Shahjalal entered the 4<sup>th</sup> floor and ordered all to go out. During that time Subedar Major Shahidur was with SMG in front of the stairs. After a while, Havildar Omar, Subedar Ekramul, Sepoy Bazlur Rashid, Lance Naik Anowar and many other BDR rebels brought Colonel Mojib and Lieutenant Colonel Enayet at the 4<sup>th</sup> floor. Thereafter Colonel Mojib was taken to a room situated at the east side while Lieutenant Colonel Enayet taken to another room situated at the west side. Then Lance Naik Anowar and Sepoy Bazlur Rashid at the order of Naib Subedar Aziz killed Lieutenant Colonel Enayet by shooting. Havildar Yusuf with arms entered the room wherein Colonel Mojib was kept and killed him

by opening fires on him at the order of Head Clerk Akbor. After killing, Subedar Shahid and other BDR rebels threw the dead body of Lieutenant Colonel Enayet to the ground from the 4<sup>th</sup> floor. Havildar Yusuf and Lance Naik Anowar threw the dead body of Colonel Mojib to the ground from the 4<sup>th</sup> floor. At the showing of MLSS Saifuddin and with his help, Sepoy Alim Reza killed Major Mokbul by the SMG at the west side of the 2<sup>nd</sup> floor. The dead body of Major Mokbul was also thrown to the ground by the BDR rebels from the 4<sup>th</sup> floor. The dead bodies of the aforesaid officers with the bleeding injuries remained in the ground. Wrapping the dead bodies of Colonel Mojib and Lieutenant Colonel Enayet with the coarse mat made of bamboo, at the order of BHM Shahjalal, the quarter masters of all the companies kept the aforesaid two dead bodies at the water point attached

with barbar shop of 36 Rifle Battalion. The dead body of Major Mokbul was kept behind the backside of 3-ton vehicle which was standing in front of the shop of MT garage. Subsequently some of the BDR rebels namely Syed, Omar, Jalal and Ekram started shouting in order to remove the dead bodies. Then, at the order of EME Subedar (bearded) and at the presence of Subedar Major Kaiyum and one Subedar (bearded), MT Lance Naik Mozammel, Driver Mahbub, NCE Abul and NCE Jaman put the two dead bodies in the manhole breaking its cover. Subsequently, on 25.02.2009 at around 2:30 p.m, the dead bodies of aforesaid officers were found at sewerage gate near Beribadh at Nawabgonj under Lalbag Police Station. The aforesaid fact of killings is palpable from the evidence of **PW 26 Havildar Md. Bazlur Rashid** who has stated in his evidence as follows:-



.....দরবার হল থেকে ৩৬ ব্যাটালিয়নে যাওয়ার পথে কর্নেল মুফিজ, লেঃ কঃ এনায়েত মেজর মকবুলের সঙ্গে দেখা হয়। আমি তাদের পিছনে ৩৬ ব্যাটালিয়নে সৈনিক লাইনের সামনে যাই। যাওয়ার সময় ক্যান্টিনের সামনে জে.সি.ও সুবেদার শহীদুর রহমান, নায়েক ইদ্রিস, নায়েক সুবেদার আজিজ, নায়েক সুবেদার শাহজাহান নাঃ সুবেদার সাইদুর রহমান, নায়েক সুবেদার বাতেন, নায়েক সুবেদার কবির উদ্দিন, নাঃ সুঃ খায়ের, নাঃ সুঃ সহকারী আলী আকবর, সুবেদার একরামুল হক, সুবেদার আঃ মালেক, সুবেদার বারী, সুবেদার ইলিয়াস, হাবিলদার শাহজাহান, হাবিলদার ইউসুফ, হাবিলদার ওমর, সিপাহী বজলুর রশিদ এবং ল্যাঃ নায়েক আনোয়ার সহ অনেককে পরামর্শ করতে দেখি। আমি ৪র্থ তলায় ই কোম্পানীতে যাই। হাবিলদার মেজর শাহজালাল ৪র্থ তলায় প্রবেশ করে ও সকলকে বের হতে বলে। আমি সিড়ির সামনে সুবেদার মেজর শহীদুর এস.এম.জি সহ দেখি। হাবিলদার ওমর, সুবেদার একরামুল, সিপাহী বজলুর রশিদ ও ল্যান্স নায়েক আনোয়ার সহ অনেকে কর্নেল মুজিব, লেঃ কঃ এনায়েতকে নিয়ে ৪র্থ তলায় উঠে। আমি সিড়ির সামনে দেখি কর্নেল মুজিবকে একটা কক্ষে নিয়ে যায়। লেঃ কঃ এনায়েতকে অন্য কক্ষে নিয়ে যায়। আমি পশ্চিম পার্শ্বে বারান্দায় হৈ চৈ শুনতে পাই। পরে দেখি

হাবিলদার ইউসুফ, সিপাহী বজলু, ল্যাঃ নায়েক আনোয়ার অস্ত্র হাতে পশ্চিম থেকে পূর্ব দিকে আসতেছে। কর্নেল মুজিবের ঘরে হাবিলদার ইউসুফ প্রবেশ করে। হাবিলদার ইউসুফ তার হাতে হাতে থাকা অস্ত্র দিয়ে কর্নেল মুজিবকে গুলি করে। হাবিলদার ইউসুফ ও ল্যাঃ নায়েক আনোয়ার ২ জন কর্নেল মুজিবের লাশ ৪র্থ তলা থেকে ফেলে দেন। পরে লেঃ কঃ এনায়েতের লাশ সুবেদার শহীদ ও অন্য জন ৪র্থ তলা থেকে ফেলে দেয়। আমি সিড়ি দিয়ে নিচে নামার সময় ২য় তলা গেলে M.L.S.S সাইফুদ্দিন বলে মেজর মকবুল ২য় তলা পশ্চিম পার্শ্বে আছে। তখন সিপাহী আলীম রেজা পশ্চিম পার্শ্বের রুমে যায় অস্ত্র হাতে মেজর মকবুলকে সে গুলি করে হত্যা করে। আমি অবস্থা বেগতিক দেখে আমার সরকারী বাসভবনে চলে যাই।

The aforesaid fact of killings also stands supported by the evidence of **PW 37 Naib Subedar Sheikh Abul Qddus of 36 Rifle Battalion** who has stated in his evidence as follows:-

.....২৫-২-০৯ তারিখে সকাল ৮.৫০ মিঃ ৩৬ ব্যাটালিয়নে আগমন করি। তখন অফিসারগণ ডিজি এর দরবারে ছিল। আমি ৩৬

ব্যাটালিয়ন নায়েক সহকারী রফিকুল ইসলাম ও ল্যান্স নায়েক সহকারী  
 জিয়াউদ্দিন সঙ্গে অফিসে দেখা করি। তারা আমাকে অধিনায়কের জন্য  
 অপেক্ষা করতে বলে। সময় ৯.৪০ মিঃ গুলাগুলি শব্দ শুনি তখন আমি  
 তখন সৈনিক লাইনের সামনে আসি। তখন সুবেদার মেজর শহীদুর রহমান  
 নায়েক সুবেদার ইদ্রিস নায়েক সুবেদার আজিজ নায়েক সুবেদার শাহজাহান  
 আলী, নায়েক সুবেদার সাইদুর রহমান, সুবেদার বাকী, নায়েক সুবেদার  
 বাতেন, নায়েক সুবেদার মমিনউদ্দিন, নায়েক সুবেদার আবুল খায়ের,  
 নায়েক সুবেদার সহকারী আলী আকবর, হাবিলদার শাহজালাল, হাবিলদার  
 ইউসুফ আলী, হাবিলদার ওমর আলী, সিপাহী বজুলুর রশিদ, ল্যান্স নায়েক  
 আনোয়ারুল ইসলাম, নায়েক শম্ভু কুমার শর্মা, হাবিলদার নূরুল ইসলামে  
 ৩৬ ব্যাটালিয়নের অন্যান্যদের সঙ্গে উত্তেজিত অবস্থায় অস্ত্র সহকারে  
 কথাবার্তা ও পরামর্শ অবস্থায় দেখি। কিছু ক্ষণের মধ্যে ইউনিটের  
 অধিনায়ক লেঃ কর্ণেল এনায়েতুল হক ও কর্ণেল মজিবুল হক দৌড়ে  
 ব্যাটালিয়নের সামনে আসে। তখন সুবেদার মেজর শহীদুর রহমান,  
 হাবিলদার ওমর আলী, সুবেদার একরামুল হক, সিপাহী বজুলুর রশিদ ল্যান্স  
 নায়েক আনোয়ারুল ইসলাম সহ আরো অনেকে স্যারদের নিয়ে সৈনিক  
 লাইনের ৪র্থ তালা যায়। পরে ৪র্থ তালা গুলির শব্দ শুনি। ঘটনা জানার

জন্য সময় M.L.S.S সাইফুলকে দেখি। সে চিৎকার করে বলে মেজর মকবুল সাহেব এই দিকে আছে তখন সিপাহী আলীম রেজা মকবুল স্যারকে গুলি করে হত্যা করে। তাদের ৩টি লাশ উপর থেকে নিচে ফেলে দেয়।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. 25829 Havildar Md. Yusuf Ali CS accused No.75;** the relevant portion of his confessional statement runs as follows:-

.....অতঃপর আমিও নায়েব সুবেদার এ্যাডজুটেন্ট ইদ্রিস ৩৬ ব্যাটালিয়ানে গিয়ে অস্ত্রগার থেকে ১টি SMG, নিই। ইদ্রিস নেয় ১টি পিস্তল। আমাদের অস্ত্র নেবার জন্য অনেক গুলো লোকজনের মধ্যে নায়েব সুবেদার আব্দুল আজিজ এর কণ্ঠ শুনতে পাই। আমি ২টি ম্যাগাজিনে ১৫ রাউন্ড করে ৩০ রাউন্ড গুলি নেই। এরপর ১নং গেটের দিকে এসে দেখি স্টীলের চেয়ারে সিপাহী আলিম রেজা হাতে SMG সিপাহী বজলু হাতে ১টি পিস্তল ল্যাঃ নায়েক আনোয়ারের হাতে ১টি কালো রং এর পিস্তল, হাবিলদার কোয়ার্টার মাস্টার শাহীদুল ইসলাম হাতে SMG এবং তার

সকল স্টাফর হাতে SMG ও পিস্তল। কারো হাতখালি নাই। নাঃ সুবেদার আজিজ আমাকে ৪ তলায় উঠতে বলে কারন সেখানে নাকি ২ আর্মি পারসন লুকিয়ে আছে। ৪ তলা সৈনিক লাইনে গিয়ে দেখি সুবেদার মেজর শাহীদ হাতে SMG , C.Q সাইদ হাবিলদার ওমর, হাবিলদার বজলু, হাবিলদার শাহ জালাল, সুবেদার আকরাম এদের প্রত্যেকের হাতে SMG ও পিস্তল। হেড ক্লক আকবর পরে রাইফেল নিয়ে আসে। ৪ তলায় পূর্ব পার্শ্ব কর্ণেল মুজিব ও লেঃ কর্ণেল এনায়েত সাহেবকে পশ্চিম পার্শ্ব দেখি। BHM জালাল এর স্কোভ ছিল লেঃ কর্ণেল এনায়েত এর উপর। অতঃপর নায়েব সুবেদার আজিজের নির্দেশে ল্যাঃ নায়েক আনোয়ার ও সিপাহী বজলুর রশীদ গুলি করে লেঃ কর্ণেল এনায়েত সাহেবকে গুলি করে হত্যা করে। অতঃপর হেড ক্লক আকবরের নির্দেশে আমি ৪র্থ তলায় কর্ণেল মুজিবুল হক-কে ২ রাউন্ড গুলি করে হত্যা করি। অতঃপর BHM শাহজালালের নির্দেশে সকল কোম্পানীর কোয়ার্টার মাস্টাররা উক্ত ২টি লাশ ৩৬ ব্যাটেলিয়ানের নাপিতখানার সাথে লাগানো পানির পয়েন্টের নিকট রাখে। তখন সাঈদ, ওমর, জালাল, একরাম, সকলে চিৎকার করে লাশগুলো সরিয়ে ফেলতে বলে ৩৬ ব্যাটেলিয়ান থেকে। লাশগুলো সরাই এমটি ল্যাঃ নায়েক মোজাম্মেল, ড্রাইভার মাহবুব, NCE আবুল NCE- জামান। সেখানে

উপস্থিত ছিল আরও সুবেদার মেজর কাইউম, সুবেদার (দাঁড়িওয়ালা)। ই,এম,ই সুবেদার (দাঁড়িওয়ালা) এর নির্দেশে লাশ ২টি ম্যানহোলের ডাকনা ভেঙ্গে ভিতরে ফেলে দেওয়া হয়। এরপর সিপাহী আলীম রেজা ও দপ্তরী সাইফুদ্দিন মিলে মেজর মকবুল কে হত্যা করে আমার সামনে। মেজর মকবুলের লাশ MT গ্যারেজের দোকানের সামনে দাঁড়ানো ৩ টন গাড়ির পিছনে রাখা হয়।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. 57264 Sepoy Md. Alim Reza CS accused No.80**; the relevant portion of his confessional statement runs as follows:-

.....অনুমান ৯.১৫ টার দিকে পিলখানার ভিতরে গোলাগুলির শব্দ শুনি। শোনার সাথে সাথে ল্যান্স নায়েক লাল মিয়া দোতলার হাসপাতালের গেট বন্ধ করে দেয়। পরে রক্তাক্ত জখমী রঙ্গীরা আসা শুরু হলে পৌনে এগারটার দিকে গেট খুলে দেয়। তখন বাহিরে যাওয়ার সুযোগ না পেয়ে ব্যাটেলিয়ান গিয়ে হাজির হই। হাজির হবার পর দেখতে পাই যে, পরে বলেন শুনিতে পাই যে, সেক্টর কমান্ডার কর্ণেল মুজিবুল হক

এবং ৩৬ রাইফেল ব্যাটেলিয়নের CO লে: কর্ণেল এনায়েতুল হক কে কে বা কাহারা মারিয়া ফেলেছে এবং দেখতে পাই যে পানির পয়েন্টের পাশে তাদেরকে ধারী (বাঁশের চাটাই) দিয়ে পেচায় রাখছে। এরপর আমি জ্ঞান হারায় ফেলি। এরপর সাইফুদ্দিন (এম.এল.এস.এস) জোরে জোরে চিৎকার করে বলতে থাকে যে মেজর মকবুল, ব্যাটেলিয়নের উপ অধিনায়ক, বেঁচে আছেন। আমি সৈনিক লাইনের নিচতলা হতে একটি এস,এম,জি দেখতে পেয়ে সেটা নিয়ে দোতলার দিকে যাই। আমি ঐএস,এম.জি দিয়ে মেজর মকবুলকে গুলি করি। কয়টা গুলি করছি খেয়াল নাই। আমি এরপর নিচে নেমে গিয়ে লাইনে গিয়ে চারপায়ার উপর শুয়ে পড়ি। দুপুরে এস.এম.জি নিয়ে খেতে যাই।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **No. MLSS-36 Md. Saifuddin Miah CS accused No.88;** the relevant portion of his confessional statement runs as follows:-

.....নায়ক ওমর আলী এসে বলে যে, দরবার হলে ব্রাশ ফায়ার হচ্ছে। সিপাহী শহীদও সিপাহী নাজিম একই কথা বলে। এর ৫ মিনিট

পরে ৩০/৩৫ জন সিপাহী, কেমো গোল্ডি ও ফুলপ্যান্ট পরা, সিও কর্ণেল এনায়েত, সেক্টর কমান্ডার মুজিব ও মেজর মকবুল কে ঘিরে নিয়ে অফিসের দিকে আসে। সিও এনায়েত স্যার সেক্টর কমান্ডার কর্ণেল মুজিব স্যারকে বলেন যে স্যার আপনি আমার অফিসে বসেন, আমি গন্ডগোল থামায় আসি।.....কিছুক্ষনের মধ্যে চারদিক থেকে ৩০০/৪০০ জন সিপাহী অস্ত্র হাতে গুলি করতে করতে ব্যাটেলিয়ান অফিস ঘিরে গুলি করতে থাকে এবং ব্যারাকে ব্যারাকে অস্ত্র নিয়ে উঠে যায়। সিপাহীদের বেশীর ভাগের মুখ বাঁধা ছিল। তাদের মধ্যে থাকা ৩৬ রাইফেলের হাবিলদার ইউসুফ, ল্যান্স নায়েক আনোয়ার, সিপাহী বজলু, সিপাহী আলীম রেজা, সিপাহী শহীদ, সিপাহী নিজাম এরা রাইফেল হাতে এবং হাবিলদার ইউসুফ ও সিপাহী আলীম রেজার হাতে এস,এম,জি নিয়ে তারা সবাই অফিসের বিভিন্ন জায়গায় যায়। সিও সাহেবের রুমে হাবিলদার ইউসুফ, সিপাহী আলীম রেজা, সিপাহী বজলু ও ল্যাঃ নায়েক আনোয়ার ঢুকে। তারা অফিসের ভিতরে গুলি করে সব কিছু ভাংচুর করে।..... উপরে গোলাগুলির শব্দ পাই। আমি অফিসের পিছন দিয়ে বের হতে গিয়ে দেখি কর্ণেল মুজিব ও লেঃ কর্ণেল এনায়েত স্যারের রক্তাক্ত লাশ পড়ে আছে। আমি এরপর বারান্দার একদিকে দাড়িয়ে কোনদিকে যাব চিন্তা করতে



থাকি। এমন সময় দেখি একটা লাশ উপর থেকে নিচে পড়ল। দেখি যে যেটা মেজর মকবুলের লাশ।..... ব্যারাকে পানি খেতে গিয়ে দেখি যে, হাবিলদার ইউসুফ তার সাথে মুখোশ বাধা ৪/৫ জন সৈনিককে নিয়ে ডাষ্টবিনে পড়ে থাকা হোগলা দিয়ে কর্ণেল মুজিব, লে: কর্ণেল এনায়েত ও মেজর মকবুলের লাশ বেধে নিয়ে সাইকেল গ্যারেজের পিছনে রাখা পিক আপ গাড়িতে উঠায়।

The aforesaid fact of killing of the army officers stands supported by the confessional statement of **JCO/4555 Naib Subedar Shahjahan Ali CS accused No.74**; the relevant portion of his confessional statement runs as follows:-

.....১১.৩০ টার দিকে ইউসুফ (হাবিলদার) এসে ব্রাশ ফায়ার করে বলে যারা এখনো অস্ত্র নেননি, তারা এফুনি অস্ত্র নেন; তা না হলে গুলি করে মারা হবে। এই কথা শুনে ভয়ে আমি কোতে গিয়ে রাইফেল ও ২০ রাউন্ড গুলি নিই। সৈনিক লাইনে এসে দেখি ক: মুজিব ও লে: ক: এনায়েত এবং মে: মকবুল এর লাশ পড়ে আছে।.....তারপর বেলা ১

টার দিকে ঐ স্থানে দেখি লাশ নেই। ক্যান্টিনের বয়গন বলে যে, হাবিলদার ইউসুফ ২/৩ জন লোক নিয়ে Pick up এ নিয়ে গেছে।

**Place No.4: At the backside of MT line of 13**

**Rifle Battalion area:**

The evidence of prosecution witnesses and the confessional statements of the accused, indicates that Lieutenant Colonel Md. Lutfar Rahman, psc, Commanding Officer (CO) of 24 Rifles Battalion, Dhaka was killed by the BDR rebels opening gunshots on him at the backside of MT line of 13 Rifle Battalion. From the evidence, it has come into sight that on 25.02.2009, when a disordered and chaotic situation arose at the Darbar Hall, in order to perform the duty as per order of the DG BDR, Lieutenant Colonel Md. Lutfar Rahman came to his own office at the 1<sup>st</sup> floor of 24 Rifle Battalion and remained in his office. After a while, Subedar Major Gofran Mollik

informed his Commanding Officer (CO) Lieutenant Colonel Md. Lutfar Rahman that he had to go at 13 Rifle Battalion as all the officers were there. After some times, under the leadership of armed Subedar Major Gofran Mollik, the armed BDR rebels namely Havildar Taher, Lance Naik Karim, Sepoy Emran Chowdhury, Sepoy Azim Patowary, Sepoy Arafat Hossain, Sepoy Mizanur Rahman, Sepoy Sohrab Mollik and other armed BDR rebels brought out Lieutenant Colonel Md. Lutfar Rahman from his office at gunpoint and at around 11:00 a.m took him at the backside of MT line of 13 Rifle Battalion along the front street of DG Bungalow dragging, beating, humiliating and dishonouring him. Thereafter Sepoy Azim Patowary CS accused No.17, the driver of Lieutenant Colonel Md. Lutfar Rahman tied up the eyes of his own unit's Commanding Officer (CO) with

the red clothes and both hands with rope from the backside. Then Sepoy Md. Emran Chowdhury CS accused No.34 the runner of Commanding Officer (CO) mercilessly killed his own unit's Commanding Officer (CO) by opening fire on him. Resultantly, Lieutenant Colonel Md. Lutfar Rahman receiving bullet injuries fell down on the ground. Apart from the killing of Lieutenant Colonel Md. Lutfar Rahman, at that 8/10 officers were compelled to stand at the ground of 13 Rifle Battalion at gunpoint by the BDR rebels and subsequently they were not traced out meaning that they were killed at that spot by the BDR rebels and later their dead bodies were recovered from the mass graves, which is evident from the confessional statement of **No. 65702 Sepoy Md. Emran Chowdhury CS accused No.34.**

The aforesaid fact of killing of **Lieutenant Colonel Md. Lutfar Rahman** has been described in the evidence of **PW 24 Lieutenant Colonel Md. Ashif Abdur Rouf** who has stated in his evidence among others as follows:-

..... সকাল ১০ টায় ডিজি ভবনের এলাকা থেকে গুলাগুলির শব্দ শুনতে পাই। আমি বাসার দরজা বন্দ করে দেই। অনুমান ১০.৪৫ মিঃ একজন সৈন্য আমার বাসা আক্রমণ করে দরজা ভেংগে। তখন বাসায় আমার স্ত্রী ২ সন্দ্রন Batman ও ড্রাইভার অসুস্থ মা ও ২৪ ব্যাটালিয়নের পাচক মিলন ছিল। তাদের ঘরের মেঝে শুয়ে রাখি। বিদ্রোহীরা যখন ফায়ার করে আমি ২ হাত উপরে তুলে গুলি করতে নিষেধ করি ও তাদের নির্দেশ মানতে চাই। আমি তাদের মধ্যে সিপাহী ফয়সালকে চিনতে পারি। আমাকে সপরিবারে বাসা থেকে বের করে নিয়ে যায়। যাওয়ার সময় ২৪ ব্যাটালিয়নের অধিনায়ক লুৎফর রহমানকে ধাক্কাধাক্কি মারধর করতে দেখি। আমি তাদের মধ্যে গোফরান মলিণ্ডক, হাবিলদার তাহের, আঃ করিম, সিপাহী আজিজ, সিপাহী ইমরান, সিপাহী মিজান, সিপাহী আরাফাতকে চিনতে পারি। গোফরান মলিণ্ডককে অস্ত্রহাতে নেতৃত্ব

দিতে দেখি। পরে জানি বিদ্রোহীরা লেঃ কঃ লুৎফর রহমান বিডিআর সৈন্যরা হত্যা করেছে। আমাকে কোয়ার্টার গার্ড নিয়ে যাওয়া কালে ২৪ ব্যাটালিয়নের দিক থেকে কয়েকজন বিদ্রোহী দৌড়ে এসে ফাকা ফায়ার করে ও আমাকে রাইফেলের বাট দিয়ে আঘাত করে, কিলঘুষি মারে। আমি মাটিতে পড়ে যাই। তারা আরো আঘাত করে আমি মারা যেতে পারি মনে করে উঠে দাড়িয়ে কোয়ার্টার গার্ডের দিকে হাটতে থাকি। তখন তারা আমাকে সপরিবারে প্রিজন সেলে বন্দী করে রাখে অন্যদের সংগে।

The aforesaid fact of killing has also been described in the evidence of **PW 12 Major Md. Shah Alam** who has stated in his evidence, inter alia, as follows:-

.....BDR সপ্তাহ ২০০৯ তারিখ আমার ২৪ রাইফেল ব্যাটালিয়নকে সাংস্কৃতিক অনুষ্ঠানের দায়িত্ব দেওয়া হয়। এই দায়িত্বের সামগ্রীক কাজ কর্ম দেখাশুনার জন্য ২৫/২/০৯ সকাল ৬.১৫ মিঃ P.T drees ঢাকা সেকটরে দক্ষিণে গলফ মাঠে উপস্থিত হই।..... সকাল ৮.৪৫ মিঃ আমি নাস্ত্র করার জন্য ২৪ রাইফেল ব্যাটালিয়নে আমার অফিস কক্ষে যাই। না - ১ খেয়ে চা খাওয়ার সময় ২৪ ব্যাটালিয়নের উত্তর

দিকে গুলাগুলিও চীৎকারের শব্দ শুনি। তখন সময় অনুমান ৯  $\frac{1}{2}$  টা।  
 .....বেশ কিছু সময়ের পর আমি পরিস্থিতি পর্যবেক্ষনের জন্য Store  
 র'ম এর দরজার পাশে দাড়াই এবং দরজা ফাক দিয়ে দেখি অধিনায়ক লেঃ  
 কর্ণেল লুৎফরকে সিপাহী এমরান চৌঃ হাবিলদার তাহের সিপাহী আজিম  
 পাটোয়ারী, ল্যান্স নায়েক করিম সিপাহী আরাফাত এবং সুবেদার মেজর  
 গোফরান মলিক সহ আরো কয়েকজন সশস্ত্র অবস্থায় অধিনায়ককে ঘিরে  
 ফেলেছে এবং তাকে মারপিট করতে করতে টেনে হিচরে DG এর  
 বাংলোর দিকে নিয়ে যাইতেছে। আমি পুনরায় ঐ র'মের বক্সের মাঝে বসে  
 থাকি অনুমান ১৪.০০ ঘটিকায় আমি BDR সৈনিকদের বলাবলি করতে  
 শুনি ৩৩ জন সেনা অফিসারকে হত্যা করা হয়েছে এবং কিছু সময় পর পর  
 চিৎকার শুনি।

The aforesaid fact of killing has also been described in the evidence of **PW 14 Naik Enamul Haque** who has stated in his evidence, inter alia, as follows:-

.....গত ২৫/২/০৯ তারিখ সকাল ৬.১৫ মিঃ আমি ২৪ রাইফেল ব্যাটালিয়নের সিগনাল ওয়ার্কসপে দায়িত্বে আসি। সকাল ৬.৩০ মিঃ কর্তব্যে নিয়োজিত হই। সকাল ৯টা ৩০ মিঃ প্রথমে কয়েকটি গুলির শব্দ শুনতে পাই।..... পরে আমি বারান্দায় আসি। কিছুক্ষন পর দেখি অধিনায়ক লুৎফর রহমান দ্রুত হেটে এসে দোতলায় তার অফিসে অবস্থান নেন। তখন দেখি সোহরাব মলিক সঙ্গে হাবিলদার তাহের ল্যান্স নায়েক করিম সিপাহী এমরান, সিপাহী আজিম পাটোয়ারী সিপাহী আরাফাত হুসেন এবং সিপাহী মিজানুর রহমান সহ আরও অনেকে সশস্ত্র অবস্থায় ২৪ ব্যাটালিয়নের অফিস এলাকায় আসে। পরে অধিনায়ক লুৎফর সাহেবকে টেনে হিচড়ে নীচে নামিয়ে অফিসের সামনের রাস্তা দিয়ে অপমান জনক ভাবে DG এর কার্যালয়ে দিকে চলে যায়।

The aforesaid fact of killing has also been described in the evidence of **PW 22 Major Abdullah Al Mamun** who has stated in his evidence, inter alia, as follows:-

.....২৫/০২/০৯ তারিখে সকাল ৯টায় গোলাগুলির শব্দ শুনতে পাই। দোতলা বাসার জানালা দিয়ে দেখি ২৪ ব্যাটালিয়নের বারান্দায়



২০/২৫ জন বিডিআর সদস্য সশস্ত্র অবস্থায় চিৎকার করছে কেউ কেউ গুলি করছে। তারা দ্রুত অস্ত্র নিতে বলতেছিল। আমি ঘটনা জানার জন্য দ্রুত অফিসে চলে আসি ও অফিসের বারান্দায় ৭/৮ জন ক্লার্ক ও রানারকে দেখতে পাই। একজন রানার এসে আমাকে পালিয়ে যেতে বলে এবং বলে বিডিআর-রা বিদ্রোহ করেছে ও কয়েকজনকে হত্যা করেছে। আমি দ্রুত বাসায় চলে আসি ও পুণরায় অফিসে আসার চেষ্টা করি। পুরাতন ডিজি ভবনের দিক থেকে আমার বাসার দিকে ২/৩ জন বিডিআর সশস্ত্র অবস্থায় আসছে। আমি পিছন দিক দিয়ে অফিসে আসার চেষ্টা করি। তখন দেখি ২৪ ব্যাটালিয়নের অধিনায়ক লেঃ কর্ণেল লুৎফরকে ৭/৮ জন বিদ্রোহী টেনে হিচড়ে ২৪ ব্যাটালিয়ন থেকে নিয়ে যাইতেছিল। তারা কর্ণেল লুৎফরকে মারপিট করে। এদের কয়েকজনকে চিনি। তারা হলেন সুবেদার মেজর গোফরান মলিঞ্চক, হাবিলদার তাহের, ল্যাঃ নায়েক আঃ করিম, সিপাহী ইমরান, সিপাহী আরাফাত এবং সিপাহী আজিম পাটোয়ারী। অন্যদের চিনতে পারি নাই। ঐ সশস্ত্র দল লেঃ কর্ণেল লুৎফরকে আরও দূরে নিয়ে গেলে আমি দেওয়াল টপকিয়ে আমার সেক্টরের অফিসে আসি।

The aforesaid fact of killing has also been described in the evidence of **PW 34 Havildar Md**

**Abdul Malek** who has stated in his evidence, inter alia, as follows:-

..... গত ২৫/২/০৯ তারিখে দরবার হলে যাই। ৯ ঘটিকায় দরবার শুরু হয়। ডিজি মহোদয়ের কথা বলার এক পর্যায়ে অনুমান ৯-২০ মিঃ ৩ ব্যাটালিয়নের সিপাহী মাইনউদ্দিন অস্ত্র হাতে দরবার হলের ভিতরে মঞ্চার দিকে ডিজি এর দিকে যায় ও অস্ত্র তাক করে দাড়ায়। একজন অফিসার সিপাহী মাইনকে নিরস্ত্র করে। তখন fire এর শব্দ শুনতে পাই। এক পর্যায়ে বিডিআর সদস্যরা দরবার হল ত্যাগ করে। আমি দরবার হল থেকে বেরিয়ে আসি ও সিগনাল সেকটরে মেইন গেটে আসি ও গাড়ী ও Pick-up দেখি। আমি ডানদিকে তাকিয়ে ২০০/২৫০ বিডিআর সদস্য দেখি। তারা অস্ত্র বের করছে ও উল্গাশ করছে।.....পরে লাইনের বারান্দায় এসে দেখি একজন সৈনিক মুখে লাল কাপড় বাধা। পরে নিচে নেমে মসজিদের সামনে আসি। সেখানে ৪৯৮-২৬ সিপাহী শাহ আলমকে অস্ত্র সহ দেখি গুলি করতে। বেলা ১১ টায় কয়েকজন বিডিয়ার একজন অফিসারকে ১৩ ব্যাটালিয়নের সামনে ধরে নিয়ে আসে। তাদের মধ্যে ২৪ ব্যাটালিয়নের গোফরান মলিণ্ডককে দেখতে পাই। ঐ অফিসার ছিল লেঃ কঃ লুৎফর

রহমান। পরে fire এর শব্দ শুনি। আমি তখন অফিস বিল্ডিং এ চলে আসি। সারা রাতে ১৩ ব্যাটালিয়ন মাঠে গাড়ীর শব্দ শুনি। ২/৩ টি Pick-up বারান্দা দিয়ে দেখি। ১০/১২ জন বিডিআর সদস্যকে কথাবার্তা বলতে দেখি। এম.পি গেরেজের পাশে সুবেদার জুবায়েরকে দেখি। পরে ৩ টা ট্রাক আসে। গাড়ী থেকে নেমে সুবেদার জুবায়েরের সঙ্গে একজন কথা বলে। ট্রাকটি পরে গেরেজে চলে যায়। সারারাত গাড়ী থেকে লাশ নামতে দেখি। ঐ এলাকায় ঘুরাঘুরি করতে দেখি। ভোরে ১৩ ব্যাটালিয়নে মাটি উচু দেখি। অফিসারদের হত্যার পরে মৃতদেহ সেখানে মাটিচাপা দেয়।

The fact of killing of **Lieutenant Colonel Md. Lutfar Rahman** and 8/10 army officers has been supported and corroborated by **CS accused No-34 Sepoy Md. Emran Chowdhury** who was the runner of deceased Lieutenant Colonel Lutfur Rahman. It appears from the confessional statement that the aforesaid accused Sepoy Md. Emran Chowdhury killed his own Commanding Officer (CO) of 24 Rifle Battalion by opening fire on him at the backside of

MT line of 13 Rifle Battalion. The aforesaid accused has stated in his confessional statement as follows:-

.....২৪/২/০৯ ইং তারিখ সকাল ৬ টার দিকে ঘুম থেকে উঠে নাস্তা করে পোশাক পড়ে আমি ২৪ রাইফেলের অফিসে যাই।.....ঐ দিন সন্ধ্যা ৭.৩০ টার দিকে গাড়ি নিয়ে স্যারের বাসায় যাই। স্যার স্বপরিবারে প্যারেড গ্রাউন্ডে গিয়ে টাটু শো দেখে। রাত ৮.০০ টার দিকে স্যারের শ্বাশুরীকে নিয়ে শাহজাহানপুরে যাই। সেখান থেকে ফেরার পর রাত অনুমান ১০.০০ টার দিকে আসি। ২৪ রাইফেল ব্যাটালিয়ানের সুবেদার মেজর এস,এম গোফরান মলিঞ্চকের অফিসে মিটিং এ হাজির হই। মিটিং ও আমি, সুবেদার মেজর গোফরান মলিঞ্চক সি ও লে: কর্ণেল লুৎফর রহমান স্যারের ড্রাইভার আজিম পাটোয়ারী, হাবিলদার তাহের (২৪ রাইফেল ব্যাটেলিয়ান), ও ল্যান্স নায়েক করিম (২৪ রাইফেল ব্যাটেলিয়ান) হাজির ছিলাম। মিটিং এ সিদ্ধান্ত হয় যে, পরদিন ২৫/২/০৯ ইং তারিখ দরবার হলে অফিসারদের জিম্মি করা হবে এবং প্রয়োজনে হত্যা করা হবে। গোফরান আমাকে বলে যে, দরবার হলে গন্ডগোল হলে তোমার সিও সাহেব অফিসে চলে আসতে পারে। আসলে আমাকে সেটে তা জানাবো। তখন আমি অফিসে যাব।..... এরপর ২৫/২/০৯ ইং তারিখ সকাল ৭.০০

টার সময় অফিসে যাই। অফিসে স্যারের টেবিল পরিষ্কার করে ৭.৩০ টার  
 দিকে গাড়ি নিয়ে স্যারের বাসায় যাই। স্যারের ড্রাইভার সিপাহী আজিম  
 পাটোয়ারী গাড়ি ড্রাইভ করে। স্যারকে নিয়ে সকাল ৮.০০ টার দিকে  
 অফিসে আমি। স্যার অফিসে কিছুক্ষন কাজ করেন। পৌনে ৯.০০ টার  
 সময় স্যারকে নিয়ে দরবার হলের দিকে রওনা হই। ৯ টা বাজার ৫ মিনিট  
 আগে দরবার হলে পৌছাই। স্যারকে নামিয়ে দিয়ে গাড়ি নিয়ে প্যারেড  
 গ্রাউন্ডে গিয়ে সেখানে গাড়ি পার্ক করি ও সেখানে থাকি। আমার হাতে  
 ওয়াকিটকি ছিল। সকাল সাড়ে নয়টার দিকে দরবার হলের দিক থেকে  
 গুলির শব্দ পাই।..... ড্রাইভার আজিম পাটোয়ারী স্যারের গাড়ি নিয়ে  
 আমাকে কিছু না বলে চলে যায়। তখন দরবার হলে প্রচন্ড গোলা গুলির  
 শব্দ শুনি।.....মসজিদের গার্ড রক্ষ্মে অবস্থান কালে সি ও স্যারকে  
 ফোন করলে স্যার ফোন রিসিভ করে। আমি স্যারের কাছে অবস্থা জানতে  
 চাই এবং স্যারকে দরবার হল থেকে বেরিয়ে আসতে বলি। স্যার বলেন  
 যে, তিনি দরবার হল থেকে বের হতে পারছেন না। কিছু ক্ষন পর স্যারকে  
 ফোন করলে স্যারের ফোন বন্ধ পাই।.....এরপর আমি ২৪ রাইফেলে  
 ব্যাটেলিয়ানের কোত এ গিয়ে অস্ত্র নেই। আমি একটা রাইফেল নেই যার  
 নম্বর ৪৪১ এবং সে সঙ্গে ২০ রাউন্ডগুলি নেই। ইতিমধ্যে সুবেদার মেজর

গোফরান মলিণ্ডক ওয়াকিটকিতে আমাকে অফিসে যেতে বলে। আমি অফিসে যাই এবং সেখানে ২৪ রাইফেল ব্যাটেলিয়ানের হাবিলদার তাহের, ল্যান্স নায়েক করিম, সি ও স্যারের ড্রাইভার আজিম পাটোয়ারী, সিপাহী আরাফাতকে উপস্থিত দেখি। তাদের সবার হাতে অস্ত্র ছিল। এর কিছুক্ষণ পর ইউনিফর্ম পরিহিত অবস্থায় সি ও লে: কর্নেল লুৎফর রহমান স্যার দৌড়ে অফিসে আসে এবং তার অফিস কক্ষে বসে। সুবেদার মেজর গোফরান মলিণ্ডক সিও স্যারকে বলে যে, আপনাকে ১৩ রাইফেল ব্যাটেলিয়ান যেতে হবে, সেখানে সকল অফিসাররা আছেন। আমরা তখন সিও কে নিয়ে ১৩ রাইফেল ব্যাটেলিয়ান যাই। ১৩ রাইফেল ব্যাটেলিয়ানের গ্রাউন্ডে আমি ৮/১০ জন অফিসার কে দেখি সিপাহীরা অস্ত্র তাক করে দাড় করিয়ে রেখেছে। আমরা সিও লে: কর্নেল লুৎফর রহমানকে ১৩ রাইফেল ব্যাটেলিয়ানের এমটি লাইনের পিছনে নিয়ে যাই। সিও স্যারের ড্রাইভার সিপাহী আজিম পাটোয়ারী লাল কাপড় দিয়ে সি ও সাহেবের চোখ বাঁধে, রশি দিয়ে পিছনে হাত বাঁধে। আমি আমার রাইফেল দিয়ে সি ও সাহেবকে গুলি করি। সি ও সাহেব সেখানে পড়ে যান। গোফরান মলিণ্ডক আমাকে সেখান থেকে চলে যেতে বলে। তখন আমি ১৩ রাইফেলের সামনে রাস্তায় এসে দাড়াই।..... বিকাল অনুমান ৩.০০ টার দিকে আমি, আমাদের সিও

সাহেবের রানার সিপাহী আরাফাত, মেজর আজিজের রানার সিপাহী সাইফুল, আমাদের সিও সাহেবের ড্রাইভার সিপাহী আজিম পাটোয়ারী, মেস ওয়েটার সফিক সহ সিও লে: কর্ণেল লুৎফর রহমানের বাসায় যাই। সেখানে ভাংচুর করি, অন্যান্যরা লুটতরাজ করে। মেস ওয়েটার সফিক ও ড্রাইভার সিপাহী আজিম পাটোয়ারী ম্যাডামের স্বর্ণালঙ্কার নেয়। আমরা এরপর ২৪ রাইফেল ব্যাটেলিয়নে ফেরত আসি। সবাই লাইনে থাকি। ২৫/২/০৯ ইং তারিখ দিবাগত রাতে সিপাহী সাইফুল, সিপাহী আরাফাত, সিপাহী আজিম পাটোয়ারী, সুবেদার মেজর গোফরান মলিণ্ডক সহ সি ও সাহেবের বাসায় যাই। সবাই মিলে সি ও সাহেবের স্ত্রী ও তার ছেলে মেয়েকে এনে কেন্দ্রিয় কোয়ার্টার গার্ডে নিয়ে যাই।

**Place No-5: Junior Comission Officer's (JCO's)**

**Mess Area near Golf ground and Rifle Sports**

**Board (RSB) field.**

It is apparent from the evidence of the prosecution witnessed and the confessional statements of some of the accused that **BA-5108 Major Abu Syed Ghazzali Dastagir, OIC, Eastern Desk Rifles**

**Security Unit (RSU), Dhaka** was killed by the BDR rebels opening fires on him at JCO's Mess Area near golf ground and RSB field. Coming across the evidence and confessional statements it appears that due to disordered situation at the Darbar Hall, the DG BDR directed all the commanders to control the troops of their respective unit's. Following the order of DG BDR, PW 3 Lieutenant Colonel Abu Tasnim, Major Mokbul and Major Gazzali started for their own unit's from the Darbar Hall. On the way to Signal Sector, Lieutenant Colonel Abu Tasnim happened to meet Major Mokbul and Major Gazzali near swimming pool. When Major Gazzali reached RSB field near golf ground adjacent to JCO's Mess, 6/7 BDR rebels namely Naik Wazed, Sepoy Mamun, Naib Subedar Fazlul Karim, Havildar Anisuzzaman, Signalman Sepoy Motiur and others assaulted and beat him



mercilessly and at one point of time, they killed him opening fires on him. After killing the dead body of Major Gazzali was carried by the BDR rebels namely Naib Subedar Fazlul Karim, Havildar Anisuzzaman, Signalman Sepoy Motiur Rahman along the road in front of Signal Sector keeping the same on the jute sack and fell the dead body at the manhole removing the cover, which was situated beside the western side of the primary school near RSU and Signal Sector. After throwing the dead body at the manhole, the BDR rebels again covered it with its cover.

The aforesaid fact of killing has been vividly narrated by **PW. 3 Lieutenant Colonel Md. Abu Tasnim** who has stated in his evidence, amongst others, as follows:-

.....২৫-২-০৯ তারিখে ডি.জি মহোদয় দরবারে ছিলেন দরবার হলে। দরবার শুরু হওয়ার ৪/৫ মিনিট পূর্বে দরবার হলে পৌঁছি তখন

অনুমান ৮.৫৫ মিঃ হবে সকালে। সকাল ৯.০০ ঘটিকায় দরবার শুরু“  
 হয়।.....DG সাহেব নির্দেশ দেন take care of troops আমি  
 নির্দেশ পেয়ে দরবার হল থেকে বের হই। এবং Signal Sector এর  
 উদ্দেশ্যে রওয়ানা দেই। যাবার সময় দেখতে পাই বীর উত্তম নূর মোহাম্মদ  
 স্কুলের কাছে ফোয়ারার পাশে একটি Pick Up গাড়ী দাড়িয়ে আছে। ২/৩  
 জন সৈনিক অস্ত্র সহ গাড়ী থেকে নেমেছে। Signal Sector যাওয়ার  
 পথে Swimming Pool এর কাছে মেজর মকবুল ও মেজর গাজ্জালীর  
 সঙ্গে দেখা হয়। তারা আমাকে বলে Sir Rank খুলে ফেলুন। আমি খুলি  
 নাই। তারপর তারা ২ জন চলে যায়। আমি J.C.O's Mess এর  
 কাছাকাছি যাই। তখন মেজর গাজ্জালীকে ৬/৭ জন সৈনিক পিটাচ্ছে দেখি।  
 আমি তখন দালানের পাশে লুকিয়ে যাই। তখন আমি চিৎকার শুনি ও  
 গুলির শব্দ পাই। একটু পর আমি বের হই তখন নায়েক সুবেদার ফজলুল  
 করিম হাবিলদার আনিছুজ্জামান, নায়েক ওয়াজেদ সৈনিক মতিউর রহমান  
 সহ আরো কিছু সৈনিক অস্ত্র সহ ছালার উপর গাজ্জালী সাহেবের মৃত দেহ  
 নিয়ে যাচ্ছে।

The aforesaid fact of killing has also been testified by **PW. 20 Major Kamrul Hasan** who has stated in his evidence, amongst others, as follows:-

.....গত ২৫/২/০৯ বিডিআর এর মহাপরিচালকের দরবার ছিল। আমি দরবারে যোগদান করি। অফিসারদের ১ম সারিতে মাঝ বরাবরে বসেছিলাম। ডিজি সকাল ৯টায় দরবার শুরু করেন। সকাল ৯-২৬ মিনিটে ১৩ ব্যাটালিয়নের সিপাহী মাইন দরবার হলে সশস্ত্র প্রবেশ করে ডিজি এর দিকে অস্ত্র তাক করে ধরে। তখন সকল সৈনিক দাড়িয়ে যায়। ডিডিজি সিপাহী মাইনের অস্ত্র নিয়ে তাকে নিরস্ত্র করে। তখন দরবার হলের ভিতর থেকে 'জাগো' বলে শব্দ করে। তখন সবাইকে ডিজি বলেন আপনারা সকলে বসুন আমি সকলের কথা শুনবো। বিডিআর সদস্যরা দরবার হল ত্যাগ করতে থাকে। ডিজি সবাইকে দরবার হল ত্যাগ করতে নিষেধ করে। তারপরেও বিডিআর সদস্যরা দরবার হল ত্যাগ করতে থাকে। দরজা জানালা ভেংগে তারা বের হতে থাকে। সকল অফিসারদের নিয়ন্ত্রণ করতে বলেন। পরে এই আদেশের পর আমি দরবার হলের মাঝ বরাবর চলে আসি। বাইরে গুলির শব্দ শুনতে পাই। মঞ্চেও কাছে তাকে দেখি সিপাহী মাইন অজ্ঞানের ভান করে মঞ্চে শুয়ে আছে। উপস্থিত অফিসাররা সিপাহী

মাইনের শার্টের বুতাম খুলে সেবা করে। আমি ডিজি এর আদেশে দরবার হলের বাইরে বের হই।.....আমি প্যারেড গ্রাউন্ডের পাশ দিয়ে গলফ গ্রাউন্ডে আসি। পরে R.S.B মাঠে মেজর গাজ্জালীকে ৬/৭ জন বিডিআর সদস্যদের নিয়ে যেতে দেখি। তাদের মধ্যে সৈনিক মামুন, নায়েক ওয়াজেদকে চিনতে পারি। তারা মেজর গাজ্জালীকে মারতে মারতে নিয়ে যাচ্ছিল।

The aforesaid fact of killing has also been depicted by **PW 30 Tarun Kanti Roy** who has stated in his evidence, amongst others, as follows:-

.....গত ২৫-২-০৯ তারিখ দরবার হলে দরবার ছিল। ঐ দিন BDR রাইপকসের খেতাব প্রাপ্তদের সম্মানে পুরস্কার বিতরণের অনুষ্ঠান ছিল। ঐ অনুষ্ঠানে আমার উপর মাইক অপারেটরের দায়িত্ব ছিল।.....গত ২৫-২-০৯ সকাল ৮ টায় সিগনাল সেকটর ওয়ার্কসপে আসি। সময় ৯<sup>১</sup>/<sub>২</sub> টায় দরবার হল থেকে গুলির শব্দ শুনি। বারান্দায় এসে দাড়াই। তখন দরবার হল থেকে ফেরৎ আসা সৈনিকদের মাধ্যমে জানতে পারি দরবার হলে বিদ্রোহী BDR সদস্যরা সেনা অফিসারদের আক্রমণ

করেছে। আমি পুনরায় ওয়ার্কশপে প্রবেশ করি। সময় ১২ টায় আমার স্ত্রী m ঙ্গানদের কথা চিন্ত্র করে বাসার দিকে রওয়ানা হই। সিগনাল অফিসের সামনে রা - ৭য় আসলে দেখি কিছু সংখ্যক বিদ্রোহী সৈনিক অস্ত্র হাতে সিগনাল লাইনের সামনে এবং ক্যান্টিনের পশ্চিমপাশে ছুটাছুটি করছে। তাদের মধ্য থেকে সিগনালম্যান সালাউদ্দিনকে অস্ত্র হাতে উত্তেজিত দেখি ও fire করতে দেখি এবং তার সাথে বিদ্রোহীদের বলতে শুনি সেনা অফিসারদের যে খানে পাবে সেখানেই গুলি করে হত্যা কর। একজন অফিসার যেন বাচতে না পারে। ঐ সময় নায়েক সুবেদার ফজলুল করিম হাবিলদার আনিছুজ্জামান এবং সিগনাল মতিউর রহমান সহ একটি চটের মধ্যে লাশ নিয়ে সিগনাল সেক্টরের সামনের রাস্ত্র দিয়ে যাইতে দেখি। বিদ্রোহীদের বলতে শুনি এটা মেজর গাজ্জালীর লাশ। গুলির শব্দ কমলে আমি বাসায় চলে যাই।

The very fact of killing of the aforesaid army officer stands supported by the confessional statement of **No. 29425 Havildar Signal Md. Anisuzzaman CS accused No.94**; the relevant portion of his confessional statement runs as follows:-

.....গত ২৫/০২/০৯ খ্রিঃ তারিখে সকাল সাড়ে ৭ টায় নিউমার্কেট মেসের জন্য মাছ কিনার উদ্দেশ্যে যাই। সকাল সাড়ে ৮ টার দিকে ইউনিটে মাছ নিয়ে চলে আসি। সকাল আনুমানিক সোয়া ৯ টার দিকে সৈনিক মেসের মাংস আনার জন্য কসাই খানার উদ্দেশ্যে রওনা করে শহীদ মিনারের কাছে যাওয়া মাত্র দেখি দরবার হলের দিক হতে সৈনিকরা দৌড়াদৌড়ি করে আসছে তখন দরবার হলের দিক থেকে ২/১ টি গুলির শব্দ পাই।..... পুনরায় ১১/১১.৩০ টার দিকে নিজস্ব ইউনিটে আসি। তখন চারদিকে প্রচণ্ড গোলাগুলি হচ্ছিল।..... তখন বেলা ১২ টা/১২.০৫ মিনিট এর দিকে আমি সঙ্গীয় নায়েব সুবেদার ফজলুল করিমসহ লাইনের দিকে যাওয়ার সময় আই,এন,টি হতে আনুমানিক ৫৫/৬৫ গজ পশ্চিমের দিকে টিন সেডের পাশে মেজর গাজ্জালী সাহেবের লাশ পড়ে থাকতে দেখতে পাই। তখন লাশের পাশে নায়েক ওয়াজেদ ২৪ রাইফেল ব্যাটালিয়ন সংযুক্ত সিগন্যাল সেক্টরকে রাইফেল সহ দাঁড়িয়ে থাকতে দেখি। সাথে রঞ্জিন কাপড়ে মুখ বাঁধা ০৩ জন সৈনিক অস্ত্রসহ দাঁড়িয়ে ছিল। আমার সাথে থাকা নায়েব সুবেদার ফজলুল করিম মেজর গাজ্জালী স্যারের লাশ চিনতে পারে। মেজর গাজ্জালী স্যারের গায়ে গেঞ্জি এবং পরনে আন্ডার ওয়ার ছিল। নায়েক ওয়াজেদ এবং সঙ্গীয় মুখোস পরিহিত অস্ত্রধারী বিডিআর সৈনিকরা

আমাদেরকে লাশটি বহু করে সিগন্যাল সেক্টরের রাস্তার শেষ মাথায় নিয়ে যেতে আদেশ করে। আমি ও ফজলুল করিম লাশ বহনে অস্বীকার করলে আমাদেরকে অস্ত্র ধরে তক্ষুনি খুন করে ফেলার হুমকি দেয়। বাধ্য হয়ে এবং ভয় পেয়ে আমরা সম্মত হই। নায়েক ওয়াজেদ সিগন্যাল ম্যান সৈনিক মতিনকে অফিসের বারান্দা হতে লাশের পাশে নিয়ে আসে। মেজর গাজ্জালী সাহেবের লাশটি প্লাস্টিকের চটের বস্তুর উপর রেখে ধরাধরি করে ৬০/৭০ গজ পূর্ব দিকে রাস্তার উপর ম্যানহোলের পাশে নিয়ে যাই। সেখানে ২ জন মুখবাধা অস্ত্রধারী সৈনিক আগে থেকেই দাঁড়িয়ে ছিল। পরে লাশটি ম্যানহোলের ভিতর ফেলে দেয়া হয়। আমি মেজর গাজ্জালীকে খুন হতে দেখি নাই। তবে পরিস্থিতি মতে ধারণা করি যে, নায়েক ওয়াজেদ সঙ্গীয় অস্ত্রধারী সৈনিক দের নিয়ে মেজর গাজ্জালীকে খুন করেছে।

The very fact of killing of the aforesaid army officer stands supported by the confessional statement of **No. 46697 Naik Signal Wazedul Islam CS accused No.96**; the relevant portion of his confessional statement runs as follows:-

.....২৫/০২/০৯ইং তারিখ আমি ফলিন করি এবং ৮.১৫ মিনিটে দরবর হলে দরবারে উপস্থিত হই। আমার সাথে হাঃ সিগন্যাল মোস্তাফিজুর রহমান ও নায়েক তায়েবুর রহমান ছিল। আনুমানিক ৯টার দিতে দরবার শুরু হয়। ৯.২০ মিনিটে দরবারের সামনে বসা কয়েকজন সৈনিক হঠাৎ দাঁড়িয়ে পড়ে এবং এই সময় গোলাগুলির আওয়াজ শুনি। পিছনে সবাই তখন বের হওয়ার জন্য দৌড়াদৌড়ি শুরু করে। আমি ওদের সাথে বের হয়ে যাই।.....আমি তখন কোতে গিয়ে রাইফেল (বাট ৪২৮) এবং ৪০ রাউন্ড গুলি নেই। আমি ঢাকা সেক্টরের পাশ দিয়ে সিগন্যাল সেক্টরের দিকে যেতে থাকি। তখন নাঃ সিগন্যাল তোফাজ্জেলের সাথে দেখা হয়। ওর হাতে এস এম, জি ছিল। পরে ২জন একসাথে ক্রীড়া বোর্ডের মাঠের ভিতর দিয়ে জে সি ও মেসের দিকে যাই। জে সি ও মেসের নিচ তলার পশ্চিম পাশের বারান্দায় অবস্থান নেই, ১১টার দিকে জে সি ও মেসের উত্তর পাশে পাইছি পাইছি আওয়াজ শুনি। আওয়াজ শুনে ৫/৬ জন মুখোশধারী অস্ত্রসহ দৌড়িয়ে পিক আপের কাছে থেকে চিৎকারের জায়গায় যাই এবং কিছুক্ষণ পর ৩জন বিডিআর পোষাক পরা লোককে নিয়ে আবার পিকাপের দিকে যায়। আমি ও তোফাজ্জল অস্ত্রসহ ওদের সাথে যাই এবং একজন অফিসারকে জিজ্ঞাসা করি যে মোবাইল কোথায় এবং উনি তখন



আঙ্গুল দেখিয়ে বলেন যে ক্যাপের মধ্যে মোবাইল। আমিও তোফাজ্জল ক্যাপের দিকে যাই এবং দেখি যে গ্রীন ক্যাপের নিচে মোবাইল। মোবাইলটি নিয়ে এসে দেখি ঐ পিকআপটি অফিসারদের নিয়ে চলে গেছে। তখন আমি ও তোফাজ্জল পূর্বের জায়গায় গিয়ে বসি। ঐখানে বসার পরে একটি কল আসে এবং বলে কেমন আছেন। তখন আমি বলি যে উনাকে কয়েকজন ধরে নিয়ে গেছে। সীম কার্ড খুলে দেখি উনার নাম মেজর গাজ্জালী। সিম খুলে ফেলে দেই। ১১.৪৫ দিকে জে সিও মেস থেকে লেঃ কর্ণেল তছলিমকে কয়েক জন লোক ধরে নিয়ে যায়। তারা RSB এর বিডিআর সদস্য। সিগন্যাল সেক্টরের দিকে নিয়ে যায়। আমি তখন সিগন্যাল সেক্টরের দিকে চলে আসি। আমি যখন সামনে যাই তখন দেখি নায়েক সুবেদার ফজলুল করিম, হাবলিদার আনিছুজ্জামান এবং সিগন্যাল ম্যান মতিউর রহমান চট্টের মধ্যে করে লাশ নিয়ে যাচ্ছে। আমি দেখি রক্ত জমে আছে। ওরা লাশ নিয়ে রাস্তার বামপাশ দিয়ে RSU- এর পাশে প্রাইমারী স্কুলের পশ্চিম পার্শ্বের ম্যানহোলে ফেলে দেয়। মেজর গাজ্জালীকে গুলি করে মারা হয়। এরপর আমি অফিসে চলে আসি।

The very fact of killing of the aforesaid army officer stands supported by the confessional statement

of No. 70034 Sepoy Signal Md. Motiur Rahman CS  
accused No.95; the relevant portion of his  
confessional statement runs as follows:-

.....আমি পিলখানায় সিগন্যাল সেক্টর অফিস এলাকায় ফুলের  
গাছে পানি দেয়ার কাজে নিয়োজিত ছিলাম।.....২৫/২/০৯ তারিখে  
প্রতিদিনের ন্যায় ফুলগাছে পানি দিতে আসি। সকাল অনুমান সাড়ে নয়টার  
দিকে লোকজন দৌড়াদৌড়ি করতে দেখি। BDR রা সবাই ইউনিটের  
দিকে যাচ্ছে। এরপর গুলির আওয়াজ শুনি। তখন আমি পানির লাইন বন্ধ  
করার জন্য সিগন্যাল অফিস বিন্ডিং এর দোতলায় যাই। গুলির আওয়াজ  
বেশী হওয়ার কারণে অনুমান ২ ঘন্টা ওখানেই অবস্থান করি। এরপর নিচে  
সিঁড়ির সামনে আসি। নায়েক ওয়াজেদের সাথে ওখানে দেখা হয়। তার  
হাতে অস্ত্র ছিল। আমাকে অস্ত্র নিতে বলে। আমি না নিতে চাইলে বুকে  
অস্ত্র ধরে ভয় দেখায়। ওখান থেকে ওয়াজেদ আমাকে নিয়ে TMO  
স্যারের গাড়ির গ্যারেজের দিকে নেয়ে যায়। তখন অনুমান বারোটা সোয়া  
বারোটা বাজে। ওখানে আর ০৩ জন অস্ত্রধারী BDR কে দেখি। ওখানে  
আমাকে একটা লাশ ধরতে বলে। লাশটা গ্যারেজের পাশে পরে ছিল।  
পরে শুনেছি ওটা মেজর সাজ্জালি সাহেবের লাশ। ওখানে না: সুবেদার

ফজলুর করিম ও হাবি: সিগন্যাল আনিছ উপস্থিত ছিল। আমাকে দিয়ে লাশ উঠিয়ে নিয়ে মেইন রাস্তার পাশে ম্যানহোলের পাশে রাখতে বলে। আমাকে ও আনিছ ওস্তাদকে চলে যেতে বললে আমরা চলে আসি। ফজলুল স্যারকে ওখানে দাড়ায় থাকতেই দেখি। ম্যানহোলের পাশে আরও ০২ জন BDR অস্ত্রধারী ছিল। এরপর দেখি ওয়াজেদ সহ ওরা লাশটা ম্যানহোলে ঢুকায় দেয়।

The very fact of killing of the aforesaid army officer stands supported by the confessional statement of **JCO/ 5982 Naib Subedar Signal Md. Fazlul Karim CS accused No.93**; the relevant portion of his confessional statement runs as follows:-

..... ২৫/২/০৯ তারিখ সকাল সাড়ে আটটায় দরবার হলে যাওয়ার উদ্দেশ্যে সিগন্যাল সৈনিক ব্যারাকের সামনে ফলইন করে দরবার হলে যাই। অনুমান ৯ টার দিকে DG মহোদয় সালাম নিয়ে দরবার শুরু করেন। দরবার হলে আমি জেসিও চেয়ারের পিছনের দিকে বসি।.....আমি হলের সামনে এসে দেখি কর্ণেল মুজিব স্যার সহ অন্যান্য স্যাররা বের হয়ে এসে বলে দরবার হলে কিছু হয় নাই। আপনার

দরবার ছেড়ে যাবেন না। এই কথা বলার সাথে সাথে গুলির আওয়াজ পাই। ঐ সময় মেজর মকবুল স্যারকেও ওখানে দেখি। এরপর আবার ২ রাউন্ড ফায়ার হয়। লোকজন ছোট্টাছুটি করতে থাকে। আবার ব্রাশ ফায়ার হয়। আমি সুইমিং পুলের সামনে দিয়ে আমার মেসে চলে আসি।.....

অনুমান ১১ টার দিকে আবার আর পি পোষ্টে যাই। ওখানে গিয়ে শুনি কিছু BDR জোয়ান সিগন্যাল সে: কমান্ডার আবু তাসলিম (লে: কর্নেল) কে পিটাতে পিটাতে আমাদের ডাইনিং হলের নতুন কনস্ট্রাকশন বিল্ডিং এ নিয়ে গেছে।..... তারপর আমি ওখান থেকে মেসের দিকে রওনা দেই।

গ্যারেজের কাছে এসে মেজর গাজ্জালী স্যারের ডেড বডি দেখতে পাই। স্যারের বাম হাতে গুলি বিদ্ধ দেখি। পরনে জাগিয়া গেঞ্জি ও ছেড়া ইউনিফর্ম পরা অবস্থায় দেখি। এরপর ওখানে হাবি: আনিছকে দেখি।

নায়েক ওয়াজেদ মুখ বাঁধা ২ জন BDR নিয়ে আসে সাথে হাতিয়ার ছিল। ওরা ডেডবডি গাউন্ড সিট বিছিয়ে তার উপর তুলে নিয়ে উত্তর দিকে মেইন গেটের দিক দিয়ে RSU এলাকার পাশ দিয়ে সিগন্যালের এলাকায় নিয়ে যায়। আমি ও সাথে যাই। ওখানে আরও অস্ত্র হাতে ২ জন BDR দেখি।

মতিয়ার আমাদের মালির কাজ করে। ও সহ সবাই মিলে ডেড বডিটা

ম্যানহোলের ঢাকানা খুলে ফেলে দেয়া হয়। ঢাকনা লাগিয়ে দেয়া হয়।  
তারপর আমি আবার জেসিও মেসের দিকে যাই।

**Place No-6: Bir Shrestho Noor Mohammad  
Public School and College**

It appears from the evidence that **BA-5306 Major Muhammad Mosharof Hossain, ATO, Q and Ord. Branch, Dhaka** was killed by the BDR rebels inside Noor Mohammad Public School and College. On 25.02.2009, when DG BDR was delivering speeches on Dal-Vhat Programme and other issues, the entire meeting descended into tumultuous, unruly, confused and turbulent situation due to shouting and firings opened by the BDR rebels. On that situation, at one stage, PW 74 Major Doctor Rounak Azad Ani and Major Mosharof with others came out of the Darbar Hall, went to the Bir Shrestho Noor Mohammad Public School and College running,

entered the tuition collection room beside the gate of the school and took shelter in two small boxes of the counter. Entering the room, they hid themselves therein shutting the door. At around 2:30 p.m at noon, 3 armed BDR rebels namely Sepoy Altaf, Sepoy Bashar and Sepoy Haider entered the room breaking open the door. The aforesaid BDR rebels brought out Major Mosharaf from the small box of the room at the veranda scolding, pulling and dragging him therefrom. The BDR rebels compelled Major Mosharaf at the veranda and ordered him to move back. As soon as Major Mosharaf moved back, the BDR rebels killed him opening fires on him. Receiving bullet injuries, Major Mosharaf fell down on the veranda. At that moment, PW 74 Major Doctor Rounak Azad Ani was luckily saved as he she introduced herself as a lady

doctor and told them that she used to provide treatments to them and to their wives and children.

In respect of Killing of Major Md. Mosharaf Hossain, an eye witness **PW 74 Major Doctor Rounak Azad Ani** has stated in his evidence as under:-

.....আমি ২৫/২/০৯ তারিখে BDR হাসপাতাল Lady Medical Officer হিসেবে কর্মরত ছিলাম। ঐ দিন সকাল ৯.০০ টার কিছু আগে আমি আমার সহকর্মীদের সাথে দরবার হলে পৌছি। আনুমানিক সকাল ৯.০০ টার সময় D.G মহোদয় দরবারে উপস্থিত হন। পবিত্র কোরআন তেলাওয়াতের মাধ্যমে দরবার শুরু হয়। D.G মহোদয় দরবারে উপস্থিত সকলকে সালাম জানিয়ে বক্তব্য শুরু করেন। উনার বক্তব্য চলাকালীন সময়ে হঠাৎ দেখলাম একজন সশস্ত্র সিপাহী মার্গিন দরবারের দক্ষিণ পার্শ্ব দিয়ে অস্ত্র সহ Stage এ ওঠে D.G মহোদয়ের দিকে সে অস্ত্র তাক করে। সাথে সাথে বাকি অফিসাররা তাকে ধরে ফেলে এবং সে Stage পরে যায়। মুহূর্তের মধ্যে দরবার হলে বিশৃঙ্খলা পড়ে যায়। যে

যেদিকে পারে বের হয়ে যেতে থাকে। ঐ সময়ে দরবার হলের বাহিরে কাছাকাছি একটি গুলির আওয়াজ শুনতে পাই। অন্যান্যদের সাথে আমিও দরবার হলের বাহিরে বের হয়ে যাই জানালা দিয়ে। বের হয়ে মেজর মোশারফকে দেখতে পাই। তিনি আমাকে নিরাপদ স্থানে যেতে বলে এবং উনি নিজেও মাঠের মধ্য দিয়ে দৌড়াতে থাকে। আমি তাকে অনুসরণ করি। দৌড়ে আমরা নূর মোহাম্মদ রাইফেলস পাবলিক স্কুল এন্ড কলেজের গেইটের ভিতরে ঢুকে যাই। স্কুলের গেইটের পার্শ্বে বেতন সংগ্রহের র'মে আমি ও মেজর মোশারফ এবং BDR এর একজন সুবেদার ও ২ জন বেসামরিক কর্মচারী র'মের ভিতরে ঢুকে র'মের মধ্যে থাকা কাউন্টারের ২টি ছোট খোপের মধ্যে আশ্রয় নেই। ভিতর থেকে দরজা বন্ধ করে আমরা ভিতরে লুকিয়ে থাকি। বেলা অনুমান ১১.০০ টার সময় কয়েকজন বিদ্রোহী BDR সদস্য র'মের বাহিরে এসে গালিগালাজ করে এবং আমাদেরকে র'ম থেকে বের হওয়ার জন্য বলতে থাকে। আমরা ভিতরে কোন শব্দ করিনি এবং কোন উত্তর দেইনি। পড়ে তারা চলে যায়। ঐ সময়ে বাহিরে প্রচুর গোলাগুলির আওয়াজ শোনা যেতে থাকে। আমি আমার পরিবারের সদস্যগণ অভিাবক হীণ হওয়ায় দুশ্চিন্তাগ্রস্থ হয়ে পড়ি। মোবাইলে বাসায় আমি আমার মেয়ের সাথে কথা বলি। সহকর্মীদের সাথে



যোগাযোগের চেষ্টা করি। কিন্তু দরবার হলে আমার সাথে উপস্থিত ছিলেন এমন কাউকে ফোনে পাই নাই। দুপুর আনুমানিক ২.৩০ টার সময় ৩ জন সশস্ত্র BDR সৈনিক ঐ রুমের দরজা ভেঙ্গে ভিতরে ঢুকে। আমার দিকে অস্ত্র তাক করে এগিয়ে আসে। সিপাহী আলতাফ, বাশার এবং হায়দারগণ সামনে এলে আমি তাদের বলি আমি মহিলা ডাক্তার। আমি তোমাদের ও তোমাদের স্ত্রী মর্মানদের চিকিৎসা করি। আমাকে মেরোনা। তারা আমার হাত থেকে মোবাইল ফোনটি কেড়ে নেয় এবং মেজর মোশারফকে ছোট খোপের ভিতর থেকে টেনে হেচড়ে বের করে গালিগালাজ করতে থাকে।

i “মে থাকা সুবেদারকে সশস্ত্র সৈনিকরা বকাবকি করতে থাকে। আমাকে ও মেজর মোশারফকে টেনে হেচড়ে রুম থেকে বারান্দায় আনে। মেজর মোশারফকে বারান্দায় দাড় করিয়ে পিছনে ফিরতে বলে। পিছনে ফেরার সাথে সাথে তারা তাকে গুলি করে হত্যা করে মেজর মোশারফকে বারান্দায় পড়ে থাকতে দেখি। আমাকে বিদ্রোহীরা তাদের সাথে থাকা পিকআপ গাড়ীতে উঠিয়ে নেয় এবং ড্রাইভারকে গাড়ীতে করে কোয়ার্টার গার্ডে পৌঁছে দিতে বলে।

The aforesaid fact of Killing of Major Md. Mosharaf Hossain, has been supported and

corroborated by **PW 56 Major Md. Rezaul Karim**  
**who** has stated in his evidence as under:-

.....২৫-২-০৯ তারিখে সকাল ৮.৪৫ দরবার হলে যাই। ডিজি সাহেব দরবার শুরু করেন। তিনি বিভিন্ন ব্যাপারে কথাবার্তা বলেন যেমন ডালভাত কর্মসূচী ক্রীড়া ইত্যাদি। এক পর্যায়ে সিপাহী মাইন মহাপরিচালককে লক্ষ্য করে অস্ত্র তাক করে। তখন হৈ চৈ শুরু হয়। এক পর্যায়ে দরবার হলের মাঠে চলে আসি। মাঠে fire এর শব্দ শুনা যাচ্ছিল। মাঠ থেকে রাইফেল পাবলিক স্কুলের ভিতর প্রবেশ করি। অধ্যক্ষের রুমের সামনে গিয়ে দরজায় ধাক্কা দিলে অধ্যক্ষ শাহানা পারভিন দরজা খুলে দেন। আমি ভিতরে আশ্রয় গ্রহণ করি। ভিতরে অধ্যক্ষ উপাধ্যক্ষ ছিলেন। জানালা দিয়ে বাইরে পরিস্থিতি দেখার চেষ্টা করি। সশস্ত্র বিডিআর সৈনিকদের সাথে সিপাহী আলতাফ বাসার, হায়দার কে দেখতে পাই। কিছু সময় পরে ক্লাশ রুমের দিকে গুলির শব্দ ও আতঁচীৎকার শুনতে পাই। পরে মেজর এনির কাছে শুনতে পাই তার উপস্থিতিতে মেজর মোশারফকে সিপাহী আলতাফ, হায়দার, বাসার গুলি করে হত্যা করেছে। সন্ধ্যার পরে অধ্যক্ষ ও নির্মান শাখার কর্মচারী বাইরে চলে গেলে আমিও উপাধ্যক্ষ্য ভিতরে বাথ রুমে অবস্থান করি।

The aforesaid fact of killing has been corroborated and supported by the confessional statement of No. 74853 Sepoy Md. Haider Ali CS accused No.91; the relevant portion of his confessional statement runs as follows:-

..... বিগত ২৫/০২/০৭ ইংরেজী হাবিলদার কামাল আমাদের সকাল সাতটায় সার্চ করিয়ে দরবার হলে নিয়ে যায়। আমি পিছনের দিকে ফ্লোরে বসি। সকাল ৯.০০ টার সময় দরবার শুরু হয়। সকাল ৯.৩০ টার সময় এক সৈনিক দরবারে ঢুকে ডি.জি. সাহেবের দিকে অস্ত্র তাক করে। হৈচৈ শুরু হলে অন্যান্যদের সাথে আমিও দরবার হল থেকে বেরিয়ে যাই।.....তারপর আমি কোতের দিকে গিয়ে একটি রাইফেল এবং ৫০ রাউন্ড গুলি নিই।.....বেলা অনুমান পৌনে তিনটার সময় আলতাফ ও বাশার আমাকে ডাক দেয়। আমি তাদের সাথে যেতে অস্বীকার করলে তারা ধমক দেয় তখন আমি তাদের সাথে যাই। তাদের সাথে অনুমান ৩.০০ টার দিকে নুর মোহাম্মদ পাবলিক স্কুলে যাই। ঐখানে একটি কক্ষে মেজর মোশাররফ ও মেজর এ্যানিকে দেখি। মেজর এ্যানি বলেন যে, আমাকে মেরোনা আমি ডাক্তার। সিপাহী বাশার মেজর এ্যানিকে রুম থেকে বের

করে নেয়। তারপর আলতাফ মেজর মোশাররফকে গুলি করে দেয়। মেজর মোশাররফ পড়ে যায়। বাশারও এক রাউন্ড গুলি করে। মেজর মোশাররফ মারা যায়। লাশ ফেলে আমরা ঐখান থেকে আমরা চলে আসি।

**Place No-7: North-west corner of Soldiers Mess of 24 Rifle Battalion.**

It appears from the evidence of the prosecution witnessed and confessional statements of some of the accused that on 25.02.2009 at around 12:00 noon, Lance Naik Mozammel, Sepoy Uttom Barua, Sepoy Shamim Al Mamun @ Jewel, Sepoy Harun, Sepoy Tarekul, Cook Mojibur and many other armed BDR rebels took Doctor Major Mamun at the north-west corner of the soldiers mess of 24 Rifle Battalion humiliating and beating him repeatedly in a wounded and bleeding condition. Thereafter, at the order of armed Naib Subedar Islam Uddin, Lance Naik

Mozammel and other BDR rebels killed Doctor Major Mamun by opening fires on him.

With regard to the aforesaid fact of killing, an eye witness **PW 19 Md. Keramat Ali Sheikh** has stated in his evidence as under:-

.....২৫/০২/০৯ তারিখে আমি ডিজি এর দরবারে উপস্থিত ছিলাম। অনুমান ৯ টায় দরবার শুরু হয়। শুরুর ২০/২৫ মিনিট পরে ডিজি এর বক্তব্য চলাকালে ১৩ ব্যাটালিয়নে মাইন সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে ও Stage এ উঠে ডিজি বরাবর অস্ত্র তাক করে। ৪৪ ব্যাটালিয়নের কাজল অস্ত্র হাতে দরবার হলে প্রবেশ করে। অন্যান্য অফিসারগণ সিপাহী মইনকে নিরস্ত্র করে। সিপাহী কাজল দরবার হল থেকে বের হয়ে যায়। জাগো বলে চিৎকার করে, অনেক বিডিআর সদস্য দাড়িয়ে যায়। বিডিআর সদস্যরা দরবার হল ত্যাগ করতে থাকে। ডিজি শাল্ড থাকতে বলে ও সবার কথা শুনবে জানায়। আমিও এক পর্যায়ে দরবার হল ত্যাগ করিয়া ২৪ ব্যাটালিয়নের দিকে রওয়ানা দিয়ে দেখতে পাই অনেক সশস্ত্র বিডিআর সদস্য দরবার হলে লক্ষ্য করে গুলি করছে। আমি আমার নিজ ইউনিট ২৪ ব্যাটালিয়নে চলে আসি এবং ২১ নং সৈনিক

লাইনে তৃতীয় তলায় অবস্থান করি। লাইনের পিছনে অবস্থানকালে অনুমান ১২টার দিকে দেখতে পাই ২৪ ব্যাটালিয়নের ল্যান্স নায়েক মোজাম্মেল, সিপাহী উত্তম বড়ুয়া, সিপাহী জুয়েল, সিপাহী হারুন, সিপাহী তারেকুল, পাচক মজিবর সহ অনেক সশস্ত্র বিদ্রোহী অপমানজনক অবস্থায় ডাঃ মেজর মামুন সাহেবকে আহত ও রক্তাক্ত অবস্থায় মারতে মারতে সৈনিক মেসের উত্তর-পশ্চিম কর্ণারে নিয়ে যায়। সেখানে সশস্ত্র থাকা নায়েক সুবেদার ইসলাম উদ্দিনের নির্দেশে ল্যান্স নায়েক মোজাম্মেল সহ সকলে ডাঃ মেজর মামুনকে গুলি করে হত্যা করে এবং আমি সব দেখি। তখন আমি ভয়ে আতঙ্কিত হয়ে পূর্বদিকে অভয়ারণ্য বাগানে চলে যাই।

With regard to the aforesaid fact of killing, another eye witness **PW 23 Sepoy Rafiqul Islam** has stated in his evidence as under:-

.....গত ২৫/২/০৯ তারিখে ২৪ ব্যাটালিয়নে Store থেকে গলফ গ্রাউন্ডে গানের Stage তৈরীর জন্য মালামাল বিতরণ করি। বিতরণকালে অনুমান ৯ $\frac{1}{2}$  টা থেকে দরবার হলের দিকে গুলির শব্দ শুনি। একই সময়ে লাইনের সামনে কয়েকজন সশস্ত্র BDR সদস্য চীৎকার করে

বলে Army BDR কে আক্রমণ করেছে। তোমরা লাইনে না থেকে দরবার হলে যাও। এর মধ্যে লাইনের সামনে ও পার্শ্বে BDR সদস্যদের দৌড়াদৌড়ি চীৎকার ও গুলাগুলি হতে দেখি। তখন আমি Store এ ঢুকে দরজা বন্ধ করে ভিতরে অবস্থান করি। কিছুক্ষণ পর ভয়াবহ অবস্থা দেখে Store এ থাকতে না পেরে বাইরে বাসায় যাওয়ার জন্য বের হই। ২৪ ব্যাটালিয়নের ১/২ জন সৈনিক লাইনের মাঝখানে আসলে দেখি ২৪ ব্যাটালিয়নের ল্যান্স নায়েক মোজাম্মেল, সিপাহী উত্তম বড়ুয়া, সিপাহী শামীম আল মামুন, সিপাহী তারিকুল সহ অনেকে সশস্ত্র অবস্থায় মেজর ডাঃ মামুনকে আহত ও রক্তাক্ত অবস্থায় মারতে মারতে সৈনিক মেহের উত্তর পশ্চিম কর্নারে নিয়ে আসে। সেখানে সশস্ত্র অবস্থায় দাড়িয়ে থাকা নায়েক সুবেদার ইসলাম উদ্দিনের নির্দেশে ল্যাঃ নায়েক মোজাম্মেলসহ সকলে মেজর মামুনকে গুলি করে হত্যা করে। এই ভয়াবহ দৃশ্য দেখে আমি ভয়ে সৈনিক লাইনের সামনে দিয়ে পিলখানার বাহিরে বাসায় চলে যাই ও সেখানে অবস্থান করি।

With regard to the aforesaid fact of killing, PW

**17 Havildar Md. Motaleb** has stated in his evidence as under:-

.....গত ২৫/০২/০৯ তারিখে নায়েক পদে ২৪ রাইফেল ব্যাটালিয়নে কর্মরত ছিলাম। ঐদিন সকালে অন্য সৈনিকদের সংগে দরবারে অংশ গ্রহন করি। অনুমান ৯ টায় ডিজি দরবার শুরু করে। দরবার চলাকালে ৯-৩০ মিঃ ডিজি পাশ হইতে সিপাহী মাইন অস্ত্রসহ দরবার হলে প্রবেশ করে ও ডিজি বরাবর অস্ত্র তাক করে। তার পিছনে ৪৪ ব্যাটালিয়নের কাজল অস্ত্রসহ দরবার হলে প্রবেশ করে। দরবারে উপস্থিত অফিসারগণ সিপাহী মাইনকে ধরে ফেলে ও নিরস্ত্র করে। সিপাহী মাইন নীচে পড়ে যায়। সিপাহী কাজল দক্ষিণ দিক দিয়ে বের হয়ে যায়। তখন বিডিআর-রা জাগো বলে চিৎকার করে। বিডিআরগণ তখন দাড়িয়ে যায়। তখন ডিজি সবাইকে বসতে বলে ও তাদের কথা শুনতে চায়। এর মধ্যে বাইরে গুলির শব্দ পাওয়া যায়। তখন সবাই দরবার হল ত্যাগ করা শুরু করে। তখন অধিনায়কগণকে ইউনিটে গিয়ে নিয়ন্ত্রণ গ্রহন করতে বলে। আমি পশ্চিম দিক দিয়ে দরবার হল ত্যাগ করি। বাহিরে প্রচণ্ড গুলির শব্দ শুনি। আমি ২৪ রাইফেল ব্যাটালিয়নে রওয়ানা হই। তখন ৪৪ ব্যাটালিয়নের সেলিম রেজা ল্যান্স নায়েক একরামুলকে দেখি গুলি করতে করতে দরবার হলের দিকে যাইতেছে। পরে আমি নিজ ইউনিটে এসে ৫ম



তলায় ফ্লোরে শুয়ে থাকি গুলির ভয়ে। অনুমান ১০<sup>১</sup>/<sub>২</sub> টায় মাইকে বলে ব্যারাগ ছেড়ে দিয়ে অস্ত্র নিয়ে বিদ্রোহে যোগ দিন। যদি কাউকে ব্যারাকে পাওয়া যায় তাহলে গুলি করা হবে। তখন আমি নীচে নেমে আসি। তখন কুচিং মারমাকে দেখি। সিপাহী সফিকুল, হাবিলদার বাদশা, সিপাহী মিনহাজ ও সুবেদার ইসহাককে দেখি সশস্ত্র অবস্থায়। পরে আমি বাথর“মে আত্মগোপন করি। পরে সিপাহী উত্তম বড়ুয়া, সিপাহী মামুন, সিপাহী হার“ন, সিপাহী তারিকুল সহ অনেকে রক্তাক্ত ও আহত অবস্থায় মেজর মামুনকে টেনে হেঁচড়ে উত্তর দিকে নিয়ে যাইতেছে। কিছুক্ষণ পরে গুলির শব্দ পাই। পরে মেজর মামুনের মৃতদেহ দেখতে পাই।

At the time of killing of Doctor Major Mamun, the BDR rebels were armed with deadly weapons and Sepoy Shamim Al Mamun @ Jewel was present there with arms, which are evident from the confessional statement of **No.68696 Sepoy Shamim Al Mamun @ Jewel CS accused No.50**; the relevant portion of his confessional statement runs as follows:-

.....২৫/২/০৯ ইং তারিখ সকাল ৮.০০ টার পরে ঘুম থেকে উঠে ক্যান্টিনে নাস্তা করি। দরবার হলে আমার ডিউটি ছিল না। নাস্তা করে এসে কালো গেঞ্জি ও কালো প্যান্ট পড়ি। জুতা পরার সময় সিপাহী ফরিদ দৌড়ে এসে বলে দরবার হলে যুদ্ধ লাগছে আপনারা তাড়াতাড়ি বের হন। তখন লাইনে ছিল হাবিলদার রকিব ও হাবিলদার তরিক। আমি গোলাগুলি ও চিৎকার শুনতে পাই। আমি ২৪ ব্যাটেলিয়ানের সৈনিক ব্যারাক নং ২ এর পূর্ব পাশে থাকতাম। ব্যারাকে তিন তলায় থাকতাম। ৩/৪ জন লাল মুখোশধারী আমাদের ব্যারাকে ঢুকে বলে “তোরা এখানে কি করতেছিস। আজকে বি,ডি আর স্বাধীন। কোত খোলা আছে। সেখানে গিয়ে অস্ত্র নে। তাদের সবার হাতে অস্ত্র ছিল।.....এরপর আমি সিড়ি থেকে নেমে কোতের দিকে যাই। তখন অনুমান সকাল ১০.০০/১০.২০ টা হবে। অনেকে অস্ত্র নিয়ে যাচ্ছিল। তাদের চিনতে পারি নাই। একজন সৈনিক সবুজ রংয়ের মুখোশ পড়া, হাতে ২ টা এস,এম, জি নিয়ে বের আসে কোত থেকে। সে আমাকে একটা এস.এম.জি দেয়। ঐ এস.এম.জির ম্যাগাজিনে গুলি ছিল না। এরপর আমি সেক্টর লাইনের দিকে দৌড়ে চলে আসি। সেক্টর এবং ২৪ ব্যাটেলিয়ানের মাঝখানে ৩টা এমুনিশন বক্স খোলা পাই। সেখান থেকে আমি এক মুঠ গুলি নেই। অনুমান ২০/২২ রাউন্ড গুলি ছিল।

এরপর আমি দৌড়ে সেক্টর মসজিদের রাস্তা দিয়ে জেসি ও ফ্যামিলি কোয়ার্টারের সামনের পানির ট্যাঙ্কিতে বসি। সেখানে ম্যাগাজিনে গুলি লোড করি এবং বসে থাকি।

At the time of killing of Doctor Major Mamun, the BDR rebels were armed with deadly weapons and Sepoy Uttom Barua was present there with arms, which are evident from the confessional statement of **No. 77737 Sepoy Uttom Barua CS accused No.400;** the relevant portion of his confessional statement runs as follows:-

.....২৫/০২/২০০৯ তারিখ সকাল অনুমান ৬.০০টার দিকে ঘুম থেকে উঠে ফলইনে মিলে দরবার হলে যাই। দরবার হলের পেছনের দিক হতে ১০ লাইন সামনে বসি। দরবার শুরু হয় সকাল অনুমান ৯.০০ টায়। ডিজি ভাল ভাত প্যারেড উপহার দেয়ায় সবাইকে ধন্যবাদ জানান, সকাল অনুমান ৯.৩০ টার সময় দরবার হলের পিছনের দিক হতে হঠাৎ একটি গুলির শব্দ শুনতে পাই। সবাই তখন দাঁড়িয়ে যায় এবং দরবার হল থেকে বাহির হতে থাকে। আমি আমার পিছনে থাকা দরজা দিয়ে ফেনং গেটের

পাশে ফ্যামিলি কোয়ার্টারে যাই।তখন আমার সাথে ২৪ রাইফেল ব্যাটালিয়ান এর বি কোম্পানীর সিপাহী শাহীন ছিল। কোয়ার্টায়ের সামনে জুডো খেলোয়ার সিপাহী আলতাফকে দাঁড়িয়ে থাকতে দেখি, আলতাফ বলে এখন থেকে না গেলে গুলি করে দেবে। ঐখান থেকে তখন দৌড়ে চলে আসি। সকাল তখন ১০টা বাজে। মসজিদের মাইকে শুনতে পাই যে, আপনারা অস্ত্র, গোলা বারুদ নেন। আমি ২৪ রাইফেল ব্যাটালিয়ান কোতে গিয়ে একটি রাইফেল নেই এবং ব্যাটালিয়ান মেসে চলে যাই। মেসে গিয়ে মেসের পাশে বসে থাকি। তখন রাইফেল আমার কাছেই ছিল।

**Place No-8: The road of the north side of the pond which is situated at the east side of the Darbar Hall.**

It is visible from the evidence of a prosecution witness and confessional statement of an accused that on 25.02.2009, when an uproar, disturbance and anarchy arose at the Darbar Hall while delivering speeches by the DG BDR on Dal-Vhat Programme and other issues, the BDR soldiers started leaving the

Darbar Hall. At that time, DG BDR asked all the BDR personnel to remain seated and he wanted to hear their problems. However, ignoring and violating the order of DG BDR, the BDR personnel went out of the Darbar Hall breaking open the glasses of the doors and the windows. During that moment, DG BDR directed all the commanders to control the troops going to their respective units. On getting order from DG BDR, Major Mohammed Mominul Islam Sarker, unit officer of 24 Rifle Battalion went out of the Darbar Hall and started for his own unit 24 Rifle Battalion. When he reached the road of the north side of the pond which is situated at the east side of the Darbar Hall, Sepoy Masum CS accused No.224, Lance Naik Ekram, Sepoy Polton Chakma, Sepoy Mukul and others being weaponed with arms came there running. At one stage Sepoy Masum CS accused No.224 opened burst-fires

on him from 25/30 yards away. In a moment, Major Mohammed Mominul Islam Sarker succumbed to the bullet injuries instantly.

The aforesaid fact of killing has been narrated by **PW-15 Sepoy Md. Fazlul Haque** who has stated in his evidence as follows:-

.....গত ২৫/২/০৯ তারিখ সকালে দরবারে যাওয়ার জন্য আমাকে নির্ধারন করলে আমি দরবারে যাই। DG মহোদয় দরবার শুরু করেন। দরবারে এই পর্যায়ে DG মহোদয় ডালভাত সম্পর্কে কিছু বক্তব্য রেখেছিলেন তখন হলের পিছনের দরজা দিয়ে ১৩ রাইফেল ব্যাটলিয়নের সিপাহী মাইন সশস্ত্র অবস্থায় Stage এ উঠে DG এর দিকে অস্ত্র তাক করে তার পিছে ৪৪ ব্যাটলিয়নের কাজল আলী দরবার হল প্রবেশ করেন। তখন DDG সহ অন্য অফিসার গন সিপাহী মাইনকে নিরস্ত্র করেন। সিপাহী কাজল দৌড়িয়ে গেট দিয়ে বের হয়ে যান। উপস্থিত একজন জাগো বলে চিৎকার করে। DAD, JCO ও সৈন্যগন তখন দাড়িয়ে যান। তখন DG সকলকে বলেন আপনারা বসুন আমি আপনাদের সব কথা শুনবো।

তখন দরবার হলের বাইরে গুলির শব্দ শোনা যায়। DAD, JCO/NCO ও সৈনিকরা দরবার হলের জানালা দরজা ভেঙ্গে বের হয়ে যায়। যেখানে সুযোগ পায়। DG তখন বলেন অধিনায়কগন আপনারা পরিস্থিতি নিয়ন্ত্রন করুন। সবাই ছুটাছুটি করে বের হতে থাকে আমি সেখানে কিছুক্ষন অপেক্ষা করি। পরিস্থিতি খারাপ দেখে আমিও দরবার হল থেকে বের হই। হলের পশ্চিম পাশে ফোয়ারার নিকট একটি Pickup দেখি। Pickup পেছনে কয়েকজন সৈনিক দরবার হলের দিকে অস্ত্র তাক করে আছে তাদের মধ্যে থেকে আমি সিপাহী রমজান ১৫ ব্যাটালিয়নকে চিনতে পারি। আমি তখন ২৪ ব্যাটালিয়নে আসতে থাকি। আমি যখন বাবর গ্রাউন্ডের উত্তর পশ্চিম কোনে সুলতান গ্রাউন্ডের মাঝামাঝি আসি আমাকে ২৪ ব্যাটালিয়নের সিপাহী মাসুম তার পিছনে ল্যান্স নায়ক একরামুল সিপাহী পলটন চাকমা, সিপাহী মুকুর আলমকে অস্ত্র সহ দৌড়িয়ে আসতে দেখে আমি ভয়ে দাড়াই। একই সময়ে ২৪ ব্যাটালিয়নের Unit Officer মেজর মমিনুল সরকারকে দরবার হলের পূর্বপার্শ্বে পুকুরের উত্তর পার্শ্বের রাস্তা দিয়ে আসতে দেখি। সিপাহী মাসুম মেজর মমিনকে দেখা মাত্র ২৫/৩০ গজ দূর হতে মেজর মমিনকে লক্ষ্য করে ব্রাশ ফায়ার করে। মুহূর্তের মধ্যে মেজর

মমিনকে মাটিতে পড়ে যেতে দেখি। আমি ২৪ ব্যাটালিয়নকে দৌড়িয়ে যাই এবং ৪র্থ তলায় সৈনিক লাইনে উঠে যাই।

At the time of killing of Major Mohammed Mominul Islam Sarker, Sepoy Al Masum was present there with SMG and ammunitions, which are evident from the confessional statement of **No. 68435 Sepoy Al Masum CS accused No.224**; the relevant portion of his confessional statement runs as follows:-

..... গত ২৫/২/০৯ তাং ৮.৪৫ টার দিকে দরবার হলে যাই। বসে থাকি। DG স্যার কথা বলছিলেন। ৯.১৫ টার দিকে দরবারহলের মধ্যে শব্দ হয় একটি। উহা গুলির শব্দ কিনা জানি না। একজন আঃ শব্দ করে। সবাই দাঁড়িয়ে পড়ে। সবাই হুড়োহুড়ি করে দরবার হল থেকে বের হই। আমিও দরজা দিয়ে বের হই।.....১০.৪৫ মিঃ এ কোতে যেয়ে দেখি কোত খোলা। বহু লোক অস্ত্র নিচ্ছে। আমিও SMG অস্ত্র ও গুলি নিই।.....সকালে পর দিন (২৬/২/০৯ তাং) সকাল ৬.৩০ টার দিকে কোতে এসে পূর্ব দিনের অস্ত্র নিই।



**Place No-9: Room of the Commanding Officer (CO) at the 1<sup>st</sup> floor of Sadar Rifle Battalion.**

It is palpable from the evidence of some prosecution witnesses and confessional statements of some accused that on 25.02.2009, BA-5558 Major Mostafa Asaduzzaman @ Asad, Ops Officer, 11 Rifle Battalion, Ramgarh, the then time attached with Pilkhana, BDR Headquarters was present at the Darbar Hall. Due to uncontrollable and haphazard situation at the Darbar Hall, Major Asad went out of the Darbar Hall and came near the garden in front of the office of Sadar Rifle Battalion. When Major Asad reached there, Havilder Tariqul addressed Major Asad as son of bitch and told the other BDR Rebels to catch hold of him. Then Sepoy Aminar Rahman and another BDR Rebel caught hold of Major Asad from both the sides. Opening belt from the waist, Havilder Tariqul

assaulted on the different parts of the body of Major Asad. Having thrashed, Major Asad shouted for help telling that he was being assaulted. At the time of beating, Major Asad cried out for help to save him and requested the BDR personnel to take him at the 1<sup>st</sup> floor. At that time PW 28 Sepoy Anwar Hossain who was present there took him to the office of Commanding Officer (CO) at the 1<sup>st</sup> floor of Sadar Rifle Battalion. After sometimes, DAD Touhid entered the office room of Commanding Officer (CO). Major Asad asked DAD Touhid as to what was being happened. In reply DAD Touhid told him, 'do you not understand?' After a while DAD Kadir appeared at the office room of the Commanding Officer (CO). Within a short time, both of them went out of the office room of Commanding Officer (CO). A few time later, a BDR rebel brought PW 454 Lieutenant Colonel

Jahanara, a doctor of BDR hospital at the office room of the Commanding officer (CO) of sadar Rifle Battalion at gunpoint. During that time, Havilder Belayet, Naik Asad and Naib Subedar Noor Nabi opened fires aiming at the office room of Commanding Officer (CO) as a result of which the glasses of the windows were broken down. In consequence thereof, Major Asad and PW 454 Lieutenant Colonel Jahanara hid themselves at the bathroom of the office of the Commanding officer (CO) out of fear of life shutting down the door from the inside. At that time PW 28 Sepoy Anwar Hossain concealed himself under the table of the Commanding officer (CO). After 10 to 15 minutes, DAD Towhid along with Havilder belayet, Naik Asad, Sepoy Aminar and three other BDR rebels being armed with weapons entered the office room of the Commanding

Officer (CO). In not seeing Major Asad in the office room, DAD Towhid went away therefrom directing other BDR rebels to break open the door of the bathroom. Then the aforesaid BDR rebels broke open the door of the bathroom and brought out PW 454 Lieutenant Colonel Jahanara and also brought out Major Asad therefrom pulling and dragging him. Having been assaulted by the BDR rebels, Major Asad sat on the chair remained there at. The armed BDR rebels brought out PW 454 Lieutenant Colonel Jahanara at the road from the room beating her repeatedly, compelled her to ride on the microbus and kept Major Asad in the corner of the room. Havildar Belayet, Naik Asad and Sepoy Aminor remained in the room. After sometimes, DAD Touhid entered the room of the Commanding Officer (CO) and looking at Major Asad directed the aforesaid BDR rebels to

finish him and then went away therefrom. Getting order from DAD Touhid, Havildar Belayet, Naik Asad and Sepoy Aminar killed Major Asad by opening fires on him and then went away therefrom. Concealing under the table of Commanding Officer (CO), PW 28 Sepoy Anwar Hossain witnessed the aforesaid fact of killing. PW 28 Sepoy Anwar Hossain sustained bullet injuries while he was there under the table of the Commanding Officer (CO).

As regards the aforesaid killing, **PW 28 Md. Anwar Hossain** has given vivid description in his evidence in the following manner:-

.....২৫-২-০৯ ১৭ ব্যাটালিয়নে প্রধান কার্যালয়ে সকাল ৮.৩০ মিঃ ছুটির প্রয়োজনে বাদক অফিসে আসি। পার্শ্বের রুম্মে ডিএডি তৌহীদ বসা ছিলেন। পরে তিনি বের হয়ে যান। আমি ছুটির আদেশের অপেক্ষা থাকি। অনুমান ৯.৩০ মিঃ দরবার হল এলাকায় গুলির শব্দ শুনতে পাই। সে সময় বিদ্রোহী সৈনিকরা সদর অফিসে আসে। আমি গেটের কাছে

আসলে দেখি বিদ্রোহী সৈনিকরা সদর অফিস অতিক্রম করে লাইন কোয়াটার এলাকায় যাইতেছে। তখন দরবার হল এলাকায় কিছু অস্ত্রধারী সৈনিকদের গুলি করতে দেখি। হাবিলদার তরিকুল সহ আরো ২/৩ জন সৈনিক কে মেজর আছাদকে মারতে দেখি। অনুমান ৯-৫০ মিঃ ডিএডি তৌহীদ এসে উত্তেজিতভাবে আদেশ দেয় তোমরা সকলে অস্ত্র আনো ও সেনা অফিসারদের খতম কর। ঐ সময় ব্যাটালিয়নের সামনে মার খেতে থাকা মেজর আছাদ বলেন আমাকে মারছে আমাকে বাচাও বলে সে সিড়ির কাছে পড়ে যান। আমি দ্রুত তার কাছে যাই তিনি বলেন আমাকে বাচাও ও দ্বোতলা নিয়ে চল। আমি তাকে ধরে দ্বোতলায় সি/ও সাহেবের রুমে নিয়ে যাই। ২/১ মিনিটের মধ্যে ডিএডি তৌহীদ সি/ও সাহেবের রুমে ঢুকেন। মেজর আছাদ জিজ্ঞাসা করেন কি হচ্ছে উত্তরে ডিএডি তৌহীদ বলেন আপনি বুঝেন না? তখন ডিএডি কাদির আসে ও ২ জন একত্রে বের হয়ে যায়। অনুমান ৪/৫ মিনিটের মধ্যে লেঃ কঃ জাহানারা উক্ত অধিনায়কের অফিসে আসেন। মেডাম হাফাচ্ছেন। ২/১ মিনিটের মধ্যে নায়ক সুবেদার নুরুল্লাহী বের থেকে গুলি মেরে চলে যায়। গুলি জানালার কাচ ভেঙ্গে পড়ায় মেজর আছাদ ও লেঃ কঃ জাহানারাকে অধিনায়কের রুমে ঢুকে ছিটকানী লাগিয়ে আত্মগোপন করেন। আমি অধিনায়কের

টেবিলের নীচ লুকিয়ে থাকি। অনুমান ১০/১৫ মিঃ পরে ডিএডি তৌহিদ ও সঙ্গী হাবিলদার বেলায়েত নায়েক আছাদ সিপাহী আমিনার রহমান শসস্ত্র অবস্থায় আরো ৩ জন সৈনিক সহ অধিনায়কের রক্ষ্মে আসেন। মেজর আছাদকে না পেয়ে বাথরক্ষ্মের দরজা ভাঙ্গার আদেশ দিয়ে ডিএডি তৌহিদ চলে যান। (আদালতের জিজ্ঞাসা)। তখন তারা বাথরক্ষ্মের দরজা ভেঙ্গে ফেলে মেজর আছাদ ও লেঃ কঃ জাহানারাকে বের করে। আসাদ স্যার চেয়ারে বসে পড়েন। অস্ত্রধারী সৈনিকরা লেঃ কঃ জাহানারাকে রক্ষ্ম থেকে বের করে নিয়ে যায়। হাবিলদার বেলায়েত নায়েক আছাদ সিপাহী আমিনার রক্ষ্মে থেকে যায়। একটু পরে ডিএডি তৌহিদ সি/ও এর রক্ষ্মে আসে মেজর আছাদকে দেখে তাদের finish বলে রক্ষ্ম থেকে চলে যান। সঙ্গে সঙ্গে হাবিলদার বেলায়েত নায়েক আছাদ সিপাহী আমিনার মেজর আছাদকে গুলি করে হত্যা করে চলে যায়। আমি অধিনায়কের টেবিলে লুকিয়ে থাকাবস্থা গুলি বিদ্ধ হই। আমার মাজায় ও পায়ে গুলি লাগে। আমি অধিনায়কের টেবিল থেকে বের হয়ে সিড়ির কাছে এসে অজ্ঞান হয়ে যাই।

**The evidence of P.W 28 Md. Anowar Hossain has been supported and corroborated by P.W 16 Md.**

**Ashifur Rahman Akash** who has stated in his evidence as under:-

আমি গত ২৫/০২/০৯ তারিখে আমি টেইলারিং শপে কাজে নিয়োজিত ছিলাম।.....অনুমান ৯-২৫ থেকে ৯-৩০ মিঃ দরবার হলের দিক থেকে ২/১ রাউন্ড গুলির শব্দ শুনি দরবার হল থেকে। তখন আমি দোকান থেকে বের হয়ে পশ্চিম পার্শ্বে বারান্দা দেখতে পাই বিডিআর এর লোকজন দরবার হলের দিক থেকে বের হয়ে চতুর্দিকে ছুটাছুটি করছে। ঐসময় সদর ব্যাটালিয়নে পূর্ব দক্ষিণ কোণে গ্যারেজের সামনে হাবিলদার তরিকুল, সিপাহী আমিনুর রহমান দাড়িয়ে ছিলেন। ঐসময় দরবার হল থেকে আসা মেজর আছাদ সদর ব্যাটালিয়নের অফিসের সামনে বাগানের কাছে আসলে হাবিলদার মেজর তরিকুল বলে ঐ এক কুত্তার বাচ্চা আসে ধর। সিপাহী আমিনুর রহমান ও আরও একজন অপরিচিত সৈনিক মেজর আছাদের দুই পাশে ২জন ধরে রাখে। হাবিলদার তরিকুল তার কোমরের বেল্ট খুলে মেজর আছাদের নাকে মুখে বুক পিঠে মারতে থাকে। মেজর আছাদ তাকে ধাক্কা মেরে সদর ব্যাটালিয়নের ২য় তলায় সি/ও সাহেবের অফিসে ঢুকে। সিপাহী আমিনুর পিছু পিছু যায়। ঐসময় হাবিলদার তরিকুল লাইনের নীচে যেতে থাকে ও চিৎকার করে বলতে থাকে কোন বিডিআর



এর লোক খালি হাতে থাকেবে না সবাই অস্ত্র নিয়ে দরবার হলে যাবে ও আর্মি অফিসার দেখামাত্র গুলি করবে মর্মে নির্দেশ দেয়। এর কিছুক্ষণ পরে হাসপাতালের লেঃ কর্ণেল জাহানারা ম্যাডামকে একজন সৈনিক অস্ত্র তাক করে সদর ব্যাটালিয়নে ২য় তলা সি/ও সাহেবের অফিসে নিয়ে যায়। ঐসময় হাবিলদার বেলায়েতের হাতে এসএমজি, নায়েক আছাদের হাতে রাইফেল নিতে দেখি। তারা সি/ও সাহেবের অফিস লক্ষ্য করে গুলি করে। হাবিলদার বেলায়েত বলে মেজর আছাদের বাচ্চাকে বের কর। কুত্তার বাচ্চাকে মার শালা যেন কোনভাবে বাচতে না পারে। তথা নায়েক আছাদকে হাবিলদার বেলায়েত বলে চল শালাকে মারবো এই বলে তারা সদর ব্যাটালিয়নে ঢুকে। কিছুক্ষণ পরে ৪/৫ জন সৈনিক লেঃ কর্ণেল জাহানারাকে মারধোর করতে করতে নীচে নামিয়ে রাস্তাডুয় আনলে একটি এ্যাম্বুলেন্সে উঠিয়ে দেয়। পরে হাবিলদার বেলায়েত, নায়েক আছাদ, সিপাহী আমিনুর রহমান অস্ত্র নিয়ে সি/ও সাহেবের অফিসে ঢুকলে প্রচণ্ড গুলির শব্দ শুনতে পাই। আমি তখন আমার কর্মচারীদের নিয়ে টেইলারিং শপের চৌকির নীচে অবস্থান করি।

The evidence of P.W 28 Md. Anowar Hossain has been partly supported and corroborated by P.W

**454 Lieutenant Colonel Jahan Ara Begum** who has stated in his evidence as under:-

.....২৫/২/০৯ তারিখে সকাল ৮.৩০ টায় দরবার হলে যাই। ৯ টায় দরবার শুরু হয়। তার বক্তব্যের এক পর্যায়ে ৯ ১/২ টায় একজন বিদ্রোহী সৈনিক ডিজিকে অস্ত্র তাক করে তখন হৈ চৈ শুরু হয়। অনেকেই দৌড়াদৌড়ি করে। আমি ভয়ে দরবার হল ত্যাগ করি। মাঠের মধ্যে দিয়ে যেতে থাকি গুলির শব্দে ভয় পেয়ে শুয়ে পড়ি। একজন সৈনিক আমাকে অস্ত্র তাক করে জোর পূর্বক সদর ব্যাটালিয়নের দোতালায় আটকিয়ে রাখে। ঐ কক্ষে মেজর আছাদকে দেখতে পাই। তার গায়ে Uniform ছিল না। একটি গুলি এসে জানালার কাচে লাগে। আমি ও মেজর আছাদ ভয়ে বাথরুমে ঢুকে ছিটকিনি লাগিয়ে বসে থাকি। অনুমান ১০ টায় একজন বিদ্রোহী সৈনিক এসে বাথরুমে দরজা ভেঙ্গে আমাদের টেনে হিছড়ে বের করে মেজর আছাদকে মারপিট করতে থাকে। মেজর আছাদ চেয়ারে বসে পড়েন। মেজর আছাদকে রুমের ভিতরে কর্নারে নিয়ে যায় ও আমাকে বের করে আনে। কয়েকজন সৈনিক আমাকে নিচে নামিয়ে আনে। তারা আমাকে আর.পি দেব রুমে নিয়ে যায়। ..... রাতে জানতে পারি বিদ্রোহীরা অনেক সেনা অফিসারকে হত্যা করেছে। গভীর রাতে

হাসপাতালে গাড়ীর ও লাশ ফেলার শব্দ পাই। আন্দাজ করি মরচুয়ারীতে লাশ রাখা হচ্ছে।

**Place No-10: In front of the teachers quarters.**

On 25.02.2009 at around 9:30 am while DG BDR was speaking about Dal-Vat program, a tumultuous, stormy and convulsive situation was arisen at the Darbar Hall. At one stage, DG BDR directed all the Commanders to control the troops of their respective units. Following the order of DG BDR, many officers went out of the Darbar Hall to comply with the order of DG BDR. The DG and many officers remained in the Darbar Hall. Looting the arms and ammunitions from the Kote and Magazine, the BDR rebels taking arms and ammunitions started opening fires violently aiming at the Darbar Hall. The armed BDR rebels encircled the Darbar Hall and at one stage entered the Darbar Hall opening intermittent firings. The BDR

rebels brought out DG and other officers from the Darbar Hall in several groups at gunpoint and eventually killed the DG and other officers by opening burst-fires and fires on them in and outside the darbar Hall in a barbarous and inhuman manner. Apart from aforesaid killing, many other officers were also killed by the BDR rebels in different places in and around the Darbar Hall. In view of the above situation, the army officers who were in the outside of the Darbar Hall were looking for shelter. The BDR rebels by making announcement through mikes, megaphones and by shouting ordered the other BDR rebels to kill the army officers finding and bringing them from different places and hideouts. The BDR rebels then started killing the army officers in different places as soon as the officers were found and seen. On that day at around 12:15 pm, one army officer was being

dragged by three BDR rebels along the road in front of the teachers quarter. At that time three BDR rebels namely Sepoy Saiful of 22 Rifle Battalion, the then time attached with 44 Rifle Battlion, Sepoy Jashim of 44 Rifle Battalion and Sepoy Jashim of Mymensing Sector, were in the roof at the 1<sup>st</sup> floor of the teachers quarter in order to take defence. At that time Sepoy Jashim of Mymensing Sector was with LMG along with pouch of bullets while Sepoy Jashim of 44 Rifle Battalion was with Rifle. When the aforesaid three BDR rebels from the roof were watching the scenario of dragging of an army officer, Sepoy Jashim of 44 Mymensing Sector came down from the roof and ordered the three BDR rebels to shoot the army officer but they declined to do the same. On such situation, Sepoy Jashim of 44 Mymensing Sector killed the said officer by opening burst-fires by the LMG on him.

The aforesaid fact of killing is evident from the confessional statement of No 75336 Sepoy Md. Saiful Islam CS accused No 61 of 22 Rifle Battalion, the then time attached with 44 Rifle Battalion; the relevant portion of his confessional statements runs as follows:-

.....২৫/২/০৯ ইংরেজী ভোরে উঠে নামাজ পড়ে আমি আবার ঘুমিয়ে যাই। সকাল ৯.১০/৯.২০ মিনিটের সময় গুলির শব্দ শুনে ঘুম ভেঙে যায়। .....নীচে নামার পর ৪৪ রাইফেল ব্যাটেলিয়নের সিপাহী জসীম আমাকে একটি রাইফেল দেয়। ঐ রাইফেল নিয়ে আমি দরবার হলের পাশে জেসিও কোয়ার্টারের সামনে চলে যাই। ঐ খানে গিয়ে আমি ৪৪ ব্যাটালিয়নের সিপাহী কামালকে ফায়ার করতে দেখি। সে দরবার হলের দিকে ফায়ার করছিল। আমার রাইফেলে গুলি না থাকায় কামালকে জিজ্ঞাসা করি যে, গুলি কোথায় পাব ? কামাল একটি রিক্সা দেখিয়ে রিক্সা থেকে গুলি নিতে বলে। আমি রিক্সা থেকে ২০ রাউন্ড গুলি নিই। আমি দরবার হলের দিকে ১০(দশ) রাউন্ড ফাঁকা গুলি করি।.....অনুমান ১১.০০ টার দিকে আমি দরবার হল থেকে বের

হয়ে শিক্ষকদের কোয়ার্টারের সামনে যাই। কোন অফিসার লুকিয়ে আছে কিনা দেখার জন্য অধ্যক্ষের বাসায় ঢুকি। আমি বাসায় ঢোকান পর একটি রুমে তিনটি বাচ্চাকে খাটের নীচে লুকিয়ে থাকতে দেখি। তাদেরকে জিজ্ঞেস করলে বাবা ও মা বাহিরে আছে বলে জানায়। আমি রুমে থাকাবস্থায় ৪৪ ব্যাটালিয়নের সিপাহী জসীম এবং ময়মনসিংহ সিপাহী জসীম রুমে ঢুকে। ময়মনসিংহ সেক্টরের জসীমের হাতে এল,এম,জি, এবং শরীরে গুলির ফিতা ছিল। ৪৪ ব্যাটালিয়নের জসীমের হাতে রাইফেল ছিল। আমরা তিন জন ডিফেন্স নেয়ার জন্য দোতলার ছাদে উঠি। অনুমান ১২.১৫ টার সময় ছাদ থেকে দেখি তিনজন বিডিআর সিপাহী একজন আর্মি অফিসারকে টেনে নিয়ে যাচ্ছে। ময়মনসিংহ সেক্টরের জসীম নীচে নেমে ঐ তিনজন সিপাহীকে আর্মি অফিসারকে গুলি করতে বলে, তারা গুলি করতে রাজী না হওয়ায় জসীম নিজেই এল, এম, জি, দিয়ে ব্রাশ ফায়ার করে ঐ অফিসারটিকে হত্যা করে। তারপর সে আবার ছাদে চলে আসে। দুপুর বেলায় আমরা ঐ বাসাতেই খাওয়া দাওয়া করি।

**Place No-11: At the water pump house situated at the north side of the Darbar Hall crossing the nearby field.**

It appears from the evidence of a witness and confessional statements of accused that following the occurrence at the Darbar Hall happened on 25.02.2009 in the morning, the BDR rebels after killing DG BDR and other army officers in and around the Darbar Hall started looking for the other army officers in different places and hideouts of the Pilkahana. The hundreds of BDR rebels taking arms and ammunition opened fires in different direction creating alarming, dreadful, frightening and horrifying situation in the Pilkhana and started looking for the army officers at the residences and different places of pilkhana for killing them. Being perplexed and stunned at the sudden occurrence at the Pilkhana, the army officers in the



face of critical and dangerous situation and in order to save their lives from the clutches of death took shelter in different places of Pilkhana. At that juncture, three army officers in a bid to save their lives took shelter at the water pump house situated at the north side of the Darbar Hall crossing the nearby field and concealed themselves therein. PW 36 Cook Md. Amanuddin of 13 Rifle Battalion, the then time attached with Records Wing also took shelter at the water pump house with the aforesaid three army officers. After a while, No 51148 Lance Naik Hamidul of 44 Rifle Battalion, No 77867 Sepoy Anisur of 44 Rifle Battalion, No 58589 Sepoy Baki Billah of 13 Rifle Battalion and 5/6 armed BDR rebels entered the water pump house and brought them out therefrom at gunpoint. PW 36 Cook Md. Amanuddin of 13 Rifle Battalion, the then time attached with Records Wing

introduced himself as a cook. The BDR rebels told him as to why he was there. Within a short span of time, No 51148 Lance Naik Hamidul of 44 Rifle Battalion, No 77867 Sepoy Anisur of 44 Rifle Battalion, No 58589 Sepoy Baki Billah of 13 Rifle Battalion killed the aforesaid army officers opening fires on them as a result of which the aforesaid three army officers fell down on the ground receiving bullet injuries. However at that time, PW 36 Cook Md. Amanuddin of 13 Rifle Battalion, the then time attached with Records Wing was not killed by the BDR rebels as he was not army officer.

The aforesaid fact of killing has been described by **PW 36 Cook Md. Amanuddin of 13 Rifle Battalion**, the then time attached with Records Wing, who has stated in his evidence among others as under:-

.....লেঃ কর্ণেল খবির সাহেবের বাসায় পাচক হিসাবে কর্মরত ছিলাম। ২৫-২-০৯ তারিখে সকাল ৭ টায় খবির সাহেবের বাসায় গিয়ে নাস্তা তৈরী করি। অনুমান ৯-২৫ মিঃ দরবার হলের দিকে গুলির শব্দ শুনতে পাই লেঃ কঃ খবির সাহেব পিলখানার বাইরে ছিলেন। এক পর্যায়ে গুলির শব্দ বেড়ে গেলে আমরা বাসার দরজা বন্ধ করে দেই। সকাল ১০-৪৫ মিঃ সাহেবের স্ত্রী পিলখানার অবস্থা জানার জন্য ভিতরে খুড়িয়ে দেখতে বলেন। আমি তার কথামত বাসা থেকে বের হয়ে পশ্চিম দিকে আসতে থাকি। রাইপকাস এর দক্ষিণ পশ্চিমে পানির পাম্পের কাছে আসলে দরবার হলের দিক থেকে গুলি আসতে দেখি। আমি পানির পাম্প ঢুকে পড়ি। সেখান থেকে দেখি ৩ জন সেনা অফিসার লুকিয়ে আছে। ৩/৪ মিনিট পর ৪৪ ব্যাটালিয়নের ৫১১৪৮ ল্যান্স নায়েক হামিদুল ৪৪ ব্যাটালিয়নের ৭৭৮৬৭ সিপাহী আনিছুর ১৩ ব্যাটালিয়নের ৫৮৫৮৯ সিপাহী বাকী বিলগাহ সহ আরও ৫/৬ জন সশস্ত্র বিদ্রোহী বিডিআর সদস্য পানির পাম্প আসে। তাহারা আমাদের পানির পাম্প থেকে বের করে অস্ত্র তাক করে গুলি করে মারার জন্য। আমি পাচক বলায় একজন ধাক্কা দিয়ে বলে কি করিস। এর মধ্যে ল্যান্স নায়েক হামিদুল সিপাহী আনিছুর রহমান,

সিপাহী বাকী বিলুতাহ ৩ জন অফিসারকে গুলি করলে তারা মাটিতে পড়ে যায়। আমি ভয়ে দৌড়িয়ে অফিসারের বাসায় চলে আসি।

The aforesaid fact of killing has also been disclosed in the confessional statement of **Sepoy Shahadat Hossain CS accused No 191** who has stated in his confessional statement as under:-

.....২৫/০২/০৯ তারিখ ভোর অনুমান পাঁচটার সময় ঘুম থেকে উঠি। ফজরের নামাজ পড়ে অনুমান সাতটার সময় হাসপাতাল গ্রাউন্ডে ফল ইন হই। .....অনুমান বিকাল চারটার সময় এটিটি কোর্স করতে আসা হাবিলদার বাসার আমাদের রুমে এসে ৭/৮ জনকে প্র্যাক্টিস ডিউটি করার জন্য তৈরী হতে বলে। গুলির শব্দে আমরা কেউ না উঠলে সে বলে যে, নায়েব সুবেদার তোরাব আলী, ফোর্স জেসিও আমাদের যেতে বলেছে। তখন আমরা এদিক সেদিক ছোট্টা ছুটি করে পালানোর চেষ্টা করি। আমি টয়লেটে ঘুমানোর চেষ্টা করলে সে বলে পালিয়ে বাঁচতে পারবানা। সে আমাকে সহ সিপাহী ৮০২৫১ শাহজালাল, সিপাহী ৭৯৯৭৫ রেজাউল ইসলাম, সিপাহী সোহেল রানা, সিপাহী ৮০৫৩৩ মোঃ রবিউল ইসলাম, সিপাহী রাজিব ৮০০২৫ থৈ অং মার্মাদেরকে নীচে নামায় ও ফল ইন করায়। আমাদেরকে

৩৬ রাইফেল ব্যাটালিয়ানের গ্রাউন্ড দিয়ে দরবার হলে নিয়ে যায়। তখন  
 নায়ক মোক্তার ও হাবিলদার বাশার এসে যোগ দেয়। সেখানে অনুমান  
 ২০/৩০ জন অস্ত্রধারী পোষাক পরিহিত বিডিআর সদস্যদের দেখতে পাই।  
 কয়েকজন বিডিআর সদস্যকে পতাকা দিয়ে মুখ বাধা অবস্থায় দেখি।  
 সেখানে উপস্থিত আমার কোর্সের ট্রেনিং জেসিও নায়েব সুবেদার তোরাব  
 আলী নায়ক মোক্তার বিডিআর হাসপাতালের লোকদের দেখি। দরবার  
 হলের ভিতর ফ্লোরে চারটি লাশ দেখি। তারা বিডিআর এর পোষাক পড়া  
 ছিল। নায়েব সুবেদার তোরাব আলী সহ অন্যান্য অস্ত্রধারীরা অস্ত্রের মুখে ভয়  
 দেখিয়ে লাশ গুলি গাড়ীতে তুলতে বলে। বিডিআর এর একটি বড় ট্রাক  
 দরবার হলের সামনে দাড়ানো ছিল। আমরা লাশ তুলতে না চাইলে তারা  
 আমাদেরকে গুলি করতে উদ্বৃত্ত হয়। আমরা সকলে মিলে লাশ গুলি ট্রাকে  
 উঠিয়ে দিই। পরবর্তীতে নায়েব সুবেদার তোরাব আলী, হাবিদলদার বাসার,  
 নায়ক মোক্তার ও অস্ত্রধারী ৮/১০ জন মিলে আমাদেরকে দরবার হলের  
 কিছু পুকুর পাড়ে নিয়ে যায়। সেখানে কালো পোষাক পড়া একজনের লাশ  
 দেখতে পাই। তাদের নির্দেশে আমরা উক্ত লাশটি ঐ ট্রাকে উঠিয়ে দিই।  
 তারপর তারা আমাদেরকে দরবার হল হতে উত্তর দিকের মাঠ পার হয়ে  
 পানি পাম্পের নিকট নিয়ে যায়। সেখানে পাম্পের ঘরের ভিতর ফ্লোরে

বিডিআর এর পোষাক পড়া গুলিবিদ্ধ রক্তমাখা অবস্থায় তিনজনের লাশ দেখতে পাই। তাদের নির্দেশে সেখানে রাস্তার উপরে দাড়ানো একটি পিক আপ ভ্যানে উক্ত লাশ তিনটি সবাই মিলে উঠিয়ে দিই।

The aforesaid fact of killing has also been disclosed in the confessional statement of **JCO/4887 Naib Subedar Medical Assistant Torab Ali CS accused No 181** who has stated in his confessional statement as under:-

.....আমাকে ধরে নিয়ে Pickup গাড়িতে বসালো। গাড়ির সাথে হাবিলদার হুমায়ুন ছিল। সে তখন বলে আরো লোক লাগবে। আলাউদ্দিন তখন আবার নায়েক সুবেদার মনোঞ্জনকে ধরে নিয়ে আসে। আমাদেরকে নিয়ে ৫নং গেট ও দরবার হলের মাঝের জায়গায় নামিয়ে দিয়ে বলে পড়ে থাকা লাশগুলো গাড়িতে উঠাতে। ওখানে ৩টন ট্রাক দেখতে পাই। ওখানে তখন নায়েক সুবেদার মেডিক্যাল সহকারী ওলিউর রহমান আসে। সে এসে আলাউদ্দিন ও হুমায়ুনকে বলে এই বুড়োদেরকে কেন এনেছে, এরা কি লাশ উঠাতে পারবে। হাবিলদার হুমায়ুন তখন অস্ত্রধারী কিছু সৈনিককে ডেকে আনল এবং তাদেরকে লাশ উঠাতে বলল।

আলাউদ্দিন আমাকে ফেনং গেটে নিয়ে যায় টেলিফোন করানোর জন্য। আমি MI রুমে টেলিফোন করলে হাবিলদার হাশেম সরোয়ার টেলিফোন ধরলে আমি তাকে লাশ উঠানোর জন্য লোক পাঠাতে বলি। তখন বেলা ২টা বাজে। ফিরে এসে দেখি ট্রাকে ৩টা লাশ ওঠানো হয়েছে। হলের সামনে DG ও DDG মহোদয় এর লাশ পড়ে থাকতে দেখি। ঐ দুইটা লাশও তারা ওঠায়। আমি আবার টেলিফোন করি। ৩.০০টার সময় হাসপাতাল থেকে হাবিলদার আবুল বাশার ২জন সৈনিক সহ আসে। দরবার হলের মধ্যেও অনেক লাশ ছিল। আমি আবার ফোন করলে নায়েক মোক্তার ফোন ধরে। তাকে আমি আরো লোক পাঠাতে বলি। মোক্তার ৪টার দিকে নায়েক আসাদসহ ৪/৫ জন সৈনিক নিয়ে আসে। এই সব সৈনিক দিয়ে তারা ট্রাকে লাশ ওঠালো। প্রায় ৩৭-টি লাশ ২ ট্রাকে ওঠানো হলো। লাশ ওঠানো শেষ হতে প্রায় ৫টা বেজে যায়। আমাদেরকে হুমায়ুন তখন উত্তর পাশের পানির ট্যাংকের সাথের ফাঁকা ঘরে যেতে বলে। সেখানে গিয়ে দেখি ৩টা লাশ। সন্ধ্যার দিকে হাবিলদার হুমায়ুন Pickup গাড়ি নিয়ে আসলে আমার লোকজন লাশ উঠিয়ে দেয়।

The aforesaid fact of killing has also been disclosed in the confessional statement of No. 34227

**Havildar Medical Assistant Md. Abul Bashar CS**  
**accused No 178** who has stated in his confessional  
 statement as under:-

.....২৫/০২/২০০৯ তারিখ দুপুর সাড়ে তিনটার সময় আমি  
 এম আই রুমে ছিলাম। রুমে টেলিফোন বেজে উঠল আমি রিসিভ করি।  
 অপর প্রান্ত থেকে নায়েক সুবেদার মেডিক্যাল সহকারী তোরাব আলী  
 আমাকে ১০জন বিটিসি সৈনিক সহ দরবার হলে দ্রুত যাওয়ার জন্য আদেশ  
 করেন। আমি এম আই রুমে কেউ নাই বললে তিনি আমাকে টেলিফোনে  
 বলেন রাখেন আপনার এম আই রুম বেশী চালাকি করবেনা দ্রুত কাজ কর।  
 আমি তখন হাসপাতাল সৈনিক লাইনে যাই এবং নায়েক সুবেদার তোরাব  
 আলীর কথা মতো (১) সিপাহী রাজিব মিয়া (২) সিপাহী রেজাউল (৩)  
 সিপাহী মোঃ শাহাদাত (৪) সিপাহী রবিউল আলম (৫) সিপাহী শাহজালাল  
 (৬) সিপাহী থৈ অং মারমা (৭) সিপাহী সোহেল রানা সহ ৭ (সাত) জন  
 সহকারে আমি পোষাক পরিহিত অবস্থায় বিকাল পৌনে পাঁচটার দিকে  
 দরবার হলে যাই এবং নায়েক সুবেদার তোরাব আলীর নিকট রিপোর্ট করি।  
 দরবার হলের ভিতর তখন দেখতে পাই সব কিছু ভাঙ্গাচুরা এবং প্রচুর রক্ত  
 এখানে সেখানে ছড়িয়ে আছে, ৪/৫টি মৃতদেহ ফ্লোরে পরে থাকতে দেখি।



মৃত দেহগুলির মধ্যে আমার কমান্ডেন্ট কর্নেল মশিউর রহমানের মৃতদেহ ছিল। অন্যান্য অফিসারের মৃতদেহ চিনতে পারি নাই। নায়েক সুবেদার তোরাব আলী আমাকে লাশগুলি ট্রাকে তুলে দিতে বলে এবং এরই মধ্যে ১টা ৩ টনি ট্রাক দরবার হলের সামনে চলে আসে। নির্দেশ মোতাবেক আমিও আমার সাথে থাকা সাতজন সিপাহী ৪টি আর্মি অফিসারের লাশ ট্রাকে তুলে দেই। দরবার হলে থাকা অন্যান্য অস্ত্রধারী জওয়ানরা আমাদেরকে দরবার হলের পিছনের মাজারের পুকুরের পাড়ে নিয়ে যায়। সেখানে তাবুর সামনে র্যাবের পোষাক পরিহিত অবস্থায় মেজর র্যাংকের অফিসারের মৃত দেহ দেখতে পাই। সেখানে মেডিক্যাল সহকারী নায়েক মোক্তারকে লাশের পাশে দেখতে পাই। আমরা লাশ ট্রাক তুলি এবং লাশগুলি নিয়া ট্রাক দরবার হলের পূর্বদিকে চলে যায়। পরে মুখোশ এবং হেলমেট পরিহিত সশস্ত্র অবস্থায় থাকা ৪জন বিডিআর জওয়ান আমাদেরকে পানির পাম্পের নিকট নিয়ে যায়। পানির পাম্প দরবার হল থেকে ২০০ গজ উত্তর দিকে হবে। আমাদের সাথে মেডিক্যাল সহকারী নায়েক সুবেদার তোরাব আলীও ছিল। সেখানে সুবেদার মনোরঞ্জনকে দেখতে পাই এবং আমরা যখন দরবার হল থেকে লাশ ট্রাকে তুলে দেই তখনও মনোরঞ্জনকে সেখানে দাঁড়ানো অবস্থায় দেখতে পাই। অনুমান সন্ধ্যা ৬টার দিকে পাম্পের

নিকট গিয়া দেখতে পাই যে, পাম্পের বাইরে ২টি এবং পাম্পের ভিতরে ২টি মোট-৪টি আর্মি অফিসারের লাশ পড়ে আছে। একটু পরেই সুবেদার মেডিক্যাল সহকারী অলি বিডিআর হাসপাতালের সাদা রংয়ের এম্বুলেন্স নিয়ে পানির পাম্পের নিকট আসে এবং সে নায়ক সুবেদার তোরাব আলীর সাথে কথা বলে চলে যায়। একটু পরেই ১টি খালি পিকআপ নিয়ে হাবিলদার হুমায়ুন পানির পাম্পের নিকট আসে। হাবিলদার হুমায়ুন রাজামাটি সেক্টর থেকে সিসি নিয়ে স্ত্রীকে চিকিৎসার জন্য হাসপাতালে আসে এবং হাসপাতালে তার সাথে আমার পরিচয় হয়। ঐ পিকআপ গাড়ীতে আমরা ৪টি মৃতদেহ তুলে দেই। হাবিলদার হুমায়ুন এবং পিকআপ চালক লাশগুলো নিয়ে সদর রাইফেল ব্যাটালিয়ানের সামনে দিয়ে যায়।

**Place No-12: Shaheed Fazlul Haque English Medium School area.**

It appears from the confessional statement of an accused that on 25.02.2009, when the Darbar of DG BDR at the Darbar Hall was going on, the BDR soldiers following the criminal conspiracy, after looting the arms and ammunitions breaking open the

Kote and Magazine, carried out attack on the unarmed and innocent army officers at the Darbar Hall, Darbar Hall area and at different places of pilkhana. Out of that situation, an army officer was coming towards the under construction Sheed Fazlul Haque English Medium School running. At that time two BDR rebels opened fires on him from a short distance. As a result, that army officer succumbed to the bullet injuries instantly.

The aforesaid fact of killing has been described in the confessional statement of CS accused No 10 No-77224 Sepoy Md. Sazzad Hossain who has stated in his confessional statement among others as follows:-

.....গত ২৫.০২.০৯ ইং তারিখ সকাল আনুমানিক ৭.৩০ টায় দরবার প্যারেডে যাওয়ার জন্য আমি প্রস্তুতি নিচ্ছিলাম। তখন ১৩, রাইফেল ব্যাটেলিয়ানের একাউন্ট ক্লার্ক সিপাহী মইন এসে আমাকে বলে তোমার দরবারে যেতে হবে না; তোমার ওয়াকিং আছে। সে আমাকে ২৪

ব্যাটেলিয়ানের বাস্কেট বল গ্রাউন্ডে সকাল ৯.০০ টায় যেতে বলে। আমি  
 তার কথা মতো সেখানে যাই। ১/২ মিনিট পর ৪৪ ব্যাটেলিয়ানের সিপাহী  
 সেলিম সহ ১০/১২ সিপাহী সেখানে আসে। একজন আমাকে জিজ্ঞেস করে  
 এই ছেলে এখানে তুমি কি কর। আমি বলি আমি ওয়ার্কিং এ এসেছি।  
 মইন ভাই আমাকে আসতে বলেছে। তখন ঐ লোকটি আমাকে বলে ও  
 মইন তোমাকে আসতে বলেছে তাহলে ঠিক আছে। তুমি আমাদের সাথে  
 আস। আমি ওদের সাথে সকাল আনুমানিক ৯.১৫ টার দিকে একযোগে  
 সেন্ট্রাল কোতে যাই। তখন মেজর সিরাজ স্যার দরজায় এসে জিজ্ঞেস করে  
 এ বাবা তোমরা কারা। স্যার এই কথা বলতেই সিপাহী সেলিম সহ আরো  
 ২ জন স্যারের মুখ চেপে ধরে। তাকে বেধে ফেলে। স্যারকে তার ডিউটি  
 রুমে আটকে রাখে। বাইরে থেকে তালা লাগিয়ে দেয়। তখন রিয়াজ  
 স্যারের মোবাইল ফোনটি সিপাহী সেলিম কেড়ে নিয়ে আমার কাছে দেয়।  
 আমি তা নিজের কাছে রেখে দেই। তারপর আমি সহ সবাই কোতে যাই।  
 ১০/১২ জনের মধ্যে কেউ কেউ কোতের তালা ভেঙ্গে ফেলে। আমরা সবাই  
 কোত থেকে অস্ত্র নেই। আমি একটি এস, এম, জি নেই। পাশেই  
 ম্যাগাজিন থেকে গুলি লোড করি। তারপর দরবার হলের পাশে সুলতান  
 গ্রাউন্ডে চলে যাই। আমি ফাকা ফায়ার করি। তারপর পিলখানার ভিতরে

নির্মানাধীন শহীদ ফজলুল হক ইংলিশ মিডিয়াম স্কুলের দিকে যাই। দেখি যে একটি পিক আপ গাড়ী থেকে দরবার হলের দিকে গুলি ছুড়ছে। একজন আর্মি অফিসার দৌড়িয়ে আমাদের দিকে আসতে ছিল। আমার সাথে যে ২ জন ছিল তারা স্যারকে গুলি করে। আমাকেও গুলি করতে বলে। আমার সাথে যে ২ জন ছিল তাদের ১ জনকে চিনি। নাম সিপাহী শাহাদত। সে টাট্টু শো করার জন্য এসেছিল এবং ১৩, ব্যাটালিয়ানে সংযুক্ত ছিল। আমার সাথে থাকা ২ জনের কথামতো আমিও গুলি করি। আমাদের গুলিতে ঐ আর্মি অফিসার মারা যায়। তারপর আমরা ১৩, রাইফেল ব্যাটেলিয়ানের গ্রাউন্ডে চলে যাই।

**Place No-13 : Near the coconut tree situated at the western side of the dining hall adjacent to cook house behind the soldiers line of 44 Rifle Battalion.**

It appears from the evidence of a prosecution witness that on 25.02.2009, at around 9:45 a.m to 10:00 a.m, Sepoy Hashibul Hasan of 44 Battalion was pulling an officer by holding color of his uniform and brought him up to the canteen of Sadar Rifle Battalion.

During that time, Naik Shahajahan orchestra of Sadar Rifle Battalion with SMG came to the officer at that place, exchanged filthy languages and ordered the BDR rebels to kill the officer. Under the leadership of Naik Shahajahan, the BDR rebels caught and dragged the officer and tied his hands and legs to a coconut tree situated at the western side of the dining hall adjacent to cook house behind the soldiers line. Under the leadership of Naik Shahjahan, the BDR rebels started assaulting the officer repeatedly. Naik Shahjahan had a SMG with him while long sticks were also found at the hands of BDR rebels. After a while, under the leadership of Naik Shahjahan, the BDR rebels killed the said army officer by opening fires on him. The dead body of the aforesaid army officer was found lying therein till evening.

The aforesaid fact of killing has been described by **PW 68 MLSS Md. Razibul Islam** who has stated in his evidence as under:-

.....২৫-২-০৯ সকাল ৯ টা ৩০ মিঃ দরবার হলে গুলি হওয়ার পর চীৎকার শুনে আমি ক্যান্টিনের দরজা বন্ধ করে দেই। সকাল ৯-৪৫ থেকে ১০ টা র সময় ক্যান্টিনের জানালা দিয়া তাকিয়ে দেখি ৪৪ ব্যাটালিয়নের সৈনিক সিপাহী হাছিবুল হাসান একজন অফিসারকে পিছন দিক থেকে Uniform এর কলার ধরে টানতে টানতে ক্যান্টিন পর্যন্ত নিয়ে আসে। ঐ সময় আগে ব্যাটালিয়নের অকেষ্টা নায়েক শাহজাহান একটি SMG সহ ঘটনাস্থলে আসে। সে অফিসারের নিকট এসে গালাগালি করে সৈনিকদেরকে নির্দেশ দেয় অফিসারকে মেরে ফেলতে। নায়েক শাহজাহানের নেতৃত্বে উপস্থিত সৈনিকরা অফিসারকে টেনে হিচড়ে লাইনের পিছনে কোক হাউজ সংলগ্ন ডাইনিং এর পশ্চিম পার্শ্ব নারকেল গাছের সঙ্গে হাত পা টানা দিয়ে বাধে। অফিসারকে মারতে থাকে শাহজাহানের নেতৃত্বে সৈনিকরা। শাহজাহানের কাছে SMG ছিল। অন্য সৈনিকদের হাতে বড় লাটি ছিল। কিছুক্ষন পর ঐ স্থানে গুলির শব্দ শুনি। কিছুক্ষন পর দেখি স্যারের (অফিসারের) লাশ পরে আছে। কিছুক্ষন পরে

সকলের হাতে অস্ত্র দেখি। কেউ কেউ ক্যান্টিনে খাবার নিতে এসেছিল।

সন্ধ্যার আগ পর্যন্ত অফিসারের লাশ ঐ খানে পড়ে ছিল।

**Place No-14: On the bank of pond behind the Darbar Hall.**

It appears from the evidence of prosecution witnesses that on 25.02.2009, from the time of occurrence, the BDR rebels following their criminal conspiracy killed the army officers in a cruel and brute manner in and around the Darbar Hall and in different places of the Pilkhana. After killing the army officers in different places of Pilkhana, the BDR rebels in order to conceal the dead body of the officers removed the dead bodies from the place of killings under the leadership of Naib Subedar Torab Ali, Havildar Bashar and Naik Mokter. It appears from the confessional statements of accused that a dead body of an army officer wearing black uniform was found at



the bank of a pond situated behind the Darbar Hall. Thereafter, under the leadership of Naib Subedar Torab Ali, Havildar Bashar, Naik Mokter and others, the BDR rebels namely Sepoy Shahadat Hossain, Sepoy Shahjalal, Sepoy Rezaul Islam, Sepoy Sohel Rana, Sepoy Md. Rabiul Islam, Sepoy Razib, Sepoy Thoyang Marma removed the dead body lifting the same on the truck.

The story of killing the army officer and removal of the same from the bank of a pond is apparent from the confessional statement of **No.80208 Sepoy Shahadat Hossain CS accused No.191**; the relevant portion of his confessional statement runs as follows:-

.....২৫/০২/০৯ তারিখ ভোর অনুমান পাঁচটার সময় ঘুম থেকে উঠি। ফজরের নামাজ পড়ে অনুমান সাতটার সময় হাসপাতাল গ্রাউন্ডে ফল ইন হই।.....অনুমান বিকাল চারটার সময় এটিটি কোর্স করতে আসা হাবিলদার বাসার আমাদের রুমে এসে ৭/৮ জনকে প্রাক্টিস ডিউটি করার

জন্য তৈরী হতে বলে। গুলির শব্দে আমরা কেউ না উঠলে সে বলে যে, নায়েব সুবেদার তোরাব আলী, ফোর্স জেসিও আমাদের যেতে বলেছে। তখন আমরা এদিক সেদিক ছোট ছোট করে পালানোর চেষ্টা করি। আমি টয়লেটে ঘুমানোর চেষ্টা করলে সে বলে পালিয়ে বাঁচতে পারবানা। সে আমাকে সহ সিপাহী ৮০২৫১ শাহজালাল, সিপাহী ৭৯৯৭৫ রেজাউল ইসলাম, সিপাহী সোহেল রানা, সিপাহী ৮০৫৩৩ মোঃ রবিউল ইসলাম, সিপাহী রাজিব ৮০০২৫ থৈ অং মার্মাদেরকে নীচে নামায় ও ফল ইন করায়। আমাদেরকে ৩৬ রাইফেল ব্যাটালিয়ানের গ্রাউন্ড দিয়ে দরবার হলে নিয়ে যায়। তখন নায়েক মোক্তার ও হাবিলদার বাশার এসে যোগ দেয়। সেখানে অনুমান ২০/৩০ জন অস্ত্রধারী পোষাক পরিহিত বিডিআর সদস্যদের দেখতে পাই। কয়েকজন বিডিআর সদস্যকে পতাকা দিয়ে মুখ বাধা অবস্থায় দেখি। সেখানে উপস্থিত আমার কোর্সের ট্রেনিং জেসিও নায়েব সুবেদার তোরাব আলী নায়েক মোক্তার উপরে বিডিআর হাসপাতাল পিলখানায় অটাকাদের দেখি। দরবার হলের ভিতর ফ্লোরে চারটি লাশ দেখি। তারা বিডিআর এর পোষাক পড়া ছিল। নায়েব সুবেদার তোরাব আলী সহ অন্যান্য অস্ত্রধারীরা অস্ত্রের মুখে ভয় দেখিয়ে লাশ গুলি গাড়ীতে তুলতে বলে। বিডিআর এর একটি বড় ট্রাক দরবার হলের সামনে দাড়ানো ছিল। আমরা লাশ তুলতে না

চাইলে তারা আমাদেরকে গুলি করতে উদ্বৃত্ত হয়। আমরা সকলে মিলে লাশ গুলি ট্রাকে উঠিয়ে দিই। পরবর্তীতে নায়েব সুবেদার তোরাব আলী, হাবিদলদার বাসার, নায়েক মোক্তার ও অস্ত্রধারী ৮/১০ জন মিলে আমাদেরকে দরবার হলের কিছু পুকুর পাড়ে নিয়ে যায়। সেখানে কালো পোষাক পড়া একজনের লাশ দেখতে পাই। তাদের নির্দেশে আমরা উক্ত লাশটি ঐ ট্রাকে উঠিয়ে দিই।

The aforesaid fact of killing the army officer and removal of the same from the bank of a pond is also evident from the confessional statement of **No. 34227 Havildar Medical Assistant Md. Abul Bashar CS accused No.178**; the relevant portion of his confessional statement runs as follows:-

.....২৫/০২/২০০৯ তারিখ দুপুর সাড়ে তিনটার সময় আমি এম আই রুমে ছিলাম। রুমে টেলিফোন বেজে উঠল আমি রিসিভ করি। অপর প্রান্ত থেকে নায়েক সুবেদার মেডিক্যাল সহকারী তোরাব আলী আমাকে ১০জন বিটিসি সৈনিক সহ দরবার হলে দ্রুত যাওয়ার জন্য আদেশ করেন। আমি এম আই রুমে কেউ নাই বললে তিনি আমাকে টেলিফোনে

বলেন রাখেন আপনার এম আই রুম বেশী চালাকি করবেনা দ্রুত কাজ কর।  
আমি তখন হাসপাতাল সৈনিক লাইনে যাই এবং নায়েক সুবেদার তোরাব আলীর কথা মতো (১) সিপাহী রাজিব মিয়া (২) সিপাহী রেজাউল (৩) সিপাহী মোঃ শাহাদাত (৪) সিপাহী রবিউল আলম (৫) সিপাহী শাহজালাল (৬) সিপাহী থৈ অং মারমা (৭) সিপাহী সোহেল রানা সহ ৭ (সাত) জন সহকারে আমি পোষাক পরিহিত অবস্থায় বিকাল পৌনে পাঁচটার দিকে দরবার হলে যাই এবং নায়েক সুবেদার তোরাব আলীর নিকট রিপোর্ট করি।  
দরবার হলের ভিতর তখন দেখতে পাই সব কিছু ভাঙ্গাচুড়া এবং প্রচুর রক্ত এখানে সেখানে ছড়িয়ে আছে, ৪/৫টি মৃতদেহ ফ্লোরে পরে থাকতে দেখি।  
মৃত দেহগুলির মধ্যে আমার কমান্ডেন্ট কর্নেল মশিউর রহমানের মৃতদেহ ছিল। অন্যান্য অফিসারের মৃতদেহ চিনতে পারি নাই। নায়েক সুবেদার তোরাব আলী আমাকে লাশগুলি ট্রাকে তুলে দিতে বলে এবং এরই মধ্যে ১টা ৩ টনি ট্রাক দরবার হলের সামনে চলে আসে। নির্দেশ মোতাবেক আমিও আমার সাথে থাকা সাতজন সিপাহী ৪টি আর্মি অফিসারের লাশ ট্রাকে তুলে দেই। দরবার হলে থাকা অন্যান্য অস্ত্রধারী জওয়ানরা আমাদেরকে দরবার হলের পিছনের মাজারের পুকুরের পাড়ে নিয়ে যায়।  
সেখানে তাবুর সামনে র্যাবের পোষাক পরিহিত অবস্থায় মেজর র্যাংকের

অফিসারের মৃত দেহ দেখতে পাই। সেখানে মেডিক্যাল সহকারী নায়েক মোক্তারকে লাশের পাশে দেখতে পাই। আমরা লাশ ট্রাক তুলি এবং লাশগুলি নিয়া ট্রাক দরবার হলের পূর্বদিকে চলে যায়।

**Place No-15 : The left side of the entry gate of dairy farm**

It is visible from the evidence of a prosecution witness that on 25.02.2009 and 26.02.2009, the BDR rebels atrociously killed 74 persons including 57 army officers in and around the Darbar Hall and in different places of the Pilkhana. Following the decision of the government, on 27.02.2009 at around 10:30 a.m, under the leadership of Brigade Commander of 46 Independent Infantry Brigade, 17 East Bengal, 4 East Bengal, 2 East Bengal and other units of army entered the Pilkhana for search and rescue operation through gate No.4 of the Pilkhana. During the drive of search and rescue operation, Major Kamrul of 2 East Bengal

came to see a dead body of an army officer at the left side of the entry gate of the dairy farm. The dead body could not be identified by that time as the same was distorted one.

The aforesaid fact of killing and tracing out of the dead body of an army officer have been disclosed by **PW 535 Colonel Mohammad Abdul Alim Tafarder** who has stated in his evidence as under:-

.....গত ২৫/২/০৯ তাং আমি তৎকালীন ঢাকা সেনানিবাসস্থ ৪৬, স্বতন্ত্র পদাতিক বিগ্রেডের অধীনে ১৭ ইস্ট বেঙ্গলের অধিনায়ক হিসাবে কর্মরত ছিলাম।..... ২৬/২/০৯ তাং রাত্রি অনুমান ১১.০০ টার দিকে বিগ্রেড কমান্ডার আমাকে জানান যে, বিডি আর সারেন্ডার করেছে। সামরিক অভিযান দরকার নেই। সকালে বিডি আর এর ভিতরে Search and Rescue operation করতে হবে। ২৭/২/০৯ ইং সকাল আনুমানিক ৮.০০ টায় আমরা বিডি আর ৪নং গেইটে উপস্থিত হয়ে উহা তালাবদ্ধ দেখি। সেখানে অসংখ্যক পুলিশ ও র‍্যাব সদস্যকে প্রহরারত অবস্থায় দেখি। পুলিশের সাথে প্রয়োজনীয় সমন্বয় শেষে ২৭/২/০৯ ইং তাং

সকাল আনুমানিক ১০.৩০ ঘটিকায় ব্রিগেড কমান্ডার সহ ঐ গেইট দিয়ে পিলখানায় প্রবেশ করি। তখন আমার সাথে মেজর ওয়াকার, মেজর ইমরান, মেজর আরেফিন, মেজর আজাদ, ক্যাপ্টেন সাইদুল, ক্যাপ্টেন আজমি, ক্যাপ্টেন আদনান, ক্যাপ্টেন রেজা এলটি মাইনুল (পরবর্তীতে শহিদ মাইনুল) এলটি আসিফ, এলটি রাশেদ, ও অন্যান্য পদবীতে প্রায় ৩০০ জন অফিসার ও সৈনিক ছিল। পিলখানার ভিতরে আমার অধীনস্থ অফিসার দের দায়িত্ব ছিল অভয়ারন্য এবং অফিসার্স মেস এলাকা মেজর ওয়াকার, মেজর ইমরান ও অন্যান্য অফিসাররা Search and Rescue করবে। ডিজি office complex এর দায়িত্ব ছিল মেজর আজাদের মেজর আরেফীনের দায়িত্ব ছিল ভান্ডার ও সেন্ট্রাল ম্যাগাজিন এলাকা। Search and Rescue এর দায়িত্ব হিসাবে কোন অফিসার বা অন্য কেহ জীবিত বা আটক থাকলে আমি তাকে মেগাফোন দিয়ে ডাকা ডাকি করছিলাম। আমি জিডি অফিসের পিছনে পুকুর পাড়ে আমার অবস্থান নেই। সেখানে বিদ্রোহীদের আগুন দেয়া ২টি প্রাইভেট কার তখনও জ্বলছিল। আমি বেতার যন্ত্রের মাধ্যমে জানতে পারি বিভিন্ন স্থানে অস্ত্র গ্রেনেড, গোলাবার“দ, বিভিন্ন ভাবে ছাড়িয়ে ছিটিয়ে পড়ে আছে। আমাদের

পিলখানায় প্রবেশের পূর্বেই এসবি পুলিশ র‍্যাভ, ফায়ার সার্ভিস ও অন্যান্য সংস্থা ভিতরে প্রবেশ করে। আমরা তাদের সেখানে বিভিন্ন কার্যক্রম দেখতে পাই। আমাদের ফলো আপ হিসাবে ৪ ইষ্ট বেঙ্গল ও ২ ইষ্ট বেঙ্গল পিলখানায় প্রবেশ করে, অতঃপর ২ ইষ্ট বেঙ্গলের মেজর কামরুল সেনা অফিসারের ১টি লাশ ডেইরী ফার্মের প্রবেশের গেইটের বাম পাশে পায়। বিকৃত থাকায় লাশটি তখন শনাক্ত করা সম্ভব হয়নি।

**Place No-16: Near gate No.5 of Pilkhana situated at the southern side of the Darbar Hall.**

It appears from the evidence of a prosecution witness that on the date of occurrence on 25.02.2009, one Subedar who was supposed to be promoted as DAD on that day was coming crossing the road situated in front of JCO quarters and beside the southern side of the Darbar Hall. At that time, the said Subedar and two BDR rebels were locked in conflict. At one stage the aforesaid two BDR rebels shot him to death. The said Subedar fell in the ground receiving



bullet injuries in a moment. After 5/7 minutes, the three BDR rebels dragged Major Shahnewaz towards gate No.5 of the Pilkhana. When Major Shahnewaz was being taken towards gate No.5 of the Darbar Hall raising his hands, a sound of firing was heard. After a while Major Saleh was also being taken towards gate No.5 by three BDR rebels and then a sound of firing was heard. In that way, one Subedar, Major Shahnewaz and Major Saleh were killed therein and their dead bodies were subsequently recovered from the mass graves.

The aforesaid fact of killings has been described by an eye witness namely **PW 4 Colonel Shamsul Alam Chowdhury** who has stated in his evidence as follows:-

.....আমি বর্তমানে National Security intelligence

এ কর্মরত গত ১-২-০৯ থেকে ১১-৩-০৯ পর্যন্ত আমি পিলখানায় ৪৪

ব্যাটালিয়নের অধিনায়ক হিসাবে কর্মরত ছিলাম।.....সকাল সকাল  
 অনুমান ৯ ঘটিকায় পবিত্র কোরান তেলোয়াতের মাধ্যমে ২৫-২-০৯ তারিখ  
 দরবার শুরু হয়। DG সাহেবের দরবারে বক্তব্য প্রদান শুরু করেন। তিনি  
 কিছুক্ষণ বক্তব্য দেওয়ার এক পর্যায়ে ডাল ভাত কর্মসূচীর উপরে বিচারিত  
 আলোচনা শুরু করেন। আমি তখন অফিসারদের বসার ২য় সারিতে ওয়  
 চেয়ারে বসা ছিলাম। DG মহোদয় সকলের উদ্দেশ্যে বলেন যে, আপনারা  
 কি এই ব্যাপারে সব বুঝতে পেরেছেন তখন সৈনিকের জবাব আশানুরূপ না  
 হওয়ায় তিনি পুনরায় ডালভাতের উপর বিচারিত বক্তব্য শুরু করেন। এক  
 পর্যায়ে তিনি বলেন ডালভাতের উদ্ভূত অর্থ বা লভ্যাংশ BDR এর কল্যাণে  
 ব্যয় করা হবে। তখন DG মহোদয়ের বাম পার্শ্বে হতে ও দরবার হলের  
 দক্ষিণ পূর্ব কোণা হতে একজন সৈনিক অস্ত্র নিয়ে DG মহোদয়ের দিকে  
 দৌড়ে আসতে থাকে। আমি তখন চীৎকার করে ধর ধর করতে করতে  
 স্টেজের দিকে দৌড়িয়ে যাই। সাথে সাথে শহীদ কর্ণেল মুজিব, কর্ণেল  
 আনিছ, ও কর্ণেল এলাহী সহ আরো অনেকে স্টেজে উঠে পড়েন। ইতি  
 মধ্যে এই সৈনিক DG মহোদয়ের মাথার বামপার্শ্বে রাইফেলের ব্যারেল  
 লাগিয়ে ফেলেছে। এই ছেলেটাকে তখন খুব নার্ভাস মনে হচ্ছিল আমি

এগিয়ে গিয়ে ১৩ রাইফেলের ব্যাটালিয়নে উক্ত সৈনিক মাইনকে ধরে ফেলি এবং এক বাটকায় অস্ত্রের ব্যারেল ফ্রি করে ফেলি। সেই মুহূর্তে স্টেজে উপস্থিত ব্রিঃ জেনারেল বারী (যিনি এই ঘটনায় নিহত) শহীদ কর্ণেল আনিছ, শহীদ ক্যাপ্টেন মান্নান, শহীদ ল্যাঃ কর্ণেল এলাহী সহ আরও কিছু অফিসার মাইনকে পাকড়াও করে স্টেজে ফেলে দেয়। আমি তখন DG মহোদয়কে দরবার থেকে চলে যেতে অনুরোধ করি। DG মহোদয় বলেন দরবার হবে। তোমরা Troops Control কর। সেই মুহূর্তে স্টেজ থেকে নিচে নেমে আসি এবং Troops দের নিয়ন্ত্রন করার চেষ্টা করতে থাকি। তখন দরবার হলের পশ্চিম দরজায় দিক থেকে এক রাউন্ড ফায়ারের আওয়াজ শুনতে পারি। এর পর আরও কয়েক রাউন্ড গুলির শব্দ পাই। ইতিমধ্যে দরবার হল থেকে ইত - ত বিক্ষিপ্ত অবস্থায় যে যার মত পালাতে শুরু করেছি আমি ফায়ার করা সৈনিকদের তাড়া করতে বলি এবং নিজেও তাড়া করি। সে মুহূর্তে দরবার হলের উত্তর পার্শ্বের মাঠে আমি ৬/৭ জন BDR সৈনিককে বেল টুপী ছাড়া বিক্ষিপ্তভাবে ঘুরাঘুরি করতে দেখি। সেই মুহূর্তে দরবারের ভিতরে উপস্থিত অফিসারেরা কিংকর্তব্য বিমূঢ় হয়ে যাই এবং JCO রা কিছু বুঝতে পারছিল না আমি DG সাহেবের কাছে Stage

এ চলে আসি। আমি তখন কর্ণেল আনিছ সহ অন্যান্য অফিসারদেরকে DG মহোদয়কে গাড়িতে করে নিয়ে যেতে অনুরোধ করি। আমি DG সাহেবকে চলে যেতে অনুরোধ করতে থাকি। DG সাহেবের গাড়ীটি তখনো দাড়া করানো ছিল। DG মহোদয় তখন আদেশ দেন তোমরা তোমাদের Troops Control কর এবং তাদেরকে ভিতরে আন। দরবার হবে। আমি তখন Stage থেকে নিচে নেমে যাই। অফিসাররা ছুটাছুটি করছে কেউ কেউ জট পাকিয়ে আলোচনা করছে। আমি তাদের বলি DG মহোদয় Troops Control করে ভিতরে আনতে বলেছেন। আমি DG নির্দেশ পালনের জন্যে Troops দেব ভিতরে আনয়নের লক্ষ্যে প্রধান ফটক দিয়ে বাইরে যেতে থাকি দরবার হল তখন খালি হয়ে গেছে। আমি যাবার সময় আমার পিছু পিছু LT. কর্ণেল এনায়েত অধিনায়ক ৩৬ ব্যাটেলিয়ন, মেজর শাহনেওয়াজ, মেজর হুমায়ুন, মেজর সালেহ ও মেজর শহীদ সহ আরও কিছু অফিসারকে আমাকে অনুসরণ করতে দেখি যাবার সময় দরবার হলের উপস্থিত JCO দেব আমি নির্দেশ দেই Troops Control করতে।.....তখন ৫ নং গেটের দিক থেকে কয়েকজনকে ব্রাশ ফায়ার করতে করতে আমাদের দিকে আসতে দেখি তথা উপস্থিত

সকলেই দৌড়া দৌড়ি শুরু“ করে আমাকে J C O রা ধাক্কাতে থাকে আমার নিকটস্থ J C O কোয়ার্টারে প্রাচীরের পার্শ্বে আশ্রয় নেই। তখন আমার অবস্থান থেকে ১০-১২ গজ দূরে একজন সৈনিককে দরবার হল লক্ষ্য করে গুলি চালাতে দেখি।.....তখন **J.C.O** কোয়ার্টারে ৩ তালায় আমাকে নিয়ে যায় **J.C.O** রা। আমি বাসায় ঢুকানোর সময় কেউ কেউ নিচে নেমে আসে ও সুবেদার ইসমাইল সুবেদার সিরাজ নাঃ সুবেদার সাইদুল ও নাঃ সুবেদার রহিম ও হাবিলদার জাকির আমার সামনে ছিল। আমি তখন ইউনিফর্ম পরিহিত। আমি ৩ তালায় ঢুকে জানালা দিয়ে বাহিরের অবস্থান দেখি। দরবার হলে দক্ষিণ পাশে ২০/২২ জন সশস্ত্র সৈনিক গুলি করছিল। দরবার হলের ভিতরে তখন লাগাতার গুলির শব্দ পাই। আমি তখন অসহায় হয়ে পড়ি। আলাহ তায়ালায় সাহায্য প্রার্থনা করি। তখন দরবার হলের দিক থেকে একজন সুবেদার সেদিন **DAD** পদে পদান্বেশিত পাবার কথা ছিল সে রা - ১ পার হওয়ার সময় ২ জন **BDR** সিপাহীর সাথে কথা কাটা কাটি হচ্ছিল। এক পর্যায়ে ঐ সৈনিকেরা **DAD** কে গুলি করে। তিনি তখন রা - ১য় লুটিয়ে পড়েন। এর ৫/৭ মিনিট পরে মেজর শাহনেওয়াজকে হাত উপরে তুলে ৩ জন সৈনিক পিছনে অস্ত্র ধরে ৫ নং

গেটের দিকে নিয়ে যাচ্ছিল কিছু দূর যাওয়া পরে গুলির শব্দ পাই এর কিছুক্ষনের মধ্যেই মেজর সালেহকে হাত উপরে তুলে ৩ জন সৈনিক অস্ত্র তাক করে ৫ নং গেটের দিকে নিয়ে যায় কিছুক্ষন পরে গুলির শব্দ পাই। আমি তখন হতাশ হয়ে পড়ি। দরবার হলের ভিতরে ও বাইরে গুলির আওয়াজ পাই।

**Place No-17: DG Bungalow (Rifle Bhaban/DG residence)**

Coming through the evidence of a prosecution witness and the confessional statements of the accused, it is apparent that on 25.02.2009 at around 11:30 a.m the BDR rebels namely Sepoy Selim Reza, Sepoy Obaidul, Sepoy Ibrahim, Sepoy Altaf, Sepoy Habib, Sepoy Shahin, Sepoy Mohsin, Havildar Jashim and 10/15 other BDR rebels attacked the DG Bungalow and wanted to enter the DG Bungalow. At that time, guard commander of DG Bungalow **PW 40 Havildar Md. Babul Miah** intercepted the BDR

rebels from entering into DG Bungalow. At that point of time, Sepoy Selim Reza of 44 Rifle Battalion opened fires on **PW 40 Havildar Md. Babul Miah** causing injuries in his left hip as a result of which **PW 40 Havildar Md. Babul Miah** fell down on the ground. In the meantime, under the leadership of Sepoy Selim Reza, the aforesaid BDR rebels entered the DG Bungalow opening fires violently. Entering into DG Bungalow the aforesaid BDR rebels physically tortured and abused wife of DG Naznin Shakil Shipu in inhuman and butcherly manner and ultimately killed her by opening fires on her. Colonel Delwar (retired), a friend of DG BDR and Mrs. Rowsuni Fatema Akter Lovely (wife of Colonel Delwar) who came there as guest were also mercilessly killed by the BDR rebels at the DG Bungalow. A maid servant of DG Bungalow namely

Kolpana Begum aged about 15/20 years was also physically abused and violated by the BDR rebels and then she was ruthlessly and unmercifully killed by the BDR rebels on opening fires on her. On that fateful day, Mali (Gardener) Md. Firoz Miah was also killed by the BDR rebels on opening fires on him.

The story of aforesaid killings has been narrated by **PW 40 Havildar Md. Babul Miah** who has stated in his evidence as follows:-

.....গত ২৫-২-০৯ তারিখে সকাল ৭ ঘটিকায় ডিজি এর বাংলোয় গার্ড কমান্ডার হিসাবে আমার দায়িত্ব ছিল। ঐ দিন পূর্ববর্তী গার্ড কমান্ডার হাবিলদার রেজাউলের নিকট থেকে দায়িত্ব বুঝে নেই। আমার সাথে নায়েক হাসমত, নায়েক সানাউলাহ ল্যান্স নায়েক মো - ফা, সিপাহী এরশাদ, সিপাহী জিয়া, সিপাহী মবিন, সিপাহী মো - ফা মাসুম, সুমন, জাফর কামরুল হাফিজ মঞ্জু সহ ১৩ জন duty তে ছিল। বাংলোয় তিনটি Post এ গার্ড মোতায়ন করি ও চেক করি। সকাল ৮ ঘটিকায় ডিজি মহোদয় সরকারী গাড়ীযোগে বাসা থেকে বের হন। ৮.৫০ মিনিটে ডিজি



মহোদয় দরবার হলের দিকে যান। সকাল ৯.৩০ মিঃ দরবার হলের দিকে গুলির শব্দ শুনি। গার্ডদের সতর্ক করি। আমি ৪৪ ব্যাটালিয়নে অধিনায়ক লেঃ কঃ সামস এর সঙ্গে যোগাযোগের চেষ্টা করি ফোনে কিন্তু পারিনি। পরে সিপাহী সেলিম রেজা, সিপাহী ওবায়দুল, সিপাহী ইব্রাহীম, সিপাহী আলতাফ, সিপাহী হাবিব, সিপাহী শাহীন, সিপাহী মহসীন, হাবিলদার জসিম সহ অনুমান ১০/১৫ জন বিডিআর বিদ্রোহী ডিজি এর বাংলায় আসেন। আমি তাদের প্রবেশে বাধা দিলে সিপাহী সেলিম রেজা আমাকে লক্ষ্য করে গুলি ছুরে। উক্ত গুলি আমার বাম হিপে লেগে গুরত্বর যখম হয়। আমি মাটিতে পড়ে যাই। তাহারা গুলি করতে করতে ডিজি এর বাংলোর ভিতরে প্রবেশ করে। এর কিছু পরে বাংলোর ভিতরে চীৎকার ও গুলির শব্দ পাই। আমার গুলিবিদ্ধ স্থানে প্রচুর রক্তক্ষরণ হচ্ছিল। আমাকে বাঁচাও বলে চীৎকার করি। তখন বাংলোর একটি Pickup গাড়ী আসে। ল্যান্স নায়েক মোস্‌জ্জা ও বদরুল আমাকে গাড়ীতে তুলে দেয়। মো - ফা আমাকে নিয়ে বিডিআর হসপিটালে ভর্তি করে। ২৫-২-০৯ তারিখে আমাকে হলি ফ্যামিলি হসপিটালে নেয় রাত ৮ টার দিকে সেখানে ডাক্তারদের মাধ্যমে জানতে পারি আমার বাম হিপে ৩টা গুলি লেগেছে। ডান পাশে Urinal blader এ একটা গুলি আছে। ইউরিন বাডারে

ইনজুরীর কথাও ডাক্তার জানায়। গত ১৬-৩-০৯ চিকিৎসা শেষে পিজি হাসপাতালে স্থানান্তর করা হয়। ১৩/৫/০৯ চিকিৎসা শেষে বিডি আর হাসপাতালে স্থানান্তর করা হয়। ২৯-১০-০৯ পর্যন্ত বিডিআর হাসপাতালে চিকিৎসাধীন ছিলাম। বিদ্রোহীদের একটি বুলেট এখনো আমার শরীরে আছে।

The story with regard to alamots and marks of the aforesaid killings has been narrated by **PW 536 Brigadier General Waker-Uz-Zaman** who has stated in his evidence as follows:-

.....আমি গত ২৫/০২/০৯ ইং তাং ঢাকা সেনানিবাসে অবস্থিত ১৭ ইস্ট বেঙ্গ রেজিমেন্টের উপ-অধিনায়ক হিসেবে কর্মরত ছিলাম। ঐ দিন আনুমানিক সকাল ৯৩৩০ টায় আমার অধিনায়ক Lt. Col. আলীম আমাকে জানান যে পিলখানায় বিডিআর সদস্যরা গন্ডগোল করছে। সেখানে আমাদের যেতে হবে। আমি অধিনায়কের আদেশে ৪০ জনের একটি Troops ও অস্ত্র গোলাবারুদ নিয়ে পিলখানার উদ্দেশ্যে সকাল আনুমানিক ১০.১০ ঘটিকার উদ্দেশ্যে রক্তনা করি। পিলখানার ৪ নং গেইটের ১০০-১৫০ গজ উত্তরে সাত মসজিদ রোডস্থ স্থানে সকাল

আনুমানিক ১০.৪৫ ঘটিকায় পৌছাই । তখন পিলখানার ভিতরে প্রচণ্ড গোলাগুলি হচ্ছে । আমি Troops কে Dismant করে Deploy করি এবং ভিতর দিয়ে হেটে জাপান বাংলাদেশ হাসপাতালের ছাদ থেকে পিলখানার ভিতরে কি হচ্ছে বোঝার চেষ্টা করি । আমি সেখানেই পরবর্তী আদেশের জন্য অবস্থান করতে থাকি ।.....২৭/০২/০৯ তাং

আনুমানিক সকাল ৮.৩০ টার দিকে নির্দেশ আসে যে বিডিআর আত্মসমর্পন করেছে । Operation দরকার নেই । পিলখানায় ভিতরে Search rescue operation করতে হবে । একই দিনে ১০.১৫-১০.৩০ ঘটিকার মধ্যে আমার অধিনায়ক অফিসার ও Troops সহ পিলখানার ৪ নং গেইটে গেলে উহা তালাবদ্ধ দেখতে পাই । সেখানে Police, RAB এবং বেসামরিক পোশাকে গোয়েন্দারা উপস্থিত । ছিল । অতঃপর পুলিশের সাথে সমন্বয় সাধনের মাধ্যমে ঐ গেইট দিয়ে আমরা পিলখানার ভিতরে প্রবেশ করি ।.....আমি ডিজি-র বাংলো, দরবার হল এবং বিভিন্ন অফিসার্স কোয়ার্টারে যাই । দরবার হল ও ডিজি-র বাংলোতে হত্যাযজ্ঞের চিহ্ন দেখতে পাই । ডিজি-র বাংলোর হত্যাযজ্ঞের কিছু আলামত ও চিহ্ন আমার ব্যক্তিগত মোবাইল ফোনে আমি ধারণ করি । পরবর্তীতে আমি উহা

সিডিতে Convert করি। ঐ সিডি আদালতের অনুমতি ক্রমে Display করতে চাই। ঐ সিডি টি দাখিল করলাম যা ব - প্রদর্শনী- CL XXXIV হিসাবে চিহ্নিত (আপত্তি সহকারে)। আমি ডিজি- র বাংলোতে হত্যাযজ্ঞ, ভাংচুর ও লুটপাটের আলামত দেখেছি।

The aforesaid fact of killing is evident from the confessional statement of **No. 70906 Sepoy Md. Ibrahim of 44 Rifle Battalion CS accused No.68**; the relevant portion of his confessional statement runs as follows:-

..... ২৫/০২/০৯ তারিখে দরবার হলে ছবি তোলা দায়িত্ব আমার ছিল। তাই ঐ দিন সকাল ৮.০০ টার সময় আমি ৪৪ ব্যাটালিয়নের অফিসে যাই এবং সেখান হতে সরকারী ক্যামেরা নিয়ে দরবার হলে যাই। আমি দরবার হলে ক্রেস্ট সাজাই এবং অন্যান্যদের সাথে প্রস্তুতিমূলক কাজে সাহায্য করি। দরবারের ছবি তোলা জন্য আমি ছাড়াও আরও ৪ জন সৈনিক ছিল- অন্য ব্যাটালিয়নের।..... ডিজি স্যার ৯.০০ টায় দরবারে আসেন। আমি ছবি তোলা জন্য প্রথমে স্টেজে ডিজি স্যারের

বাম পার্শ্বে ছিলাম, পরে কার্য বিবরণী পাঠ এর সময় ডান পার্শ্বে চলে আসি।.....আমি তখন অফিস হতে বের হয়ে সেন্ট্রাল কোয়ার্টার গার্ড-এ যাই। অস্ত্র আনার জন্য। কোত থেকে আমি একটা রাইফেল এবং ২০ রাউন্ড গুলি নেই। অস্ত্র নিয়ে আমি হাটতে হাটতে সদর ব্যাটালিয়নের অফিসের সামনে আসলে ১৫/২০ জন সশস্ত্র BDR কে দেখি। এর মাঝে আমি ৪৪ ব্যাটালিয়নের সিপাহী সেলিম, সিপাহী আলতাফ, সিপাহী হাবিব, সিপাহী ওবায়দুরকে চিনতে পারি। প্রায় ১১.৩০ টার দিকে আমি, সিপাহী সেলিম, সিপাহী হাবিব, সিপাহী আলতাফ, সিপাহী ওবায়দুর, সিপাহী শাহীন সহ ১৫/২০ জন BDR ডিজি স্যারের বাংলাতে যাই। বাংলার গেইটের সামনে ভবন গার্ড হাবিলদার বাবুল বাধা দিলে সিপাহী সেলিম পায়ে গুলি করে বাবুলকে ফেলে দেয়। বাংলাতে গুলি। ফাঁকা ফায়ার করতে থাকি। আমি ০২ রাউন্ড ফাঁকা গুলি করি। ডিজি ম্যাডাম দোতলা হতে নেমে আসেন। পরনে ম্যাক্সি ছিল। ম্যাডামকে সিঁড়িতে হাবিব, আলতাফ, সেলিম আর ২/৩ জন ধরে ফেলে এবং মুখ বেধে ফেলে। আমি আর ওবায়দুর পাশে দাঁড়াইয়া ছিলাম। তারপর ম্যাডামকে কুক হাউজে

নিয়ে সিপাহী হাবিব, সিপাহী সেলিম, সিপাহী ওবায়দুর, আমি সহ ৩/৪ জন মিলে লাঞ্চিত করি। এরপর ২ জন সিপাহী দোতালায় উঠে গিয়ে ফাঁকা ফায়ার করে এবং জিনিসপত্র তছনছ করে। এরপর আরও ২/৩ জন সহ আমি দোতালায় যাই। গিয়ে দেখি ৩ জন BDR ১৫/২০ বৎসরের একটি মেয়েকে শারীরিকভাবে নির্যাতন করতেছে। মেয়েটির কান্নাকাটির জন্য আমি দুই রাউন্ড গুলি করি। মেয়েটি মারা যায়। হঠাৎ নীচে গুলির শব্দ পাই। নীচে নেমে দেখি ম্যাডামকে গুলি করে হত্যা করা হয়। সিপাহী সেলিম সহ আরও ২/৩ জন গুলি করে। তারপর আমি সহ অন্যান্যরা বাংলো হতে বের হয়ে অফিসার্স কোয়ার্টার এর তিনতলার একটা বাসায় যাই।

The aforesaid fact of killing is evident from the confessional statement of **No.77594 Sepoy Md. Obaidul Islam of 44 Rifle Battalion CS accused No.48**; the relevant portion of his confessional statement runs as follows:-

..... ২৫/০২/০৯ ইং তারিখ ৬.৩০ মিনিট একটি মই এবং ১টি টেবিল নিয়ে আমি, হাবিলদার কাশেম, সিপাহী আতোয়ার, সিপাহী মুক্তাদির, সিপাহী শফিকুল সহ মোট ১৩ জন ওয়ার্কি গ্রাউন্ডে (RSB) যাই। সকাল ৭ টার দিকে সিপাহী সেলিম আমার মোবাইলে কল দিয়ে আমাকে ও আতোয়ারকে লাইনের সামনে আসতে বলে। উল্লেখ্য সেলিম আমাদের কোম্পানীর ক্লার্ক। আমরা তারপর মেসে নাস্তার জন্য যাই তখন সিপাহী ইব্রাহিম এসে বলে, আমাকে ও আতোয়ারকে সেলিম ভাই দরবার হলে যেতে বলেছে। আমরা দরবার হলে গেলে ইব্রাহিম দরবার হলে ঢুকে যায় এবং আমরা দরবার হলের পশ্চিম দিকে পিছনের দরজায় দাঁড়াই।.....অতঃপর আমরা DG মহোদয়ের বাসার দিকে যাই। গিয়ে দেখি সেখানে সিপাহী হাবিব ও সিপাহী সেলিম সহ ১০/১৫ জন লোক । আমরা সবাই পরে বাসার ভিতর ঢুকলে সিপাহী হাবিব ও সিপাহী সেলিম ফাকা গুলি করে। ফায়ারের শব্দ শুনে DG ম্যাডাম নিচে নেমে আসলে সিপাহী হাবিব ও সিপাহী সেলিম সহ ৩/৪ জন DG ম্যাডাম কে ধরে ফেলে। সিপাহী সেলিম তার জামা ধরে টানা হেচড়া করতে থাকে এবং এক পর্যায়ে তাকে শারিরীক ভাবে নির্যাতন লাঞ্চিত করে আমার সামনে। অতঃপর আমরা ২ তলা উঠে যাই। পরে শুনেছি সিপাহী হাবিব ও আরোও ১

জন DG ম্যাডাম-কে শারিরিক ভাবে লাঞ্চিত করেছে। দুই তলায় উঠতেই DG ম্যাডামের কাজের মেয়েকে গুলি করে সামনে থেকে মুখোশধারী একজন। দ্বিতীয় তলায় Civil পোষাকে একজন পুরুষ ও একজন মহিলাকে দেখতে পাই। তখন মুখোশ ধারী একজন ব্রাশ ফায়ার করে। আমি ও আতোয়ার তখন ১ রাউন্ড করে তাদের গুলি করি এবং তারা তৎক্ষণাৎ মারা যায়। পরে শুনতে পাই তারা কর্নেল দেলোয়ার ও তাহার স্ত্রী। অতঃপর মুখোশধারী একজন কর্নেল দেলোয়ারের স্ত্রীর মাথার উপর T.V ফেলে সর্বশেষ আঘাত করে। আমরা অতঃপর নীচে নেমে দেখি Cook এর দরজার সামনে D.G ম্যাডামের লাশ। তার লাশ তখন রক্তাক্ত ও শরীরের বিভিন্ন জায়গায় নানা রকম আঘাতের চিহ্ন দেখি। সেখানে থেকে আমি ও আতোয়ার ৩নং গেটের কাছে রাস্তার পূর্ব পার্শ্বে DAD কোয়ার্টারে আসি।

The aforesaid fact is partly evident from the confessional statement of **No. 71496 Sepoy Md. Ershad Ali of 44 Rifle Battalion CS accused No.687**; the relevant portion of his confessional statement runs as follows:-



.....পূর্বের নিয়ম অনুযায়ী ২৫/২/০৯ তারিখে সকাল ৭ টায় ডিজি মহোদয়ের বাস ভবনে গার্ড ডিউটিতে নিয়োজিত হই। ইনচার্জ ছিলেন হাবিলদার বাবুল হোসেন এবং নায়েক হাশমত আলী। অনুমান ৮.০০ টার দিকে (২৫.২.০৯) ডিজি, বিডিআর বাসা থেকে বের হয়ে অফিসে যান এবং অনুমান ৯.০০ টার দিকে দরবার হলে যান। ৯.১৫/৯.২০ টার দিকে ১৫/২০ জন মুখোশধারী বিডিআর সদস্য অস্ত্র হাতে নিয়ে আমার পিছন থেকে এসে বুকো অস্ত্র ধরে। আমি আমার অস্ত্র নিয়ে দাঁড়িয়ে ছিলাম। অস্ত্রে গুলি ছিল না। গার্ড কমান্ডার হাবিঃ বাবুল হোসেন বাঁধা দিলে তাকে গুলি করে। ৩/৪ টা গুলি তার পেটে লাগে। গার্ডে মোট ১৩ জন ছিলাম।

The aforesaid fact is partly evident from the confessional statement of **No. 7738 Sepoy Md. Mohsin Ali of 24 Rifle Battalion CS accused No.386**; the relevant portion of his confessional statement runs as follows:-

.....২৫/০২/২০০৯ ইংরেজী সকাল অনুমান পৌনে নয়টার দিকে দরবার হলে যাই। দরবার হলে মাঝ বরাবর দক্ষিণ পাশে ফ্লোরে বসি। একজন বি,ডি, আর সদস্য ডি,জি, সাহেবের বক্তৃতার মাঝ খানে

ডি,জি, সাহেবের বাম দিকের দরজা দিয়ে অস্ত্র সহ দরবার হলে প্রবেশ করলে হেঁচৈ শুরু হয়ে যায়। অনেকের সাথে আমিও দরবার হল থেকে বের হয়ে দৌড়ে আমার ২৪ ব্যাটালিয়নের লাইনে চলে যাই।.....তখন আমি সেন্ট্রাল কোয়ার্টার গার্ডে যাই এবং ই কোম্পানীর কোত হতে একটি রাইফেল নিই। তারপর ২৪ ব্যাটালিয়নের ম্যাগজিনে গিয়ে ৫০ রাউন্ড গুলি নিই। রাইফেলে গুলি লোড করে কয়েক রাউন্ড ফাঁকা গুলি করি।.....সকাল অনুমান ১০.০০টার দিকে ডি,জি, সাহেবের বাসার দিকে যাই। ডি,জি সাহেবের বাসায় ঢুকে ৭/৮ জন সৈনিককে দেখি। তারা ডি,জি সাহেবের বাসা ভাংচুর করছিল। আমি সিড়ি দিয়ে দোতলায় উঠে টেলিফোন লাইন বিচ্ছিন্ন করে দিই। আমি ড্রইং রুমের টিভিতে গুলি করি। টেবিলের ড্রয়ার খুলে একটি মোবাইল পেয়ে ভেংগে ফেলি। হঠাৎ করে আমার পিঠে একটি গুলি লাগে। তখন আমি নিজে ২য় তলা হতে নীচে নেমে আসি। ঐখানে ২৪ ব্যাটালিয়নের হাবিলদার জসীমকে অস্ত্র সহ দেখতে পাই। আমি আমার অস্ত্র ও গুলি তাকে দিই। রাস্তা দিয়ে নীল রঙের পিকআপ যাওয়ার সময় গাড়িটি থামাই। ড্রাইভার গাড়ীতে করে আমাকে বি,ডি,আর হাসপাতালে পৌছে দেয়।

**Evidence with regard to conducts, behaviours and utterances of the BDR rebels during commission of the offences.**

It is worthwhile to mention that on 25.02.2009 at 9:00 a.m, a Darbar was started at the Darbar Hall being presided over by DG BDR with the recitation from the Holy Quran. About 97 army officers of different ranks and about 2500/3000 BDR soldiers were present at the Darbar Hall. After starting Darbar, DG BDR started delivering his speeches on Dal-Vhat programme and other matters. When DG BDR was delivering speeches, one Sepoy Moin of 13 Rifle Battalion entered the Darbar Hall taking arms and then pointed arms at DG BDR. During that time Sepoy Kazol of 44 Rifle Battalion also entered the Darbar Hall following Sepoy Moin. The army officers present over there caught hold of Sepoy Moin and disarmed

him. At that time Sepoy Kazol left the Darbar Hall as quickly as possible. Then there was a sound of firing as a result of which one of the BDR members chanted a slogan 'Jago'. Thereafter a chaotic situation was started at the Darbar Hall and many BDR soldiers stood up from their seats. On that situation DG BDR asked all the BDR personnel to sit in their respective seats being calm and quiet and wanted to hear the problems of the BDR personnel. But the BDR personnel started leaving the Darbar Hall breaking down the glasses of the doors and the windows disobeying the order of the DG. Then the DG BDR further asked the BDR personnel to take their respective seats, but they did not pay any heed to the order of DG BDR. Finding no alternative, the DG BDR directed all the commanders to manage and control the troops of their respective units. Following

the order of the DG BDR many commanders and army officers went out of Darbar Hall to comply with the order of DG. However DG, DDG and some other officers remained in the Darbar Hall. Immediately after that situation, the BDR rebels taking arms and ammunitions breaking open the Kote and Magazine started coming towards the Darbar Hall under the leadership of Sepoy Selim Reza, Sepoy Moin, Sepoy Altaf, Sepoy Kazol, Sepoy Sazzad, Sepoy Rubel, Sepoy RP Rezaul, Sepoy AB Siddique, Sepoy Shahadat, Sepoy Habib, Lance Naik Ekram and many others and encircled the Darbar Hall. The BDR rebels opened fires terribly, then entered the Darbar Hall and took control of the Darbar Hall at gunpoint keeping the army officers under their subjugation and killed many army officers including DG BDR in and around the Darbar Hall and in other places of the Pilkhana. At

the time of occurrence at the Darbar Hall and in other places at Pilkhana the BDR rebels uttered that there shall not be any army officer in BDR force and they also uttered some highly objectionable speeches against army officers. The following witnesses heard the objectionable utterances from the mouth of the BDR rebels, as they were present at the places of occurrences.

**PW 19 Naik-53962, Md. Keramot Ali Sheikh, Dhaka Sector, Pilkhana, Dhaka** has stated in his evidence that.....২৫/০২/০৯ তারিখে আমি ডিজি এর দরবারে উপস্থিত ছিলাম। অনুমান ৯ টায় দরবার শুরু হয়। শুরুর ২০/২৫ মিনিট পরে ডিজি এর বক্তব্য চলাকালে ১৩ ব্যাটালিয়নে মাইন সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে ও Stage এ উঠে ডিজি বরাবর অস্ত্র তাক করে। ৪৪ ব্যাটালিয়নের কাজল অস্ত্র হাতে দরবার হলে প্রবেশ করে। অন্যান্য অফিসারগণ সিপাহী মইনকে নিরস্ত্র করে। সিপাহী কাজল দরবার হল

থেকে বের হয়ে যায়। জাগো বলে চিৎকার করে, অনেক বিডিআর সদস্য দাড়িয়ে যায়। বিডিআর সদস্যরা দরবার হল ত্যাগ করতে থাকে।

**PW 43 Havildar-27393 Medical Assistant Md.**

**Selim Sarwar of BDR Hospital** has stated in his

evidence that.....২৫-২-০৯ তারিখে পিলখানা থেকে ৭<sup>২</sup>/<sub>৩</sub> টায়

বিডিআর হাসপাতালে আসি। দরবার হলে সৈনিকদের নেওয়ার জন্য fall

in করা হয়। আমি দরবারে যাই। দরবার চলাকালে জাগো বলে সবাই

দাড়িয়ে যায় আমি ও দাড়িয়ে যাই। দরবারে গুলির শব্দ হয় আমি দরবার

থেকে বের হলে দেখি বিডিআররা গুলি ছুড়ছে।

**PW 215 Sepoy-55180 Md. Azmol Hossain** has

stated in his evidence that গত ২৫/২/০৯ আমি দরবার হলে

যাই। ৯ ঘটিকায় দরবার শুরু হয়। অনুমান ৯.২৫ মিঃ ৬৫১৪০ সিপাহী

মাইন অস্ত্র হাতে দরবারে প্রবেশ করে। DDG আঃ বারী সিপাহী মাইনকে

নিরস্ত্র করে। সকলে “জাগো” বলে দাড়িয়ে যায়। অনেক BDR সদস্য

দরবার হল ত্যাগ করে। আমি দরবার থেকে বের হই ও গুলির শব্দ শুনে

সৈনিক লাইনে চলে যাই।

**PW 223 Havildar-35369 Md. Habibur**

**Rahman** has stated in his evidence that ২৫-০২-০৯ তারিখে মাঠে কাজ করি। অনুমান ৯ টায় দরবার শুরু হয়। ৯-১৫ মিঃ সিপাহী মাইন অস্ত্র হাতে দরবারে প্রবেশ করে ও ডিজি এর প্রতি অস্ত্র তাক করলে ডিডিজি আঃ বারী সহ অনেকে তাকে নিয়ন্ত্রন করে। বিডিআর সদস্যরা জাগো বলে চিৎকার করে। ডিজি এর আদেশ অমান্য করে JCO-৫৪৩৯ নায়েক সুবেদার কবির, ৫৫১৫ আলী আকবর, ৫৫২৩ আবুল খায়ের, ৪৭৮২ আঃ বারী, ৭৮৫৮৪ সিপাহী রিপন আহম্মেদ অন্যান্যদের সঙ্গে দরবার হল ত্যাগ করে।

**PW 278 JCO Naib Subedar-4445 Bidut Mitro**

has stated in his evidence that গত ২৫/২/০৯ তাং সকালে আমি ডিজি মহোদয়ের দরবারে উপস্থিত হয়ে দরবার হলের দক্ষিণ দিকে ৩নং সারির মাঝামাঝি জেসিওদের বসার স্থানে বসি। সকাল অনুমান ৯.০০ ঘটিকার সময় ডিজি মহোদয় দরবার হলে আসন গ্রহন করেন। তারপর আনুষ্ঠানিকতা শেষে দরবার আরম্ভ হয়। ডিজি মহোদয়ের বক্তব্য চলাকালিন সময়ে দরবার হলের পিছনের দিকে দরজা দিয়ে ১৩ রাইফেল ব্যাটালিয়নের সিপাহী মাইন সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে ডিজি মহোদয়ের



দিকে স্টেজ এ অস্ত্র তাক করে ধরে। তার পিছে পিছে ৪৪ রাইফেল ব্যাটালিয়নের সিপাহী কাজল আলী সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে। ঐ সময় কয়েকজন অফিসার মাইনকে ধরে নিরস্ত্র করে। সিপাহী কাজল আলী ঐ সময় দরবার থেকে বের হয়ে যায়। সে সময় দরবারে উপস্থিত কিছু সংখ্যক সৈনিক সজোরে চিৎকার দিয়ে উঠে দাঁড়িয়ে যায়। কিছু সৈনিক জাগো বলে চিৎকার দেয়। তখন দরবারে উপস্থিত বিভিন্ন পদবীর সৈনিকরা উঠে দাঁড়িয়ে যায়। তারা দরবার হল ত্যাগ করতে উদ্যত হলে ডিজি মহোদয় মাইকে আদেশ করেন সবাইকে বসতে বলেন। আপনাদের সব কথা শুনবো। তখন দরবারে উপস্থিত সৈনিকরা দরজা দিয়ে যে দিকে পারে চলে যেতে থাকে।

**PW 280 DAD Md. Matiur Rahman, Cox's**

**Bazar** has stated in his evidence that গত ২৫-২-০৯ তাং তৎকালীণ ২৪ রাইফেল ব্যাটালিয়নে কর্মরত থাকাবস্থায় সকাল ৬.২০ ঘটিকায় ডিউটিতে হাজির হই এবং আনুমানিক ৮.৪০ ঘটিকায় দরবার হলে যাই। দরবার শুরু হলে আনুমানিক সকাল ৯.৩০ ঘটিকার সময় ডিজি মহোদয় বক্তব্য শুরু করলে ১৩ রাইফেল ব্যাটালিয়নের ৬৫১৪১ সিপাহী মাইনুদ্দিন ডিজি মহোদয়ের দিকে অস্ত্র তাক করে ধরে। তার পিছু পিছু ৪৪

রাইফেল ব্যাটেলিয়নের ৬৩৯২২ সিপাহী কাজল আলী ও সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে। কয়েকজন অফিসার Stage এ উঠে তৎকালীন ডিজি মহোদয় সহ সিপাহী মাইনকে ধরে ফেলে। ইত্যবসরে সিপাহী কাজল আলী দরবার থেকে বের হয়ে যায়। বাইরে গুলির শব্দ শোনা যায়। শব্দ শোনার পর দরবারে উপস্থিত সকল পর্যায়ের সৈনিক উঠে দাড়িয়ে যায়। তখন সৈনিকদের মধ্য থেকে কেহ “জাগো ” বলে হুংকার দিলে ডিজি মহোদয় মাইকে সবাইকে বসতে বলেন এবং বলেন “আপনাদের সব কথা আমি শুনবো” কিন্তু সৈনিকরা ডিজির কথায় কর্ণপাত না করে দরবার হল ত্যাগ করতে শুরু করে। সৈনিকরা যখন দরবার হলে বিভিন্ন দরজা জানালা দিয়ে যাচ্ছিল তখন ডিজি মহোদয়ের সকল অধিনায়ককে নিজ নিজ ইউনিটে গিয়ে সৈনিকদের নিয়ন্ত্রন করতে বলেন। সৈনিকরা তখন ধীরে ধীরে দরবার ছেড়ে চলে যায়। দরবার হল প্রায় শূণ্য হয়ে যায়।

**PW 412 No. BA-3579 Major Khaled Ahmmed**

has stated in his evidence that.....২৫/২/০৯ রেকর্ড উইং এ Ro-1 হিসাবে কর্মরত ছিলাম। বর্তমানে রাজ্যমাটিতে কর্মরত। ২৫/২/০৯ সকাল ৮ টায় অফিসে আসি। ৮.৪৫ মিঃ SRO এর সঙ্গে জীপ যোগে

দরবার হলে পৌছি। ২য় সারিতে আমি আসন গ্রহন করি। ৯ টায় দরবার শুরু হয়। অনুমান ৯.৩০ মিঃ সিপাহী মাইন রাইফেল সহ ষ্টেজে উঠে ও ডি জি এর দিকে এগিয়ে যায়। তখন ডিডিজি ও কয়েকজন অফিসার সিপাহী মাইনকে নিরস্ত্র করে। বিডিআরগন তখন জাগো বলে শব্দ করে এবং বেরিয়ে যেতে থাকে। ডি জি সাহেব সবার কথা শুনতে চায় ও নীরব থাকতে বলেন। ডিজি সাহেব দরবার ত্যাগ না করতে নির্দেশ দেন। আদেশ অমান্য করে সবাই দ্রুত দরবার হল ত্যাগ করে। ডি জি অধীনদের নিয়ন্ত্রনের নির্দেশ দেন।

After uttering the word ‘Jago’, the BDR rebels became very aggressive and made pledges to kill the army officers making provocative and instigating speeches/words.

**PW 4 Colonel Mohammad Shamsul Alam Chowdhury has stated in his evidence that.....**আমি বর্তমানে National Security intelligence এ কর্মরত গত ১-২-০৯ থেকে ১১-৩-০৯ পর্যন্ত আমি পিলখানায় ৪৪ ব্যাটালিয়নের অধিনায়ক হিসাবে কর্মরত ছিলাম।.....সকাল সকাল

অনুমান ৯ ঘটিকায় পবিত্র কোরান তেলোয়াতের মাধ্যমে ২৫-২-০৯ তারিখ দরবার শুরু হয়। DG সাহেবের দরবারে বক্তব্য প্রদান শুরু করেন। তিনি কিছুক্ষণ বক্তব্য দেওয়ার এক পর্যায়ে ডাল ভাত কর্মসূচীর উপরে বিচারিত আলোচনা শুরু করেন। আমি তখন অফিসারদের বসার ২য় সারিতে ওয় চেয়ারে বসা ছিলাম। DG মহোদয় সকলের উদ্দেশ্যে বলেন যে, আপনারা কি এই ব্যাপারে সব বুঝতে পেরেছেন তখন সৈনিকের জবাব আশানুরূপ না হওয়ায় তিনি পুনরায় ডালভাতের উপর বিচারিত বক্তব্য শুরু করেন। এক পর্যায়ে তিনি বলেন ডালভাতের উদ্ভূত অর্থ বা লভ্যাংশ BDR এর কল্যাণে ব্যয় করা হবে। তখন DG মহোদয়ের বাম পার্শ্বে হতে ও দরবার হলের দক্ষিণ পূর্ব কোণা হতে একজন সৈনিক অস্ত্র নিয়ে DG মহোদয়ের দিকে দৌড়ে আসতে থাকে। আমি তখন চীৎকার করে ধর ধর করতে করতে স্টেজের দিকে দৌড়িয়ে যাই। সাথে সাথে শহীদ কর্ণেল মুজিব, কর্ণেল আনিছ, ও কর্ণেল এলাহী সহ আরো অনেকে স্টেজে উঠে পড়েন। ইতি মধ্যে এই সৈনিক DG মহোদয়ের মাথার বামপার্শ্বে রাইফেলের ব্যারেল লাগিয়ে ফেলেছে। এই ছেলেটাকে তখন খুব নারভাস মনে হচ্ছিল আমি এগিয়ে গিয়ে ১৩ রাইফেলের ব্যাটালিয়নে উক্ত সৈনিক মাইনকে ধরে ফেলি

এবং এক ঝটকায় অস্ত্রের ব্যারেল ফ্রি করে ফেলি। সেই মুহূর্তে স্টেজে উপস্থিত ব্রিঃ জেনারেল বারী (যিনি এই ঘটনায় নিহত) শহীদ কর্ণেল আনিছ, শহীদ ক্যাপটেন মান্নান, শহীদ ল্যাঃ কর্ণেল এলাহী সহ আরও কিছু অফিসার মাইনকে পাকড়াও করে স্টেজে ফেলে দেয়।..... তখন দরবার হলের বাইরে ১০/১২ জন বিক্ষুব্ধ সৈনিককে সশস্ত্র অবস্থায় ঘুরাঘুরি করতে দেখি। আমি তাদের মধ্যে ৪৪ ব্যাটেলিয়নের সিপাহী সেলিম রেজা ( তার এক হাতে অস্ত্র অন্য হাতে মেগা ফোন ছিল) সিপাহী ওবায়দুল এবং সিপাহী রফিকুলকে চিনতে পারি। তখন ৫ নং গেটের দিক থেকে কয়েকজনকে ব্রাস ফায়ার করতে করতে আমাদের দিকে আসতে দেখি তথা উপস্থিত সকলেই দৌড়া দৌড়ি শুরু করে আমাকে J C O রা ধাক্কাতে থাকে আমার নিকটস্থ J C O কোয়ার্টারে প্রাচীরের পার্শ্বে আশ্রয় নেই। তখন আমরা অবস্থান থেকে ১০-১২ গজ দূরে একজন সৈনিককে দরবার হল লক্ষ করে গুলি চালাতে দেখি সে তখন চিৎকার করে বলে আমরা অফিসারদের রক্ত চাই তারা কারো বন্ধু নয়। সব ফায়ারের লক্ষ ছিল দরবার হল।.....আমি জিজ্ঞাসা করি সময় কত তখন বলে সময় ১১.৩৫ মিঃ তখন দরবার হলের দক্ষিণ পার্শ্বে প্রচুর BDR সৈনিক সশস্ত্র অবস্থানে

ছিল A P C (Armour Personal Carrier) ও Pickup।  
 গাড়িতে পেট্রোলিং চলতে থাকে। একটা Pickup এ মাইকিং হয়।  
 Pickup এর পিছনে লেখা ছিল সদর। ঐ Pickup ও মাইকিং করে  
 বলছিল BDR এর দাবী মানতে হবে আর্মি অফিসাররা দেশের ও তাদের  
 শত্রু“। আর্মি ঘিরে রেখেছে আক্রমণ করতে পারে এমন কথা মাইকিং  
 হচ্ছিল। কোন অফিসারকে বাচতে দেওয়া যাবে না। তারা ছয় মাস যুদ্ধ  
 করতে পারবে মর্মে সৈনিকদের আশ্বস্ত করছিল।

**PW 10 Major Md. Alamgir Hossain Dewan** has  
 stated in his evidence that.....২৫/২/০৯ সকাল ৮-৫৫  
 মিনিটে দরবার হলে পৌছে অফিসারদের সারিতে বসি। ৯ টায় DG  
 দরবার শুরু“ করেন। যখন ডালভাত সম্পর্কে অর্থ হিসাবের কথা বলেন  
 তখন Stage এ একজন সৈনিক DG মহোদয় বরাবর অস্ত্র তাক করে  
 তার নাম সিপাহী মইন। একটু পরে ২ রাউন্ড ফায়ার হয়। তখন সব  
 সৈনিকরা বের হতে উদ্ধত হয় এবং দরজা জানালা ভাঙতে থাকে। আমি  
 তাদের ধাক্কায় দরজার দিকে যেতে বাধ্য হই। তখন দরবার হলের চার  
 দিকে সৈনিকরা গুলাগুলি করছে। ১০/১২ জন সশস্ত্র সৈনিক ফায়ার করতে

করতে এগিয়ে আসে। তাদের মধ্যে সিপাহী মতিন, সিপাহী মিন্টু শেখ, সিপাহী কামাল মোলা, সিপাহী সাইদুল ইসলাম সকলে ৪৪ ব্যাটালিয়ানের আমি তাদের চিনতে পারি। এর পর সুবেদার বেলায়েত আমাকে ধাক্কা দিয়ে বলে স্যার আপনি চলে যান।.....তখন ১০<sup>১</sup>/<sub>২</sub>টা বেজে গেছে। তখন সমস্‌ড় সৈনিকদের হাতে অস্ত্র দেখি ও তারা গোলাগুলি করছে দেখি।.....অনুমান ১১ টার দিকে আমাদের সকলকে কোয়ার্টার গার্ডে নিয়ে যায়। সিপাহী মজিবর বলে পাজেরো গাড়ীতে উঠার মজা বুঝবে। সিপাহী মজিবর সশস্ত্র ছিল। কোয়ার্টার গার্ডে শুনতে পাই ও দেখতে পাই সব কিছু একজন সার্জেন্ট ও কিছু সৈনিক বলা বলি করছে দরবার হলে সব অফিসারদের হত্যা করা হয়েছে বিভিন্ন ইউনিট Mobile করে বলে এখানকার সব অফিসারদের হত্যা করেছি তোমরাও তোমাদের অফিসারদের হত্যা কর।

**PW 16 Md. Arifur Rahman Akash** has stated in his evidence that.....আমি গত ২৫/০২/০৯ তারিখে আমি টেইলারিং শপে কাজে নিয়োজিত ছিলাম।.....অনুমান ৯-২৫ থেকে ৯-৩০ মিঃ দরবার হলের দিক থেকে ২/১ রাউন্ড গুলির শব্দ শুনি দরবার

হল থেকে। তখন আমি দোকান থেকে বের হয়ে পশ্চিম পার্শ্ব বারান্দা দেখতে পাই বিডিআর এর লোকজন দরবার হলের দিক থেকে বের হয়ে চতুর্দিকে ছুটাছুটি করছে। ঐসময় সদর ব্যাটালিয়নে পূর্ব দক্ষিণ কোণে গ্যারেজের সামনে হাবিলদার তরিকুল, সিপাহী আমিনুর রহমান দাড়িয়ে ছিলেন। ঐসময় দরবার হল থেকে আসা মেজর আছাদ সদর ব্যাটালিয়নের অফিসের সামনে বাগানের কাছে আসলে হাবিলদার মেজর তরিকুল বলে ঐ এক কুত্তার বাচ্চা আসে ধর। সিপাহী আমিনুর রহমান ও আরও একজন অপরিচিত সৈনিক মেজর আছাদের দুই পাশে ২জন ধরে রাখে। হাবিলদার তরিকুল তার কোমরের বেল্ট খুলে মেজর আছাদের নাকে মুখে বুকে পিঠে মারতে থাকে। মেজর আছাদ তাকে ধাক্কা মেরে সদর ব্যাটালিয়নের ২য় তলায় সি/ও সাহেবের অফিসে ঢুকে। সিপাহী আমিনুর পিছু পিছু যায়। ঐসময় হাবিলদার তরিকুল লাইনের নীচে যেতে থাকে ও চিৎকার করে বলতে থাকে কোন বিডিআর এর লোক খালি হাতে থাকেবে না সবাই অস্ত্র নিয়ে দরবার হলে যাবে ও আর্মি অফিসার দেখামাত্র গুলি করবে মর্মে নির্দেশ দেয়।.....হাবিলদার বেলায়েত বলে মেজর আছাদের বাচ্চাকে বের কর। কুত্তার বাচ্চাকে মার শালা যেন কোনভাবে বাচতে না পারে।



তথা নায়েক আছাদকে হাবিলদার বেলায়েত বলে চল শালাকে মারবো এই বলে তারা সদর ব্যাটালিয়নে ঢুকে।

**PW20 Major Kamrul Hasan** has stated in his evidence that.....গত ২৫/২/০৯ বিডিআর এর মহাপরিচালকের দরবার ছিল। আমি দরবারে যোগদান করি। অফিসারদের ১ম সারিতে মাঝ বরাবরে বসেছিলাম। ডিজি সকাল ৯টায় দরবার শুরু করেন। সকাল ৯-২৬ মিনিটে ১৩ ব্যাটালিয়নের সিপাহী মাইন দরবার হলে সশস্ত্র প্রবেশ করে ডিজি এর দিকে অস্ত্র তাক করে ধরে। তখন সকল সৈনিক দাড়িয়ে যায়। ডিডিজি সিপাহী মাইনের অস্ত্র নিয়ে তাকে নিরস্ত্র করে। তখন দরবার হলের ভিতর থেকে 'জাগো' বলে শব্দ করে। তখন সবাইকে ডিজি বলেন আপনারা সকলে বসুন আমি সকলের কথা শুনবো। বিডিআর সদস্যরা দরবার হল ত্যাগ করতে থাকে। ডিজি সবাইকে দরবার হল ত্যাগ করতে নিষেধ করে। তারপরেও বিডিআর সদস্যরা দরবার হল ত্যাগ করতে থাকে। দরজা জানালা ভেংগে তারা বের হতে থাকে। সকল অফিসারদের নিয়ন্ত্রণ করতে বলেন। পরে এই আদেশের পর আমি দরবার হলের মাঝ বরাবর চলে আসি। বাইরে গুলির শব্দ শুনতে পাই।.....আমি কেন্দ্রীয় মসজিদের কাছে চলে আসি। একজন বিডিআর সদস্য আমাকে ধর

ধর বলে এগিয়ে আসে। নায়েক হাবিব আমাকে উদ্ধার করে অফিসার্স  
বাসস্থান এলাকায় ১০নং বিল্ডিংয়ে আনে। ২য় তলায় অবস্থানকারী কর্ণেল  
সাইদ আমাকে জিজ্ঞাসা করে কি হয়েছে। আমি গোলাগুলির কথা বলি।  
আমি তখন তার পাশে আমার বাসায় চলে আসি। আমার বাসা ৪র্থ  
তলায়। নায়েক হাবিব আমাকে নীচ পর্যন্ত পৌঁছে দেয়। আমি বাড়ীর ছাদে  
উঠে দেখি সশস্ত্র বিডিআর-রা অবস্থান নিচ্ছে। নীচে নেমে এসে বেল  
টিপলে আমার কাজের বুয়া দরজা খুলে দেয়। বাসায় অসুস্থ স্ত্রীকে ঘটনা  
বলি। পরে আমি ইউনিফর্ম খুলে প্যান্ট শার্ট পরি। পার্শ্বের বাসায় শব্দ ও  
আর্তনাদ শুনতে পাই। বাথরুমের উপর **false ceiling**-এ  
উঠি।.....২৫/২ রাতে ৩টার পরে স্ত্রীর কাছে জানতে পারি মাননীয়  
স্বরাষ্ট্রমন্ত্রী এসেছিলেন আমার স্ত্রীকে উদ্ধারের জন্য। আমার স্ত্রী সঁান  
সম্ভবা ছিলেন। তিনি আমাকে ছাড়া যায় নাই।.....স্বরাষ্ট্রমন্ত্রী চলে  
যাওয়ার পরে আমার বাসা লুটতরাজ করে। ২৬/২ ভোরে মাইকে বিভিন্ন  
ঘোষণা শুনি। সকাল ১১টায় গুলির শব্দ শুনতে পাই। বিকেল ৩টায় আমার  
দরজায় লাথির শব্দ পাই। বিদ্রোহীরা আমার স্ত্রী ও বাচ্চাদের নিয়ে যাওয়ার  
চেষ্টা করে। পরে কর্ণেল সাইদকে তারা আনে। তিনি আমার স্ত্রীকে বাসা  
থেকে বের হতে বলে। আমি বাসায় আছি জেনে সিপাহী মাজহার সহ ৪/৫

জন বিদ্রোহী আমার দিকে অস্ত্র তাক করে এগিয়ে আসে। আমি তাদের গুলি না করতে অনুরোধ করি। সিপাহী মাজহার সহ সকলে আমাকে অস্ত্রের মুখে বের করে আনে। মাজহারের সাথে সিপাহী মাসুদ, সিপাহী জিয়াউল, সিপাহী নজরুল ছিল। আমাকে মারতে মারতে নামিয়ে আনে। বাসার সামনে একটি Pickup দেখি। সিপাহী মাজহার বলেন নুতন ডিজি তৌহিদ সাহেবের আদেশ কাউকে মারা যাবে না গেইট পর্যন্ত পৌঁছিয়ে দিতে হবে।

**PW21 Syed Monirul Alam** has stated in his evidence that.....২৫/০২/০৯ তারিখে সকাল ৮ ঘটিকায় সকল অফিসার ও ফোর্সসহ দরবার ছিল। আমি ঐ দরবারে অংশগ্রহণের জন্য ৭টায় বাসা থেকে বের হয়ে ৭-২০ মিঃ মধ্যে ২৪ ব্যাটালিয়ন অপেক্ষা করি। মেজর মমিনকে ফোন করে জানতে পাই দরবারের সময় ৯টা করা হয়েছে। ৮  $\frac{১}{২}$  টায় মেজর মমিন, আমি এবং মেজর মাকসুমুল হাকিম সহ একত্রে দরবারে যাই। দরবার হলের উত্তরদিকে দক্ষিণমুখী ৩ সারি চেয়ার সাজানো ছিল। তৃতীয় সারির শেষ প্রান্তে পশ্চিম দিকে বসি। সকাল ৯টায় ডিজি দরবারে আসেন।.....আমি কাঁচের গণ্ডাস দিয়ে বাইরে তাকিয়ে

দেখি বিডিআর এর বিদ্রোহী সদস্যরা অস্ত্র হাতে দরবার হলের দিকে এগিয়ে আসছে ও ফাঁকা গুলি করছে। ডিজিকে অন্য অফিসাররা ঘেরাও করে রাখে।..... দরবার হলের চারদিকে প্রচণ্ড গোলাগুলি শুরু হয়। আমি আত্মরক্ষার্থে ওয়াশরুমে প্রবেশ করি। আমি ও মেজর মাকসুমুল বেসিনের নীচে আশ্রয় নেই। ১০/১২ জন সদস্য অস্ত্র হাতে দরবার হলে প্রবেশ করে ও অফিসারদের গালাগালি করে।.....আমি বুঝতে পারি বিডিআর সদস্যরা অফিসারদের মেরে ফেলছে। আমার পাশে মেজর মাকসুমুল হাকিম ছিলেন। কিছু পরে বিদ্রোহী বিডিআর ওয়াশ রুমে প্রবেশ করে ও বলে "ভিতরে কোন কুত্তার বাচ্চা আছ নাকি।" বিদ্রোহীরা মেজর মাকসুমুল হাকিমকে দেখতে পায় ও বিদ্রোহীরা তাকে গুলি করে ও তিনি যখমপ্রাপ্ত হন ও রক্ত পড়তে থাকে। একপর্যায়ে তিনি পড়ে যান। তিনি বিদ্রোহীদের বলেন তার গায়ে গুলি লেগেছে তাকে যেন হাসপাতালে নেওয়া হয়। বিদ্রোহীরা তখন বলে কুত্তার বাচ্চাকে আজীবনের মত হাসপাতালে পাঠা। সিপাহীরা তাকে লক্ষ্য করে পুণরায় গুলি করলে তিনি সেখানেই মারা যান। আমি তার শরীর থেকে ঝরে আসা রক্ত কপালে লাগিয়ে শুয়ে পড়ি মরার ভান করে। বিদ্রোহীদের মধ্যে একজন বলে উঠে জিয়া, রাজিবুল চল কুত্তার বাচ্চারা মারা গেছে।

**PW 33 Lieutenant Colonel Md. Reazul Karim** has

stated in his evidence that.....২৫-২-০৯ ঘটনার তারিখ।

আমি বিডিআর সদর দপ্তরে কর্মরত ছিলাম। সকাল ৬ টায় কেন্দ্রীয়

কোয়ার্টার গার্ডের ডিউটিতে ছিলাম। অনুমান সকাল ৮.৫০ মিঃ duty

officer এর রুমে বসা ছিলাম। দরজা দিয়ে বাইরে তাকিয়ে দেখি

২০/২৫ জন বিডিআর সদস্য এদিক ওদিক তাকাচ্ছে। তাদের দেখে সন্দেহ

হওয়ায় তাদের কাছে যাই ও চ্যালেঞ্জ করে বলি তোমরা কি করছ ও গার্ড

কমান্ডারের উদ্দেশ্যে বলি এরা কারা কিভাবে আসল? সঙ্গে সঙ্গে সৈনিকগন

আমার উদ্দেশ্যে কুত্তার বাচ্চা শুয়ারের বাচ্চা আর্মি অফিসার বলে ঝাপিয়ে

পড়ে আমাকে কিল ঘুষি লাথি মারে। এই সময় তাকিয়ে দেখি অস্ত্রাগারের

গার্ডগন নীরবে দাড়িয়ে আছে। তারা আমাকে চেং দুলা করে ধরে নিয়ে রশি

ও চেইন দিয়ে হাতপা বেধে ফেলে গলা টিপে হত্যার চেষ্টা করে। কেউ

কেউ বলে বেয়নেট খুচিয়ে মেরে ফেল। তারা আমার হাত ঘড়ি মোবাইল

ফোন ছিনিয়ে নেয়। আমাকে বেধে রেখে বাহির থেকে দরজা বন্ধ করে

দেয়।.....২৫/২/২০০৯ রাত্রি ৯ টায় সশস্ত্র সৈনিকগন আমার দরজার

বাইরে এসে চীৎকার করে বলে কুত্তার বাচ্চাকে বের করে ব্রাশ ফায়ার কর।

তারা আমাকে বাইরে নিয়ে যায় এবং রুমের ভিতরে নেয় সেই রুমে

দেখি রক্ষ্মটি নারী ও শিশুতে ভর্তি। আমি তাদের কাছে প্রান ভিক্ষা চাই।  
তারা রক্ষ্মে নিয়ে যায়।

**PW 41 Sree Rabindra Kumar Pal** has stated in his evidence that.....২৫-২-০৯ তারিখে দরবারে আমি উপস্থিত ছিলাম। দরবার হলে একজন সৈনিক অস্ত্র নিয়ে প্রবেশ করায় বিশৃংখলার সৃষ্টি হয়। দরবার হলে গেট দিয়ে বের হয়ে ৪৪ ব্যাটালিয়নের সৈনিক লাইনের দিকে যাই। পথের মধ্যে ৪৪ ব্যাটালিয়নের সিপাহী হাফিজুর ল্যাঃ নাঃ মুছা মিয়া, সিপাহী আছাদুজ্জামান সিপাহী আরিফুল সহ অনেক বিডিআর সদস্য fire করতে করতে দরবার হলের দিকে যায়। বিডিআর এ আর্মি রাখবো না বলতে বলতে fire করে।

**PW 48 Major Isteaque Ahmed Khan** has stated in his evidence that.....২০০৯ সালে ২৫/২ তারিখ সকাল পৌনে ৯ টায় দরবার হলে উপস্থিত হই। ৯ টায় দরবার শুরু হয়। সকাল ৯ ½ টায় কিছু সৈনিক ডিডি এর কাছে আসেন। এদের মধ্যে সিপাহী মাইন অস্ত্র তাক করে কাজল তার পিছনে থাকে। উপস্থিত অফিসাররা সিপাহী মাইনকে নিরস্ত্র করে। কাজল বের হয়ে যায়। ২ রাউন্ড গুলির শব্দ

শুনি।.....সৈনিক শাহজাহান বিদ্রোহে যোগদানের জন্য সকলকে আহ্বান করে ফোনে। ৪ তালা থেকে দেখি ল্যান্স নায়েক ইকরাম, মাইকে ঘোষণা করে ডিজিকে মারা হয়েছে সব অফিসারকে মারা হবে। সে সকলকে বিদ্রোহে যোগদানের কথা বলে।.....পরের দিন ২৬/২ সকাল ৬  $\frac{১}{২}$  টায় আমি ঐ বাসা থেকে বের হয়ে যাই। ২৪ ব্যাটালিয়নের পাশে থেকে ডিজি বাংলোর কাছে যাই। তখন একজন সৈনিক আমাকে বলে তুই অফিসার না? আমি বলি আমি মেজর ইসতিয়াক।

**PW 52 Al Mahmud Kabir** has stated in his evidence that.....গত ২৫-২-০৯ ৯টায় দরবার হলে ছিলাম। আমি সাউন্ড সিস্টেম অপারেটরের দায়ীতে ছিলাম। সকাল ৯ টা ২০-২৫ মিঃ সিপাহী মাইন অস্ত্র সহ ডিজি এর দিকে তাক করে অন্যান্য অফিসারেরা তাকে নিরস্ত্র করে। সিপাহী কাজল অস্ত্র সহ ঢুকে ও মাইন ধরাপড়ায় সে বের হয়ে যায়। দরবার হলের বাইরে গুলির শব্দ হয়।.....সেলিম রেজার হাতে হ্যান্ড মাইক ছিল। সে উক্ত মাইক দিয়ে অফিসারদের বের হওয়ার নির্দেশ দেয়।.....পরে হাবিলদার শহীদুল ও তার সাথে

সিপাহী শামীম ও সিপাহী আবুবকরকে অস্ত্র সহ দেখি তাহারা বলতেছিল অনেক অফিসার finish করেছি। এই বলে তারা D j স প্রকাশ করে।

**PW 53 Md. Shafiquzzaman** has stated in his evidence that.....গত ২৫-২-০৯ আমি পিলখানায় সৈনিক মেছে ছিলাম। ৯<sup>১</sup>/<sub>২</sub> টায় দরবার হলে গুলির শব্দ পাই। ১০-৪৫ মিঃ লেঃ কঃ আনোয়ার আমার ABC মেছে পরে অস্ত্রধারী বিডিআর সদস্যরা তাকে তুলে নিয়ে যায়। ঐ দিন সকাল থেকে বিকেল পর্যন্ত আমি যাদের সশস্ত্র অবস্থায় দেখি তারা হলো নায়েক বারী সিপাহী মামুনুর রশিদ, সিপাহী ফারুক হুসেন, সিপাহী গোলাম নবী সিপাহী মোয়াজ্জেম, একরামুল, জাহাঙ্গীর, হাবিলদার শহীদুল, ল্যাঃ নায়েক একরামুল সিপাহী শাহআলম, সিপাহী গোলাপ শাহীন সিপাহী আলমাস, আঃ জলিল, জাকারিয়া এনামুল, শফিকুল ও সিপাহী নাজমুল শিকদারকে অন্যান্য অস্ত্রধারীর সাথে দেখি। তারা বলতেছিল বিডিআর এ সেনা অফিসার থাকবে না। তাদের অনেককে গুলাগুলি করতে দেখি।

**PW 87 Md. Sohel Rana** has stated in his evidence that.....২৫/২/০৯ সকাল ৯.৩০ মিঃ আমি ব্যারাকে



ছিলাম। পরে কিছু বিডিআর সদস্য চীৎকার করে বলতে থাকে লাইনে যারা আছে সবাই নীচে নামুন। ভয়ে নীচে নামি। ৭৮১১৩ নাম্বার সিপাহী রব্বানী ও ৭৭৫৯৩ সিপাহী জাকিরকে সহ অন্যদের অস্ত্রসহ উত্তেজিত দেখি। তারা **fire** করতে করতে দরবার হলের দিকে যাইতেছে ও বলতেছে বিডিআর এ সেনা অফিসার থাকবে না।

**PW 122 Naik-47092 Md. Moklesur Rahman**

has stated in his evidence that.....গত ২৫/২/০৯ আমি দরবারে ছিলাম। দরবারে বিশৃংখলা হলে আমি দরবারের বাইরে চলে যাই। তখন অনেক BDR সদস্যদের সশস্ত্র অবস্থায় উত্তেজিত দেখি। তারা গুলি করতে করতে দরবার হলের দিকে আসে তাদের মধ্যে ৭৩৫২৯ সিপাহী জিয়াউল হক, ৭৫২২৩ সিপাহী শাহীন এমরান, ৭৬৫৩৯ সিপাহী রাসেল, ৭৬৬৯২ সিপাহী ওমর ফারুককে চিনতে পারি। তারা বলে **BDR** এ সেনা অফিসার থাকবেনা। তাদের যেখানে পাওয়া যাবে গুলি করে শেষ করে দেওয়া হবে।

**PW 126 Sepoy-63121 Md. Rokonuzzaman** has stated in his evidence that.....২৫/২/০৯ আমি দরবার হলে ছিলাম। দরবারে এক পর্যায়ে ৬৫১৪০ সিপাহী মাইন অস্ত্রসহ দরবারে প্রবেশ করে। তখন সকলে দাড়িয়ে যায়। ডিজি সকলকে বসতে বলেন। অনেকে দরবার ত্যাগ করে। আমি দরবার হল থেকে বের হয়ে ব্যাটালিয়নে আসি ও লাইনে থাকি। তখন অনেককে অস্ত্র ও গোলাবারুদ নিতে দেখি তাদের মধ্যে ৬৫০৫৮ আঃ বাশার, ৬৭৬৯২ সিপাহী ফরিদ, ৬৯৭৬০ সিরাজুল, ৬৯৭৭৬ সিপাহী শামিমুল হক, ৭৪৪১৫ সিগনালম্যান বোরহানকে অস্ত্রসহ fire করতে করতে দরবার হলের দিকে যেতে দেখি। তারা বলে BDR এ সেনা অফিসার থাকবেনা ও সবাইকে অস্ত্র নিতে বলে।

**PW 172 Lance Naik-56766 Pijush Kanti Sarkar,** has stated in his evidence that ২৫-২-০৯ তাং আনুমানিক সকাল ৮.২০ ঘটিকার সময় Referred কৃত রোগীদের নিয়ে বাইরের হাসপাতালে ভর্তির জন্য আমাদের এ্যাম্বুলেন্স নিয়ে রওনা দেই। বিভিন্ন হাসপাতালে রোগী পৌঁছিয়ে আনুমানিক সকাল ৯.৪০ ঘটিকার সময় ৩ নং গেইট দিয়ে পিলখানায় প্রবেশ করি। বীরশ্রেষ্ঠ মুন্সী আব্দুর রউফ

কলেজের সামনে আসতেই দেখি কিছু সংখ্যক বিদ্রোহী BDR সদস্য অস্ত্র হাতে কেমো গেঞ্জি ও ফুল প্যান্ট পরা অবস্থায় এদিক সেদিক দৌড়াদৌড়ি করছে। সরকারী প্রাথমিক স্কুল পার হয়েই দেখতে পাই লেঃ কর্ণেল রাজ্জাক দ্রুত বেগে দরবার হলের দিক দিয়ে হাসপাতালের দিকে আসছেন। আমি Ambulance খামিয়ে তাকে উঠাই। তার কাছে জানতে পারি আনুমানিক সকাল ৯.৩০ ঘটিকার সময় অস্ত্রধারী বিদ্রোহীরা দরবার হলে ঢুকে ফায়ার করছে। তাকে হাসপাতালে নামিয়ে আমি আমার ডিউটি রক্ষা চলে যাই। সেখান থেকে প্রচুর গুলির শব্দ শুনতে পাই। বিকাল অনুমান ৫.০০ টার দিকে ল্যাঃ নায়ক সহকারী রেজাউল করিম হাসপাতালে এসে অস্ত্র নিয়ে সেনা অফিসারদের মারার জন্য খুজতে থাকে। সে বলে কোন সেনা অফিসারদের বাচতে দেয়া হবে না। সেনা অফিসাররা আসলে আমাদের খবর দিবা।

**PW 173 Naik-51139 Md. Monir Hossain** has stated in his evidence that ২৫/২/০৯ তাং কোন ডিউটি না থাকায় সৈনিক লাইনেই অপেক্ষা করছিলাম। বেলা আনুমানিক ৯.২৫ ঘটিকার সময় গোসলের জন্য গোসল খানায় যাই। হটাৎ দরবার হলের দিকে গোলাগুলির শব্দ শুনতে পাই। ঐ অবস্থায় বারান্দায় গিয়ে দেখি দরবার হল

থেকে অনেক বিডিআর জোয়ান দৌড়াদৌড়ি করে লাইনের দিকে আসছে। কিছু লোক মুখোস পড়া এলোপাথারি গোলাগুলি করছে এবং মুখে বলছে কে কোথায় আছো, নীচে নামো অস্ত্র গোলা বার“দ নেও আর্মিরা বিডিআর মেরে ফেলছে। তখন আমি গোসল খানায় গিয়ে গোসল করে সৈনিক লাইনেই অপেক্ষা করি। বেলা অনুমান ১০.৩০ ঘটিকার সময় সদর রাইফেল ব্যাটালিয়নের কেন্দ্রীয় আর পি নং- ৫৩৮২৪ ল্যাঃ নায়েক মোঃ মুসা মোলা, ৭২০৮৭ সিপাহী সফিকুল ইসলাম ৬৫৮৫৭ সিপাহী লোকমানদের অস্ত্র সহ লাইনের ভিতর প্রবেশ করতে দেখি। এর কিছুক্ষন পরে বেলা অনুমান ১২.১৫ ঘটিকার সময় আর পি লাইনের সামনে আম বাগানের নীচে ১০/১৫ জন বিদ্রোহী বিডিআর অস্ত্র ও গোলাবারন্দ সহ ঘোরা-ফেরা করতে দেখি। তাদের মধ্যে কেন্দ্রীয় আর পি নং- ৪৯১২০ নায়েক শরিফুল ইসলাম, ৫২৭৮১ ল্যাঃ নাঃ হাবিবুল্লাহ বাহার, ৬৮৭৭৯ সিপাহী আশরাফুল, ৬৩৪৭৯ সিপাহী হায়দার আলী, ৫১৮৭৬ ল্যাঃ নাঃ গোলাম, ৫২১৯৪ আহাদুজ্জামান ও ৫২২৭০ ল্যাঃ নাঃ সাইফুল ইসলামকে সৈনিক লাইনের সামনে সশস্ত্র অবস্থায় ঘোরাফেরা করতে দেখেছি। এর কিছুক্ষন পর বেলা ১২.৩০ ঘটিকায় একটু পরে ৬২৭৪২ সিপাহী আবুল কালাম আজাদ কে অস্ত্র ও গোলাবারন্দ সহ বিদ্রোহী সৈনিকদের সাথে

উসকানী মূলক বক্তব্য দিতে দেখি সে বলেছে আমরা আর্মি অফিসারদের হত্যা করেছি। তাদেরকে কেহ খুজে পাবে না। তোমরা আমাদের সঙ্গে থাকো এবং আর্মি অফিসারদের যাকে যেখানে পাবে তাকে সেখানেই গুলি করে হত্যা করো।

**PW 240 Sepoy-63684 Md. Shahdat Hossain**

has stated in his evidence that গত ২৫/২/০৯ তারিখে নিজ লাইনে অবস্থান করি। ৯-৩০ মিঃ fire শুনি। অফিস বিল্ডিং এর সামনে চৌরা - ১। ৭৭০০৯ সিপাহী মিলন, ৭৭৮৭৩ সিপাহী ফেরদৌস সহ অনেককে সশস্ত্র অবস্থায় দেখি গুলি করতে। তারা বলে **BDR** এ **Army** থাকবে না। সদর ক্যান্টিনের সামনে অনেক সশস্ত্র **BDR** দেখি।

On the fateful day of the occurrence, the BDR rebels following the criminal conspiracy together with common intention and common object not only killed the army officers in different places of the Pilkhana, they also carried out severe and butcherly persecutions and misbehaviours on the wives, family members and maid servants of the army officers. In order to

understand the gravity of the offences committed by the BDR rebels, I am going to refer some important evidence adduced by the prosecution witnesses who saw the scenario of the persecutions and became affected and persecuted by the BDR rebels since they were victims and they were the eye witnesses of the occurrences. Side by side, I would like to refer some confessional statements given by some of the accused who actively participated in the commission of crimes and confessed to the offences by giving confessional statements vividly and elaborately.

**PW 263 Mrs. Munmun Akther (wife of Shaheed Lieutenant Colonel Shamsul Azam** has stated in her evidence that.....২৫/২/০৯ তাং BDR সপ্তাহ উপলক্ষ্যে দরবার হলে মিটিং থাকে। ঐ মিটিংয়ে যাওয়ার জন্য আমার স্বামী সকাল অনুমান ৮.০০ টার দিকে নাস্তা করে বের হন। পরে আমি আমার বাসায় আমার মেহমান ও বাচ্চাকে নিয়ে নাস্তা সারছিলাম।

আনুমানিক সকাল ৯.১৫-৯.৩০ টার সময় বেশ কিছু গুলির আওয়াজ পাই এবং ক্রমশ গুলির আওয়াজ বাড়ছিল।.....অনুমান বেলা ১১.০০ টার দিকে ৭-১০ জন সৈনিক এসে আমাদের দরজায় লাথি মারছিল। এবং বলছিল “ দরজা খোল নাইলে গুলি করবো” আমি ভয়ে ভীত হয়ে দরজা খুলে দেই। সাথে সাথে তারা মারমুখী হয়ে ঘরে ঢুকলে এবং বিভিন্ন রুম ও বিভিন্ন জায়গায় তারা কি যেন খুজছিল। আমি তাদেরকে উহার কারণ জিজ্ঞাসা করলে তারা বলে “স্যার কোথায়”। তখন আমি বলি আপনাদের স্যার দরবার হলে মিটিংয়ে আছে। উত্তরে বলেন তাহলে স্যার ভালই আছে। তারা যাবার সময় বলে যায় স্যার আসলে আমাদের বলবেন। এর পর আনুমানিক বেলা ১২.০০ টার দিকে আমাদের নীচতলায় ২টি family র ছেলে মেয়েরা আমার বাসায় আশ্রয় নেয়। আমি সবাইকে নিয়ে ভয়ে জড়সড় হয়ে থাকি। অতঃপর আবার একদল সৈনিক আমাদের ঘরে আসে একই ভাবে তল্লাশী চালায় ও যাবার সময় এক আব্দুল্লাহ আল মামুন নামে এক সৈনিক আমার ভাগ্নের বৌ পপি এর ব্যাগ থেকে ১০,০০০/- টাকা ও মোবাইল ফোন নিয়ে যায়। পরে এরা চলে গেলে কিছুক্ষন পরে সৈনিকরা একই ভাবে বাসায় আসে এবং বাসা তল্লাশী করে ও যাবার সময় ডিজিটাল ক্যামেরা ও ঘরে থাকা মোবাইল নিয়ে যায়। আমি মাথা উচু করে

দেখতে পাই সৈনিকরা অফিসারদের গাড়ী পোড়াচ্ছেন। অতঃপর আরেক গ্রুপ সৈনিক আমাদের বাসায় অস্ত্র ও গ্রেনেড সহ আসে ও নাচিয়ে নাচিয়ে আমাদের ভয় দেখাচ্ছিল। তাদের ভয়ঙ্কর রূপ ছিল।

**PW 277 Lance Naik-51963 Md. Rafiqul Islam**

**Feroz** has stated in his evidence that ২৫/২/০৯ তাং আনুমানিক বেলা ৮.০০ ঘটিকার সময় অন্যান্য সদস্যের সাথে আমিও দরবার হলে হাজির হই। দরবার চলাকালীন DG মহোদয়ের বক্তব্যের এক পর্যায়ে নং ৬৫১৪০ সিপাহী মোঃ মাইন উদ্দিন ১৩ রাইফেল ব্যাটালিয়ান সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে। তখন দরবার হলে বিশৃংলা দেখা দেয় এবং অধিকাংশ BDR সদস্য DG মহোদয়ের আদেশ অমান্য করে দরবার ত্যাগ করতে থাকে। DG মহোদয় কর্তৃক আদেশ প্রাপ্ত হয়ে আমি দরবার হল থেকে বের হয়ে নিজ ইউনিট ১৩ রাইফেল ব্যাটালিয়নে যাই। লাইনে যাওয়ার সময় ৫৩০২৭ ল্যাঃ নাঃ মোঃ হারুনুর রশীদ, ১৩ রাইফেল ব্যাটালিয়ন, নং ৫৪২৮০ ল্যাঃ নাঃ মোঃ আলী আকবর, একই ব্যাটালিয়ান, নং ৭৮৫৫৩ সিপাহী মোঃ রাসেল সওদাগর ১৪ রাইফেল ব্যাটেলিয়ান, নং- ৬৯০৩৮ সিপাহী মোঃ ফরহাদ হোসেন



৩৭ রাইফেল ব্যাটালিয়ন, নং ৬৮৩৯৮ সিপাহী মোঃ শরিফুল ইসলাম ৮  
 রাইফেল ব্যাটালিয়ন, নং- ৭৬১১৬ সিপাহী মোঃ সফিকুল ইসলাম, ৮  
 রাইলে ব্যাটালিয়ন, নং ৭৬৭৯৮ সিপাহী মোঃ আব্দুল খালেক ৮ রাইফেল  
 ব্যাটালিয়ান এবং নং ৬৬৪০৮ সিপাহী কাউসার আহমদ, ৮ রাইফেল  
 ব্যাটালিয়ন কে ইউনিট এলাকায় অস্ত্রসহ উত্তেজিত ভাবে ঘোরাফেরা করতে  
 দেখি। তারা সকলেই **Army Officer** দের খোজাখোজি করছিল  
 এবং বলছিল **BDR** এ **Army Officer** থাকবে না। যাকে যেখানে  
 পাওয়া যাবে সেখানেই মেরে ফেলা হবে।

**PW 328 Mr. Md. Jahangir Kabir Nanok MP**

has stated in his evidence that গত ২৫/২/০৯ তারিখ অনুমান  
 ১০ টায় মন্ত্রণালয়ে রওয়ানা হই। মৎস ভবনের কাছে পৌঁছলে ফোন আসে  
 পিলখানায় গুলাগুলি চলছে। আরও ২/১ জায়গা থেকে সংবাদ আসে।  
 তাৎক্ষণিকভাবে মাননীয় সংসদ সদস্য মাননীয় হুইপ মির্জা আজমকে ঘটনা  
 অবগত করে যমুনায় আসার জন্য অনুরোধ করি। আমি মাননীয়  
 প্রধানমন্ত্রীর বাসভবন যমুনায় যাই। যমুনায় ঢুকে আতংক জনক পরিস্থিতি  
 দেখি। মাননীয় প্রধানমন্ত্রী মন্ত্রি পরিষদ ও জাতীয় সিনিয়র নেতাদের সঙ্গে  
 আলোচনা করেন। বেলা ১টায় মাননীয় প্রধানমন্ত্রি আমাকে ও মির্জা

আজমকে বলেন তোমরা পিলখানায় গিয়ে BDR এর সঙ্গে আলোচনা করে সমাধানের চেষ্টা কর। কি করা যায় ভাবতে থাকি। আমরা পিলখানার উদ্দেশ্যে সিটি কলেজ হয়ে রওয়ানা করি। আমবালা সুইট মিষ্টির দোকানে পৌঁছলে প্রচন্ড গুলাগুলির শব্দ শুনি।.....আমি ও হুইপ আজম আমাদের ফোন নাম্বার দিয়ে BDR দের এই নাম্বারে যোগাযোগ করতে অনুরোধ করি। এক পর্যায়ে BDR রা আমাদের লক্ষ্য করে গুলি ছুড়ে আমরা আলোচনার জন্য অনুরোধ করি। BDR রা আমাদের অশ্লীল ভাষায় গালাগালি করে। পরে আমরা সাদা পতাকা নিয়ে সামনে এগুতে থাকি। BDR রা পুনরায় অশ্লীল ভাষায় গালাগালি করে। আমরা দেশের স্বার্থে প্রধানমন্ত্রির নির্দেশ গুরুত্বপূর্ণ মনে করে এগিয়ে যাই। BDR রা বলে প্রধানমন্ত্রিকে পাঠান। আমরা সেনাবাহিনীর চেয়ে শক্তিশালী সমস্ত কেন্দ্র আমাদের পক্ষে। সব উড়িয়ে দেব কাউকে ছাড়া হবে না।

**PW 353 Mrs. Fara Zinnat (wife of Shaheed Lieutenant Colonel Zahidul Islam)** has stated in her evidence that.....আমার স্বামী লে: ক: জাহিদ বিডিআর এ কর্মরত ছিলেন। ২৫/২/০৯ তিনি ৮ ½ টা বাসা থেকে বের হন। ৯-১০/১৫ মিনিট

দেখি কিছু জোয়ান দরবার হল থেকে বের হচ্ছে ও গুলির শব্দ পাই। পরে স্বামীকে ফোন করি বিডিআর এর ভিতরে গন্ডগোল হচ্ছে। অনুমান ১০ টায় ১০/১২ জন জোয়ান এসে আমার বাসার দরজা ভেঙ্গে ফেলে। তখন ব্রাস ফায়ারের ভয় দেখায় আমি তখন দরজা খুলি। আমাদের মারতে মারতে কোয়াটার গার্ডে নিয়ে যায়। গার্ডে গিয়ে অনেক ভাবীদের দেখি। ২৬/২/০৯ বিকেল ৪ টায় আমি বের হয়ে আসি। যারা মারধর করে তাদের মধ্যে হাবিলদার নাছির, সিপাহী জিয়াউর রহমান, সিপাহী রমজান, ঝাড়ুদার আলমগীর, আবুল হুসেন, আলম হুসেন, কামাল হুসেন, এমদাদুল হক আইনুল, শফিকুল ইসলাম, রেজাউল করিম, কাদের, শানু চন্দ্র দাস মানিক দাস, লাবলু মিয়া, রাশেদ আলী, আঃ বারী এদের আমি ভিডি ফুটেজে সনাক্ত করি। তাদের নেমপ্লেট ও ভিডিও ফুটেজ দেখে সনাক্ত করি। ৯ লক্ষ ৬৬ হাজার টাকার মালামাল আমার বাসা থেকে লুট করে নেয়।

**PW 427 Mrs. Tasnuva Maha (Wife of Shahid Captain Tanvir)** has stated in her evidence that আমার স্বামী মরহুম মেজর তানভীর ২৫-০২-০৯ সকাল আমার স্বামী দরবার হলের জন্য বের হয়ে যায়। আমি তার রানারকে ফোন করি সে বলে

ভিতরে গন্ডগোল। ৯ ½ টার দিকে আমার স্বামীর ফোন বন্ধ পাই। পরে  
 রানারকে ফোন করলে সে খারাপ আচরণ করে ও ধমক দেয়। আমি পরে  
 মেজর আজিজকে ফোন করি। সে তানভিরকে ফোনটা দেয় এবং আমি  
 কথা বলি। সে বলে সৈনিক বিদ্রোহ করেছে। কিছু সৈনিক আমাদের  
 দরজায় লাথি দেয়। পরে তানভির ফোন করে জানায় মানুষ মারা হচ্ছে।  
 আমাকে বাথরুমে লুকিয়ে থাকতে বলে। দরজা ভেঙ্গে আমার ঘরে  
 সৈনিকরা ঢুকে পড়ে। সিপাহী আতিক, জিয়া, হাবিবুর আমজাদ, রাজিবুল,  
 রমজান, শওকত, সিগন্যাল ম্যান দেলোয়ার, সিপাহী সালেহ, ফরহাদ,  
 ল্যাম্প নায়েক একরামুল, সিপাহী আল মামুন সিপাহী রিয়ন এর আমার  
 বাসায় ঢুকে। আমাকে রাইফেল দিয়ে বারি দেয় ঘরের জিনিষপত্র নষ্ট  
 করে। আমাকে ঘরের বাইরে নিয়ে ল্যাম্প নায়েক একরামুল আমার গলায়  
 রাইফেল ধরে ও গুলি করে আমার গলার পাশ দিয়ে চলে যায় আমি পড়ে  
 যাই। বাইরে সিপাহী ছোহরাব, ওয়াছিম, ইব্রাহিম, ফরহাদ, তারাপদ  
 আমাকে টেনে তুলে। ইব্রাহীম কাজের বুয়াকে মারে বাচ্চাদের কাপড় খুলে  
 ফেলে। আমাদের কে কোয়াটার গার্ডে নিয়েছে রাস্তায় হিংস্র অবস্থায়  
 সৈনিকদের দেখি। রাস্তায় সিপাহী মাসুম রিয়ান, রফিকুল, মশিউর, জাবেদ,

রমজান, বিল্লাল, খোরশেদ, সোহরাব, শহীদুল্লাহ, পল্টন চাকমা, আমাদের কে রাইফেল দিয়া আঘাত করে। সিপাহী হাসান, রিপন, হুসেন, জাভেদ, রাজু কোয়ার্টার গার্ডে ছিল। সিপাহী জিল্লুর, জিয়াউল, শওকত, জাকির, নুর হুসেন, আবু সাইদ, সিগন্যাল দেলোয়ার, ল্যান্স নায়েক একরামুল, কামাল হাবিলদার ছালাম মতিউর পাচক কাউছার, ডিএডি সৈয়দ তৌহীদুল আলম এরা কোয়ার্টার গার্ডের সামনে ছিল আমাদের গালি গালাজ ও মারধর করে। ২৬-০২-০৯ বিকেল ৪ টা ডিএডি তৌহিদ বলে আমাদেরকে সারি করে মেরে ফেলা হবে।

**PW450 Regiment No. 70855 Sepoy Rajib**

**Kumar Singh** has stated in his evidence that ২৫/২/০৯ তারিখে বঙ্গবন্ধু স্টেডিয়ামে অনুশীলনে যাই। ৮.০০ সময় দরবারে যাই। ৯.০০ দরবার শুরু হয়। ৯.৩০ মিঃ ডিজি এর দিকে একজন অস্ত্র তাক করেন। তখন বাহির থেকে গুলির শব্দ হয়। আমি হল থেকে বের হয়ে লাইনে চলে যাই। ১১.৩০ মিঃ ৫৪২৪৭ জালালের নেতৃত্বে এক দল বিডিআর গুলাগুলি করে ও বলতে থাকে সবাই অস্ত্র নেও। অনেকে অস্ত্র নেয় তাদের মধ্যে ৬৬৫৬০ বনি আমিন, ৬৮৮৮৪ ইসতিয়াক, ৫৮০৫৫ শাহীন, ৩৬৬০৫ বারী, ৫৬০৫১ হামিদ, ৬৭০৯৯ জাহান, ৭২০৫১

পারভেজ, ৬৮০৯৯ কলিমুল্লাহ এবং ৫৯৫১৪ জহির ছিল। তাহারা হৈ চৈ করে গুলি করে ও উল্লাস করে। সেনা অফিসারদের হত্যা করতে হবে জানায়।

**PW 452 No. 6162 JCO Naib Subedar Mir Julhas Regiment** has stated in his evidence that ২৫/২/০৯ RSB মাঠে ছিলাম। ৯.৩০ মিঃ দরবার হলে গুলির শব্দ শুনি। ৩৬৬০৫ হাঃ মেজর বারী বাশি বাজিয়ে সকলকে একত্রিত করে চিত্তবিনোদন কক্ষে নিয়ে যায়। আমি ব্যারাকের ২ তালায় ঐ দিন অবস্থান করি। অনুমান ১১ টায় হাবিলদার জালালের নেতৃত্বে বিডিআর সদস্যরা সৈনিক লাইনের বারান্দার সামনে ব্রাশ ফায়ার করে। আমি নীচে অফিস কক্ষে যাওয়ার পথে ৩৬ ব্যাটালিয়নের ৫৪২৪৭ হাবিলদার জালাল, ৫৯৫১৪ সিপাহী জুয়েলকে সৈনিক ব্যারাকের সামনে অস্ত্র সহ দেখি ফায়ার করতে। তারা বলতে থাকে **Army officer** যেখানে পাবে সেখানে গুলি করে মারতে হবে।

**PW 481 Regiment No. 70173 Sepoy Md. Abul Kalam Azad** has stated in his evidence that ২৫-২-০৯ আমি ৮.৩০ মিঃ দরবার হলে যাই। ৯.০০ দরবার শুরু হয়। সিপাহী

মাইন সশস্ত্র অবস্থায় দরবার হলে প্রবেশ করে। তাকে অফিসারগন নিরস্ত্র করে। পরে সিপাহী কাজল প্রবেশ করে। বিডিআর রা দাড়িয়ে যায়। আমি দরবার হল থেকে বের হয়ে ফোয়ারার সামনে রাস্তায় দাড়াই। ১০.৩০ মিঃ এস,এম (সুবেদার মেজর) অফিসে যাই। ১২.৩০ মিঃ সৈনিক লাইনে যাওয়ার সময় বিডিআর দের সশস্ত্র দেখি। ৫/৭ জন Pickup নিয়ে সৈনিক লাইনে দাড়ায়। ৬২৭৪২ সিপাহী কালামকে দেখি। সে বলে সেনা অফিসারদের খুজে বের করে হত্যা করে।

**PW 498 Lance Naik Driver Syed Mahbubul**

**Alam** has stated in his evidence that গত ২৫/২৬ ফেব্রু/২০০৯ R.S.U তে কর্মরত ছিলাম। আমি মেজর আছাদকে সকাল ৮ টায় অফিসে আনি। পরে MT লাইনে অবস্থান করি। ৯.৩০ মিঃ দরবার হলে গুলি হয়। অনেকে Unit এলাকায় দৌড়ে আসে। মাইকে অস্ত্র নেওয়ার নির্দেশ শুনি। সন্ধ্যায় লাইনে অবস্থান করি। ২৫/০২/০৯ রাত্রি ১ টায় বারান্দায় এসে দেখি ১টা এ্যাম্বুলেন্স ও অনেক সৈনিক JCO ৫০৪৬ ইউছুব আলী, ৪৫১৯৯ হাবিলদার দাউদ আলী, ৫১৮৫৭ নজরুল, ৫২৬০২ মজিবর, ৫৫৯৫৩ আবুল কালাম, ৫৯৬২৫ জসিম, ৫২২৫৩ শাহী

আজ্জার, ৫৪২২১ মজিবর, ৫৫৪৫১ আনোয়ার, ৬১৯৯৩ এমদাদুল হক, ৫২৮২৬ মাহতাব কে সশস্ত্র অবস্থায় দেখি। আরও কয়েকজনকে কুদাল বেলচী হাতে দেখি। JCO ৫০৪৬ সুবেদার ইউছুব বলে আমরা ৫০/৬০ জন সেনা অফিসারকে হত্যা করেছি। তাদের লাশ ফেলে রাখা ঠিক নয়। এগুলি লুকিয়ে ফেলতে হবে। মরচুয়ারীর পশ্চিমে লুকানোর ব্যবস্থা করতে হবে। পরে সুবেদার ইউছুব সহ আসামীগন মরচুয়ারীর পাশে যায়। আমি মরচুয়ারীর পাশে গিয়ে দেখি আমার বর্নিত আসামীরা সহ অনেকে মরচুয়ারীর পশ্চিম পার্শ্বে গর্ত খুড়িতেছে। পরে সেনা অফিসারদের লাশ মাটি চাপা দেওয়া হয়।

**PW 550 Begum Shahinur Parvin Jaba** has stated in his evidence that.....২৫/০২/০৯ আমার স্বামী কঃ সাইদ বাসা থেকে দরবার হলের উদ্দেশ্যে বিদায় নেয়। ৯.৩০ মিঃ ল্যাঃ নাঃ হার"ন ফোন করে বলে দরবার হলে গড়গোল হচ্ছে। আমি ফোন করলে সে Recive করে ও বলে আমি ভাল আছি এবং আমাকে সাবধান থাকতে বলে। দরজা জানালা ভালভাবে আটকিয়ে ফ্লোরে থাকতে বলে। ৪৪৮০৬ হাবিলদার ছালাম ফোন করে বলে গুলি হচ্ছে। **Driver** ছালাম আমার



ছেলেকে বলে সেনাবাহিনীর লোক যারা সবাইকে শেষ করা হবে। Pickup ভর্তি অস্ত্র নিয়ে Sector কমান্ডারের বাসায় আশুন লাগিয়ে দেয়। বিভিন্ন দল এসে আমার দরজা ভেঙ্গে সেনা কর্মকর্তাদের গালাগালি করে। ১০/১২ জন আমার ঘরে ঢুকে জিনিস পত্র সব নিয়ে যায়। জোরপূর্বক আমার বেড রুমে ঢুকে ৬/৭ জন বুকে অস্ত্র ধরে বলে ডালভাতের টাকা দিতে বলে। আমার ছেলে ওদের হাত ধরে বলে মা অসুস্থ্য। ওরা আমার ছেলেকে বলে সবাইকে শেষ করে দিয়েছি। আমার খাটের উপর ২জন বসে পড়ে পা তুলে। একজন সৈনিক আমার ছেলেকে বলে মনে হয় সবাই শেষ হয়ে গেছে। রাত্রি ৩<sup>১</sup>/<sub>২</sub> টায় একজন সৈনিক এসে বলে কেউ বেচে নাই। ২৬/০২/০৯ সকাল ৯ টায় একজন সৈনিকের সঙ্গে বের হয়ে যাওয়ার সময় অস্ত্র তাক করে আমার দিকে। পরে আমাকে বাসায় ফিরিয়ে দেয়। পরে বাসা থেকে বের করে আনে আমাকে ৪টার দিকে। সময় কিছু ভুল হতে পারে। বিডিআর সদস্যরা বলে এদের ও শেষ করে ফেল। ভিডিও দেখে ওদের নাম সনাক্ত করি। তাদের নাম সিপাহী হাবিবুর রহমান সিপাহী সৌরভ ৬৬৯৯৯, সিপাহী মুকুল ৬৯৬৩৮ হুসেন, সিপাহী রাজু, সিপাহী পল্টন চাকমা, সিপাহী শহীদুল্লাহ, সিপাহী জাকির

হুসেন, সিপাহী সিদ্দিক আলম, সিপাহী আতিকুর রহমান, সিপাহী রমজান, সিপাহী খোরশেদ আলম দেব চিনতে পারি। এরা মানুষ ছিল না। তাদের আচরণ বলা যায়না। সিপাহী নাছির ২৬/০২/০৯ তারিখে শশুর বাড়ী গিয়ে বলেছে ডিজি সহ সবাইকে খুন করে এসেছি।

**PW580 Md. Moktar Hossain** has stated in his evidence that.....২৫/২৬ ফেঃ/০৯ বিদ্রোহ চলাকালে পিলখানায় কর্মরত ছিলাম। ২৫৩২৩০৯ দরবারে উপস্থিত ছিলাম। সিপাহী মাইন ও কাজল আলী অস্ত্র হাতে দরবার হলে প্রবেশ করে। অনেক সৈনিক ডিজি এর আদেশ অমান্য করে দরবার হল ত্যাগ করে। আমি দরবার হলেই থাকি। দরবার হল থেকে বের হয়ে হাসপাতালে যাওয়ার সময় সিপাহী জুয়েল (৬৮৬৯৬) ও ল্যাঃ নায়েক ইকরামুলকে (৪৭৪৭৪) এবং রমজানকে দরবার হলের সামনে গুলি করতে দেখি। সিপাহী রমজান ৬৫৫৭১ দরবার হল লক্ষ করে ব্রাশফায়ার করতেছিল। ২৪ ব্যাটালিয়নের সৈনিক লাইনের সামনে সুবেদার মেজর গোফরান মলিণ্চককে অস্ত্র হাতে চিৎকার করে বলতেছিলেন সবাই কোতে গিয়ে অস্ত্র নেন তাদের বিরুদ্ধে রঞ্খে দাড়ান তাদের হত্যা করেন একজন সেনা অফিসার ও যেন বাচতে না পারে। তার পাশে হাবিলদার শাহবুদ্দিন ছিল। আমি হাতে যখম দেখি।

শারিরিক অবস্থা ভাল না দেখে লাইনে চলে যাই। রাতে হাসপাতালে এম  
আই র“মে চিকিৎসার জন্য যাই। সেখানে সিপাহী শহিদুলগটার সঙ্গে দেখা  
হয়। শহিদুলগতাহ সহ মরচুয়ারীতে যাই অনেক লোক দেখেন। সেখানে  
অনেক সেনা অফিসারের লাশ দেখতে পাই। ডিএডি নুর“ল হুদাকে সেখানে  
সশস্ত্র অবস্থায় দেখি। ডিএডি হুদা সৈনিক এর দ্বারা মাটি  
খুড়াইতেছিলেন। সেনা অফিসারদের লাশ মাটি চাপা দেওয়ার জন্য।  
ডিএডি নুর“ল হুদা বলেন আমরা সেনা অফিসারদের গুলি করে হত্যা  
করতে পেরেছি তোমরা লাশ মাটি চাপা দিতে দেবী করতেছো তাড়া তাড়ি  
কর।

**PW583 Faruque Ahmed** has stated in his  
evidence that ২৫/০২/০৯ তারিখে ৯ ½ টায় দরবার হলের দিকে  
গুলির শব্দ শুনি। ১০ ½ টায় বের হয়ে দেখি জেসিও-৬০৯১ মোঃ ইউনুস,  
৬৮-৬৯৬ সিপাহী শামীম আল মামুন জুয়েল, ঝাড়ুদার ৩৫৩৪ মাজেদ  
সরদারসহ আরও কয়েকজন মেজর মনিরের মটর সাইকেল, মেজর  
ইসতিয়াকের গাড়ী ভাংচুর করে আগুন লাগিয়ে দেয়। ইউনুস আলী সেনা  
অফিসারদের গালি গালাজ করে চলে যায় সশস্ত্র অবস্থায়।

**PW584 Regiment No. 69564 Sepoy Md.**

**Rashedul Islam** has stated in his evidence that গত ২৫/০২/০৯ ডিজি এর দরবারে অংশ গ্রহন করি। গন্ডগোল শুর“ হলে দরবার হল থেকে বের হইয়ে ২৪ ব্যাটালিয়নে ২ নং সৈনিক লাইনে অবস্থান করি। যাওয়ার পথে অনেক সশস্ত্র সৈনিক কে দেখি তারা দরবার হলের দিকে গুলি ছুড়তেছে। গ্যারেজের পিছনে ৬০৯১ সুবেদার ইউনুস, ৬৮৬৯৬ সিপাহী জুয়েল, ৩৫৩৪ ঝাড়ুদার মাজেদ সরদার সহ কয়েকজন দেখি। ইউনুছ আলী বলেছেন ইসতিয়াক এসেছে কিনা সে কোথায় আছে খোজ কর তাকে খতম করে দিব। তারা সকলেই মেজর ইসতিয়াকের গাড়ী মেজর মনিরের মটর সাইকেল জ্বালিয়ে দেয় ও ভাংচুর করে।

**PW590 Regiment No. 59334 Lance Naik**

**Faruque Ahmed** has stated in his evidence that গত ২৫/০২/০৯ অফিসে ছিলাম। অনুমান ৯<sup>১</sup>/<sub>২</sub> টায় দরবার হলে গুলির শব্দ শুনিনি। অনুমান ১০<sup>১</sup>/<sub>২</sub> টায় র“ম থেকে বের হয়ে দেখি ২৪ ব্যাটালিয়নের পিছনে ৬০৯১ নাঃ সুঃ ইউনুস, ৬৮৬৯৬ সিপাহী শামিম আল মামুন জুয়েল, ৩৫৩৪ ঝাড়ুদার মাজেদ সরদার সহ মেজর মুনিরের মটর সাইকেল ও

মেজর ইসতিয়াকের private car ভাংচুর করে আগুন লাগাইতেছে।  
ইউনুস আলী সেনা অফিসারদের উদ্দেশ্যে অকথ্য ভাষায় গালিগালাজ করে  
সশস্ত্র অবস্থা কোয়াটার গার্ডে চলে যায়।

**PW628 Colonel Saidul Kabir (Retd)** has stated  
in his evidence that.....২৫-০২-০৯ তাং আমি সকালে নাস্তা  
খাওয়ার সময় হঠাৎ করে আমি Firing এর শব্দ শুনতে পাই। তখন সকাল  
আনুমানিক ৯৩২০ ঘটিকা হবে। আমার কাছে Live Bullet Firing  
এর শব্দ অনুমিত হওয়ায় আমি দাড়িয়ে যাই। ২/৩ রাউন্ড Firing হওয়ার  
পর আমি আমার প্রাক্তন অফিসের Director-কে ফোন করি  
টেলিফোনে। আমার P.A হান্নান জানায় যে, সৈনিকরা বিদ্রোহ শুরু করে  
কোত ভাঙ্গা শুরু করেছে। আপনি পারলে পালিয়ে যান। .....দরবার  
হলে গোলাগুলি শুরু হয়েছে। সৈনিকেরা বিদ্রোহ শুরু করেছে”।  
.....আমার বাসায় Situation তখন খুব খারাপ, ঐ বাসায় তখন  
আমার বৃদ্ধা মা, ও কাজের মেয়ে ছিল। আমার কাজের মেয়ে আলিমুন,  
Cook ব্যাটম্যান, ঝাড়ুদার ছিল। আমার তিন মেয়ে স্কুলে চলে গিয়েছিল।  
আমার বাসায় দ্রুত সৈনিকের একটি দল চলে আসে। আমি দ্রুত রান্না ঘরের

হাড়ি পাতিল রাখার স্থানে কাঠ বোর্ডে ঢুকে যাই। ৪/৫ জনের সৈনিক দল আমাদের দরজায় জোরে লাথি মারে। আমার মা দরজা খুলে দেয়। তারা আমাদের বাসায় সশস্ত্র ভাবে তলগাশী করে। Firing mode-এ তারা ছিল। আমি সব Observe করি। তারা Searching করে চলে যায়।.....ইতোমধ্যে আমি আমার জায়গা পরিবর্তন করে Toilet এর উপরের False ceiling এর উপর উঠে যাই। সারা দিনই ১৫/২০ মিনিট পর সৈনিকদের দল এসে Searching করে। ইত্য বসরে আমি টেলিফোনে বিভিন্ন দপ্তরে যোগাযোগ করি। আমাদের কাজের মেয়েকে (২৫/২৬ বছর) সৈনিকরা বাসা থেকে নিয়ে যায়। আবার দিয়ে যায়। **She has been physically violated.....**পরে তারা আমাকে আরেকজন মেজর সহ নিবে বলে জানায়। আমি মেজর কামরুলকে ডাকি। তার স্ত্রী (pregnant) দরজা খুলে দেন। তার স্ত্রী বলেন সৈনিকরা তার পেটে লাথি মেরেছিল। ইতোমধ্যে Tremendous Firing চলছিল।

**No. 70906 Sepoy Md Ibrahim CS accused No.68 has stated in his confessional statement as under:-**

.....পরের দিন ২৫/০২/০৯ তারিখে দরবার হলে ছবি তোলার দায়িত্ব আমার ছিল। তাই ঐ দিন সকাল ৮.০০ টার সময় আমি ৪৪ ব্যাটালিয়নের অফিসে যাই এবং সেখান হতে সরকারী ক্যামেরা নিয়ে দরবার হলে যাই।.....প্রায় ১১.৩০ টার দিকে আমি, সিপাহী সেলিম, সেলিম, সিপাহী হাবিব, সিপাহী আলতাফ, সিপাহী ওবায়দুর, সিপাহী শাহীন সহ ১৫/২০ জন BDR ডিজি স্যারের বাংলাতে যাই। বাংলোর গেইটের সামনে ভবন গার্ড হাবিলদার বাবুল বাধা দিলে সিপাহী সেলিম পায়ে গুলি করে বাবুলকে ফেলে দেয়। বাংলাতে গুলি। ফাঁকা ফায়ার করতে থাকি। আমি ০২ রাউন্ড ফাঁকা গুলি করি। ডিজি ম্যাডাম দোতলা হতে নেমে আসেন। পড়নে ম্যাক্সি ছিল। ম্যাডামকে সিঁড়িতে হাবিব, আলতাফ, সেলিম আর ২/৩ জন ধরে ফেলে এবং মুখ বেধে ফেলে। আমি আর ওবায়দুর পাশে দাঁড়াইয়া ছিলাম। তারপর ম্যাডামকে কুক হাউজে নিয়ে সিপাহী হাবিব, সিপাহী সেলিম, সিপাহী ওবায়দুর, আমি সহ ৩/৪ জন মিলে লাঞ্চিত করি। এরপর ২ জন সিপাহী দোতলায় উঠে গিয়ে ফাঁকা ফায়ার করে এবং জিনিসপত্র তছনছ করে। এরপর আরও ২/৩ জন সহ

আমি দোতালায় যাই। গিয়ে দেখি ৩ জন BDR ১৫/২০ বৎসরের একটি মেয়েকে শারীরিকভাবে নির্যাতন করতেছে। মেয়েটির কান্নাকাটির জন্য আমি দুই রাউন্ড গুলি করি। মেয়েটি মারা যায়। হঠাৎ নীচে গুলির শব্দ পাই। নীচে নেমে দেখি ম্যাডামকে গুলি করে হত্যা করা হয়। সিপাহী সেলিম সহ আরও ২/৩ জন গুলি করে। তারপর আমি সহ অন্যান্যরা বাংলো হতে বের হয়ে অফিসার্স কোয়ার্টার এর তিনতলার একটা বাসায় যাই। সিপাহী হাবিব আর সিপাহী শাহীন আমাদের নিয়া যায়। আমাদের সাথে সিপাহী ওবায়দুরও ছিল। সিপাহী হাবিব আর সিপাহী শাহীন দরজা নক করে। এটা ক্যাপ্টেন তানভীরের বাসা। ক্যাপ্টেনের স্ত্রী দরজা খুলে দেয়। ঘরে ঢুকে আমরা সবাই মিলে ম্যাডামকে নির্যাতন করি এবং বাসা তলগাসী করি।

**No. 77594 Sepoy Md Obaidul CS accused**

**No.48 has stated in his confessional statement as**

**under:-**

..... ২৫/০২/০৯ ইং তারিখ ৬.৩০ মিনিট একটি মই এবং ১টি

টেবিল নিয়ে আমি, হাবিলদার কাশেম সিপাহী আতোয়ার সিপাহী মুক্তাদির,



সিপাহী শফিকুল সহ মোট ১৩ জন ওয়ার্কি গ্রাউন্ডে (RSB) যাই।.....অতঃপর আমরা DG মহোদয়ের বাসার দিকে যাই। গিয়ে দেখি যেখানে সিপাহী হাবিব ও সিপাহী সেলিম সহ ১০/১৫ জন লোক । আমরা সবাই পরে বাসার ভিতর ঢুকলে সিপাহী হাবিব ও সিপাহী সেলিম ফাকা গুলি করে। ফায়ারের শব্দ শুনে DG ম্যাডাম নিচে নেমে আসলে সিপাহী হাবিব ও সিপাহী সেলিম সহ ৩/৪ জন DG ম্যাডাম কে ধরে ফেলে। সিপাহী সেলিম তার জামা ধরে টানা হেচড়া করতে থাকে এবং এক পর্যায়ে তাকে শারিরীক ভাবে নির্যাতন লাঞ্চিত করে আমার সামনে। অতঃপর আমরা ২ তলা উঠে যাই। পরে শুনেছি সিপাহী হাবিব ও আরোও ১ জন DG ম্যাডাম-কে শারিরীক ভাবে লাঞ্চিত করেছে। দুই তলায় উঠতেই DG ম্যাডামের কাজের মেয়েকে গুলি করে সামনে থেকে মুখোশধারী এক জন দ্বিতীয় তলায় Civil পোষাকে একজন পুরুষ ও একজন মহিলাকে দেখতে পাই। তখন মুখোশ ধারী একজন ব্রাশ ফায়ার করে। আমি ও আতোয়ার তখন ১ রাউন্ড করে তাদের গুলি করি এবং তারা তৎক্ষণাৎ মারা যায়। পরে শুনতে পাই তারা কর্নেল দেলোয়ার ও তাহার স্ত্রী। অতঃপর মুখোশধারী একজন কর্নেল দেলোয়ারের স্ত্রীর মাথার উপর T.V ফেলে সর্বশেষ আঘাত করে। আমরা অতঃপর নীচে নেমে দেখি Cook এর

দরজার সামনে D.G ম্যাডামের লাশ। তার লাশ তখন রক্তাক্ত ও শরীরের বিভিন্ন জায়গায় নানা রকম আঘাতের চিহ্ন দেখি। সেখানে থেকে আমি ও আতোয়ার ৩নং গেটের কাছে রাস্তার পূর্ব পার্শ্বে DAD কোয়ার্টারে আসি। আমরা দুই তলা উঠে দরজা খুলেই দেখি একজন ম্যাডাম শারী পরিহিতা। উক্ত ম্যাডামকে প্রথমে একজন মুখোশধারী শারিরীক ভাবে লাঞ্চিত করে পরে আতোয়ার তাকে শারিরীকভাবে লাঞ্চিত করে। আমি তখন দাঁড়িয়ে সবকিছু দেখি। অতঃপর আমরা বাসা charge করি এবং আমি ওয়াড্রপ থেকে ৪০০০ টাকা পাই। পরে ঐ ম্যাডাম কে নিয়ে আসার সময় সিডির ধারে ১টি বাচ্চা দেখি। তখন ঐ বাচ্চা ও ম্যাডাম কে নিয়ে কোয়ার্টার গার্ডে তাদের আটকে রাখি।

**Legal aspects of the case with regard to Sections 120B, 34 and 149 of the Penal Code and Section 10 of The Evidence Act and application of the same in the instant case.**

During hearing of the criminal appeals, jail appeals, government appeal and death reference, the question arises as to whether Section 34 or Section

149 of the Penal Code is applicable to the present case or as to whether both the Sections would be applicable in the present case. Mr. S. M. Shahjahan and Mr. Md. Aminul Islam, the learned Advocates for some of the convict-appellants/accused with reference to a decision in the case of Altaf Hossain Vs. The State reported in 50 DLR(AD)(1998)120, submit that the convict-appellants/ accused cannot be found guilty both under Sections 34 and 149 of the Penal Code.

It is argued on behalf of the learned Attorney-General for Bangladesh that since the convicts of this case following a pre-concert of killing of the army officers taken in a conspiracy participated in the commission of offences making unlawful assembly with a view to overthrowing the army officers from the BDR by way of killing, Section 149 of the Penal Code is applicable in the instant case since its scope

and application are more wider than Section 34 of the Penal Code while Mr. Mosharaf Hossain Kazol, the Government prosecutor acted as Additional Attorney-General with reference to a case of Bangladesh Vs. Abed Ali reported in 36 DLR(AD)(1984)234, submits that since the common intention and common object of the convicts/accused as to killing of the army officers in the instant case are one and same, both sections are applicable to the instant case.

It may be noted that the word common intention has been described in Section 34 of the Penal Code which runs as follows: when a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone. It will be profitable to quote Section 35 of the Penal Code which postulates that if any criminal act is

done by several persons having criminal knowledge or intention, everyone present over the place of occurrence shall be liable for that criminal act. Section 35 of the Penal Code contemplates as under: whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention. Section 34 of the Penal Code is not a penal provision rather it is a rule of evidence. This section neither creates a substantive offence nor does it create a distinct offence. It simply lays down a principle of joint liability which may also be termed as constructive liability or vicarious liability. The essential ingredients of this sections are as follows:(i) that the criminal act

was done by more than one person; (ii) that the said act was done in furtherance of the common intention of all; (iii) then, each of such persons is liable for the act done; and (iv) the liability of each of such persons would be in the same manner as if the act was done by him alone. When two or more persons join actively in an assault on a third person, they are directly responsible for the injuries caused to the extent to which they had a common intention to cause those injuries, and what their common intention was much be gathered from the evidence and circumstances of the case. Before an accused can be held liable for the acts done by another under the provisions of this section, it must be established that (i) there was common intention in the sense of pre-arranged plan between the two or more persons and (ii) the person sought to be so held liable had participated in some

manner in the act constituting the offence, that is, to say unless common intention and participation are both present in commission of offences, this section cannot apply.

In this connection, I may refer to a large number of cases on principle of joint liability. The case of Emperor Vs. Barendra Kumar Ghosh, reported in AIR 1925(P.C)1 is one of the celebrated and milestone judgments expounding the principle of joint liability as animated in Section 34 of the Penal Code. The fact of the above case is that on August 03, 1923, the Sub post master at Sankaritolla post office was counting money at his table in the back room. During that period, several persons appeared therein, entered into the room and called on him to give up the money. The persons appeared there opened fire at him as a result of which he died almost at once having received injury

on the different parts of the body. The appellant Barendra Kumar Ghosh being pursued by post assistant and others with commendable tenacity and encourage was eventually secured just after he had thrown his pistol away, but the others escaped from the place of occurrence. The pistol was at once picked up and was produced at the trial. The evidence led by the prosecution is that three man fired at the post master of whom the appellant Barendra Kumar Ghosh was one; that he wore distinctive clothes by which he could be and was identified; that while these men were just inside the room, another was visible from the room through the door standing close to the others but just outside the doorstep in the courtyard; and that this man was armed but did not fire. The defence case of Barendra Kumar Ghosh was that he was the man outside the room; that he stood in the courtyard and



was very much frightened. The prosecution argued that the purpose of standing of Barendra Kumar Ghosh at the place of occurrence might be inferred from his position and his action. The crown argued that it was of no special importance as to whether he was present as one of the firing party or as its commander or as its reserve or its sentinel but the question was why he was there at all and why he did not take himself off from the place of occurrence and why he did not furnish explanation about his precise position in the courtyard. Their Lordships while maintaining the conviction of Barendra Kumar Ghosh expounded the ambit of Section 34 as follows:-

“As soon, however, as the other sections of this part of the Code are looked at, it becomes plain that the words of section 34 are not to be eviscerated by reading them in this exceedingly limited sense. By

Section 33 a criminal act in Section 34 includes a series of acts and, further act includes omission to act, for example, an omission to interfere in order to prevent a murder being done before one's very eyes. By Section 37, when any offence is committed by means of several acts whoever intentionally cooperates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence. Even if the appellant did nothing as he stood outside the door, it is to be remembered that in crimes as in other things "they also serve who only stand and wait." By Section 38 when several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that acts. Read together, these sections are reasonably plain. Section 34 deals with the doing of separate acts, similar or

diverse by several persons; if all are done in furtherance of a common intention, each person is liable for the result of them all, as if he had done them himself for “that act” and “the act” in the latter part of the section must include the whole action covered by “a criminal act” in the first part, because they refer to it. Section 37 provides that when several acts are done so as to result together in the commission of all offences, the doing of any one of them, with an intention to cooperate in the offence (which may not be the same as an intention common to all), makes the actor liable to be punished for the commission of the offence.”

In view of the decision discussed above, the dominating feature of Section 34 of Penal Code is that if two or more persons intentionally do a thing jointly,

it is just the same as if each of them has done it individually.

In this regard, I may refer to a another decision in the case of Ramaswami Vs. State of Tamil Nadu reported in AIR 1976 Supreme Court 2027. The prosecution story of that case, in short, was that the victim namely Kaliaperumal was living with his maternal uncle pichai konar PW 7 since his infancy. There was an enmity between the PW7 and the accused on account of several causes. On the date of occurrence, PW10 was driving some cattle, four or five of them went astray and entered into the gingilli kollai field belonging to accused No.1. For this reason, accused No.1's men scolded PW 10 and the victim who was informed about the incident by PW 10 at a tea shop. PW 1 was also present there. Victim Kaliaperumal passed on the information to PW7.

While the victim started bathing at the north-western corner at the tank, accused no.1 came there followed by accused Nos.2-6. Accused No.2 had a cross-staff in his hand, accused Nos. 3 and 4 were armed with an aruval, accused No.5 had a stick and accused No.6 was carrying a stick with spear head. According to the evidence in Court, at the time of altercation between the accused and the victim, accused Nos. 3 and 4 assaulted the victim on his head with aruvals. When PW1 ran to separate them, accused No.2 assaulted him on his head with the cross-staff. Thereafter, PW1 attempted to run away. Thereupon accused No.6 obstructed him from running with the help of the stick with spear head. Then accused No.4 again cut on the head of the victim with his aruval. Trial Court acquitted accused Nos. 1, 5 and 6 of the charge of murder, convicted accused Nos. 3 and 4 of the charge

under Section 302 and convicted accused No.2 of the charge under Section 324 of the Penal Code. The question arose before the High Court Division as to whether accused No.2 was liable to be convicted for his vicarious liability, since he did not assault the victim and he only assaulted the PW 1 on his head with the cross-staff. On appeal High Court Division considering the joint liability with the aid of Section 34 convicted accused Nos. 2-6 for the offence of murder under Sections 302/34 and convicted accused No.1 under Sections 302/149/109 of the Penal Code. On the point of vicarious liability, Supreme Court expounding the principle of joint liability affirmed the conviction and sentence of accused Nos.2, 3 and 4 under Sections 302/34 of the Penal Code and acquitted others as there was no sufficient evidence to connect them with the offence of murder. It was contended on

behalf of the defence that A-2 cannot be held vicariously liable with the aid of Section 34 for the act of A-3 and A-4 for two reasons. Firstly, he did not physically participate in the fatal beating administered by A-3 and A-4 to the deceased and thus the criminal act of murder was not done by all these 3 accused within the contemplation of Section 34. The act committed by A-2 in regarding to the beating PW1 was a different and separate act of A-2. Secondly, he has not been shown that the act of A-2 in beating PW1 was committed in furtherance of the common intention of all the 3, pursuant to a pre-arranged plan. The Supreme Court considering the above submissions held as follows:-

“The contention is fallacious and cannot be accepted. Section 34 is to be read along with the preceding Section 33 which makes it clear that the

“act” spoken of in Section 34 includes a series of acts as a single act. It follows that the words “when a criminal act is done by several persons”. So Section 34 may be construed to mean “when criminal acts are done by several persons.” The acts committed by different confederates in the criminal action may be different but all must in one way or the others participate and engage in the criminal enterprise, for instance, one may only stand guard to prevent any person coming to the relief of the victim or to otherwise facilitate the execution of the common design. Such a person also commits an “act” as much as his co-participants actually commits the planned crime. In the case of an offence involving physical violence, however, it is essential for the application of Section 34 that the person who instigates or aids the commission of the crime must be physically present at



the actual commission of the crime for the purpose of facilitating or prompting the offence, the commission of which is the aim of the joint criminal venture. Such presence of those who in one way or the other facilitate the execution of the common design, is itself tantamount to actual participation in the 'criminal act.' The essence of Section 34 is simultaneous consensus of the minds of persons participating in the criminal action to bring about a particular result and such consensus can also be developed at the spot and thereby intended by all of them."

In order to attract section 34, it is essential that several accused participate not only in design but also in action. In other words, it is not sufficient that several accused share a common intention to commit an offence but they should also actually participate in the commission of offence by doing some act or the

other in furtherance of that common intention. For application of section 34 of the Penal Code, there should be prior meeting of minds and it must precede the criminal act and further there should be participation of all in furtherance of that common intention. Common intention implies a pre-arranged plan and acting in concert pursuant to the plan. It must be proved that the criminal act was done in concert pursuant to the pre-arranged plan. Common intention comes into being prior to the commission of the act in point of time, which needs not be a long gap.

The scope and application of Section 34 of the Penal Code in regard to vicarious liability, I can mention a decision in the case of Sreekantia Ramayya Munipalli and another V. State of Bombay reported in AIR 1955 S.C. 287 (Vol. 42 C.N. 51). The prosecution story of that case in short was that accused Sreekantia

Ramayya Munipalli and two others were in charge of a Government store of different goods and they entered into a conspiracy to defraud Government of these properties. In pursuance of this conspiracy they arranged to sell the goods to the approver (PW1) for a sum of 4,000. The money is said to have been paid and then the goods were passed out of the depot. The money is said to have been pocketed by the three accused and not credited to Government. On these facts a number of charges were framed. The ratio regarding the application of Section 34 in that case was made in the following manner:-

“The essence of the misdirection consists in his direction to the jury that even though a person “may not be present when the offence is actually committed” and even if he remains “ behind the screen” he can be convicted under Section 34 provided

it is proved that the offence was committed in furtherance of the common intention. This is wrong, for it is the essence of Section that the person must be physically present at the actual commission of the crime. He need not be present in the actual room; he can, for instance, stand guard by a gate outside ready to warn his companions about any approach of danger or wait in a car on a nearby road ready to facilitate their escape of the occurrence and must actually participate in the commission of the offence in some way or other at the time of crime is actually being committed. The antithesis is between the preliminary stages, the agreement, the preparation, the planning, which is covered by Section 109, and the stage of commission when the plans are put into effect and carried out. Section 34 is concerned with the latter. It is true that there must be some sorts of preliminary

planning which may or may not be at the scene of the crime and which may have taken place long beforehand, but there must be added to it the element of physical presence at the scene of occurrence coupled with actual participation which, of course, can be of a passive character such as standing by a door, provided that is done with the intention of assisting in furtherance of the common intention of them all and there is a readiness to play his part in the pre-arranged plan when the time comes for him to act.”

Though establishing common intention is a difficult task for the prosecution, yet, however difficult it may be, the prosecution has to establish it by evidence, whether direct or circumstantial that there was a plan or meeting of mind of all the assailants to commit the offence, be it pre-arranged or on the spur of the moment but it must necessarily be

before the commission of the crime. Where direct evidence is not available, it has to be inferred from the circumstantial evidence.

The principle of joint liability with the aid of section 34 of the Penal Code was clearly illustrated in the decision in the case of *Tukaram Ganpat Pandare Vs. The State of Maharashtra* reported in AIR (1974)(SC)514 wherein the case for prosecution was that the appellant Tukaram Ganpat Pandare and 4 others burgled 40 bundles of copper wire kept in the godown of a company by unlocking the lock of the godown, took away the stolen goods by a lorry and on its way, the lorry was stopped at the weight bridge where the broker for sale of the stolen properties was present. One of the witnesses stated in his deposition that when accused No. 3 took him to the weight bridge on that morning, he saw a stationary lorry laden with

copper wire bundles and accused Nos. 1 and 2 near the lorry and that accused No. 3 introduced accused no.2 to him as the owner of the goods. The appellant in the absence of direct evidence to connect him with the alleged offence of theft pleads innocence. However the fact remains that appellant was found in possession of Rupees 4800 and a bunch of keys identified as duplicates of the godown keys. Under the circumstances, the application of joint liability under section of the 34 of the Penal Code was outlined as follows:-

“Mere distance from the scene of crime cannot exclude culpability under Section 34 which lays down the rule of joint responsibility for a criminal act performed by a plurality of persons. In *Barendra Kumar Ghosh V. The King Emperor* (AIR 1925 PC1), the Judicial Committee drew into the criminal net

those 'who only stand and wait.' This does not mean that some form of presence, near or remote, is not necessary, or that mere presence without more, at the spot of crime, spells culpability. Criminal sharing, overt or covert by active presence or by distant direction, making out a certain measure of jointness in the commission of the act is the essence of Section 34. Even assuming that presence at the scene is a prerequisite to attract Section 34 and that such propinquity is absent. Section 107 which is different in one sense, still comes into play to rope in the accused. The act here is not the picking the godown lock but house-breaking and criminal house trespass. This crime is participated in by those operating by remote control as by those doing physical removal. Together operating in concert, the criminal project is executed. Those who supply the duplicate key, wait at the weigh



bridge for the break-in and bringing of the booty and later secrete the keys are participatory criminals. And this is the role of accused No.2 according to the Courts below. Could this legal inference be called altogether untenable?.....

Where the intended aim is an actus reus, and a different actus reus of the same crime is committed, the liability is the same as if the intended harm had been inflicted, provided the mens rea is the same for each. The common intention within the meaning of section 34 of Penal Code implies pre-arranged plan. Where no criminal act was done in concert pursuant to such a plan, it will be liable for his individual act. Common intention however may develop on the spot after the offenders gather there. A previous plan is not necessary. To invoke section 34, pre-arranged plan or meeting of minds is a sine qua non.

It is no doubt true that it has been held by the Privy Council in several cases that to attract the principles of constructive liability under section 34 of the Penal Code it is necessary to establish something in the nature of a pre-concert but the Privy Council in so many cases has pointed out that such a consensus could even be hastily conceived amongst the participants in the crime at the spur of moment almost immediately before its execution. In support of this contention, reliance may be placed on a decision in the case of Rasool Bux Vs. The State, 22 DLR (SC) 297. The case for prosecution of that case was that the appellant Rasool Bux and 3 others in the midnight went to the house belonging to one Shah Muhammad in order to kidnap his daughter namely Mosammat Roshna who after marriage went to her parents house to see her mother. Lal Bux was armed with a single

barrel gun while his brother Rasool Bux was armed with pistol. At the time of occurrence the inmates of the house raised cries as a result of which the close neighbors namely Dhani Bux and others rushed towards the house of Shah Muhammad, reached the entrance of the house and challenged the culprits. Having been obstructed, Lal Bux shot at him with his gun. Then Rasool Bux also fired two shots in the air with his pistol to frighten away the other villagers. They fell back and the appellant escaped along with other companions. The villagers chased them but the culprits soon disappeared in a jungle. However, Dhani Bux had succumbed to his injury. Under the circumstances, question arises whether the accused-appellant and others committed the murder in furtherance of common intention of all and whether accused-appellant Rasool Bux who did not shot at the

victim but opened fire in the air only to prevent the villagers from approaching them would be liable for the offence of murder and for the offence of constructive liability for murder under section 34 of the penal code. In that case, it was held that; “ In the present case evidence unmistakably discloses that Lal Bux and Rasool Bux were both bent upon a joint venture, namely; the abduction of Mst. Roshna from the house of her father Shah Muhammad, if necessary, by the use of force or show of force. They were both armed with deadly weapons. It is true that when their presence was discovered in the courtyard of Shah Muhammad they abandoned their original plan but were nevertheless both equally determined to make good their escape, if necessary, by the use of the weapons carried by them. This common intention though originally not present was formed at the spur

of the moment when they found themselves being surrounded by persons attracted to the place at the cries of Shah Muhammad. It was at this stage that Lal Bux fired directly at the person, who was ahead of those coming to prevent their escape and Rasool Bux simultaneously fired two shots in the air. They both, therefore, fired with the common intention of preventing the interceptor from cutting off their escape. It is difficult, therefore, to appreciate how it can be said that they were not acting in furtherance of the common intention of them both.”

In the case of the State Vs Tajul Islam and others reported in 15 BLD(1995)(HC)53 it appears from the judgment that accused Tajul Islam stated in his confessional statement he himself killed Biroja Rani by cutting her into two pieces at the level of umbilicus by giving 2/3 Ram dao blows and that

accused Badsha in his confession stated that he pressed the legs of second son of Biroja Rani namely Sumon Debnath and accused Inu cut him into two pieces by a dao. The other confessing accused stated that for the purpose of committing the offence they went to the house of Biroja and were on guard either in the boat or in front of the door of neighbours of Biroja or in the road leading to the house of Biroja presumably to prevent any person from coming to the scene of the occurrence and create hindrance in the way of their committing the offence. In the facts of the case, the learned Judges of the High Court Division observed as follows:-

“In offences involving physical violence, normally presence at the scene of the occurrence of the offender sought to be rendered liable on the principle of joint liability is necessary but such is not

the case in respect of other offences where offence consists of diverse acts which may be done at different times and places.”

Commenting on Section 34 of the Penal Code, the High Division in the aforesaid case decided as follow:-

“Section 34 does not create any distinct offence. This section is intended to meet a case where members of a party acted in furtherance of the common intention of all but it was difficult to prove exactly the part played by each of them. It means that if two or more persons intentionally do a thing jointly, it is just the same as if each of them had done it individually. Common intention within the meaning of this section presupposes a prior concert. There must be prior meeting of minds to form pre-arranged plan to commit an offence. A common intention with meeting of

minds to commit an offence in furtherance of the common intention invites the application of Section 34 of the Penal Code. In offences involving physical violence, normally presence at the scene of the offence of the offender sought to be rendered liable on the principle of joint liability is necessary but such is not the case in respect of other offences where offence consists of diverse acts which may be done at different time and place.”

In the case of Noor Mohammad Mohd. Yusuf Momin (appellant) V. The State of Maharashtra, reported in AIR1971(SC)885, the trial Court convicted Mohd. Taki Haji Hussain Momin under Sections 302 and acquitted three other accused including the appellant. On appeal against acquittal, the Bombay High Court reversed the acquittal and convicted the appellant and two others under Sections 120B and 302



read with Section 34 I.P.C. The appellant was also convicted under Sections 302/109 IPC and sentenced to imprisonment for life. In the aforesaid case, the scope and application and the distinctive features of Section 34, 107 and 120B of the Penal Code have been illustrated in the following manner:-

“So far as Section 34 of the Indian Penal Code is concerned, it embodies the principle of joint liability in the doing of a criminal act, the essence of that liability being the existence of a common intention. Participation in the commission of the offence in furtherance of the common intention invites its application. Section 109 of the Indian Penal Code on the other hand may be attracted even if the abettor is not present when the offence abetted is committed provided that he has instigated the commission of the offence or has engaged with one or more other persons

in a conspiracy to commit an offence and pursuant to that conspiracy some act or illegal omission takes place or has intentionally aided the commission of an offence by an act or illegal omission. Turning to the charge under Section 120B of the Indian Penal Code criminal conspiracy was made a substantive offence in 1913 by the introduction of chapter V-A in the Indian Penal Code. Criminal conspiracy postulates an agreement between two or more persons to do, or cause to be done, an illegal act or an act which is not illegal, by illegal means. It differs from other offences in that mere agreement is made an offence even if no step is taken to carry out that agreement. Though there is close association of conspiracy with incitement and abetment the substantive offence of criminal conspiracy is somewhat wider in amplitude than abetment by conspiracy as contemplated its very

nature is generally hatched in secret. It is, therefore, extremely rare that direct evidence in proof of conspiracy can be forthcoming from wholly disinterested quarters or from wholly disinterested quarters from utter strangers. But, like other offences, criminal conspiracy can be proved by circumstantial evidence. In deed in most cases proof of conspiracy is largely inferential though the inference must be founded on solid facts, surrounding circumstances, antecedent and subsequent conduct. In fact because of the difficulties in having direct evidence of criminal conspiracy, once reasonable ground is shown for believing that two or more persons have conspired to commit an offence then anything, done by anyone of them in reference to their common intention after the same is entertained become, according to the law of

evidence, relevant for proving both conspiracy and the offences committed pursuant thereto.”

Section 149 of the Penal Code creates a specific distinct and substantive offence. The object of the section is to make clear that an accused person whose case falls within its term cannot put forward the defence that he did not, with his own hand, commit the offence committed in prosecution of common object. For the purpose of application of section 149, the prosecution has to prove the presence and participation in an unlawful assembly. It is essential for the prosecution to establish by leading evidence that: (i) that was an unlawful assembly ; (ii) that the accused formed part of such an assembly; (iii) that an offence was committed by such an assembly; (iv) that the accused had intentionally joined such an assembly or that the accused continued in such an unlawful

assembly; (v) and that the accused had knowledge of the common object of such an assembly; (vi) that such an offence was committed either in prosecution of the common object of such assembly or accused, as a member of the assembly knew that such an offence was likely to be committed in prosecution of such common object. The prosecution must lead clear evidence about the object of the unlawful assembly and to specify as to whether the object was unlawful for the purpose of commission of murder and grievous hurts.

Section 149 is more wider than section 34 of the Penal Code. Both sections deal with liability for constructive criminality that is liability for an offence not committed by the person charged. The liability under section 149 is founded on common object and

the liability under Section 34 is founded on common intention.

Once it is demonstrated from all the facts and circumstances of a given case that he shared the common object of the unlawful assembly in furtherance of which some offence was committed or he knew it was likely to be committed by any other person, he would be guilty of that offence.

Under section 149 of the Penal Code, it is the knowledge which is necessary to attract the culpability. This section creates a specific offence and makes every member of the unlawful assembly liable for the offence or offences committed in the course of the occurrence provided the same was/were committed in prosecution of the common object and the members of that assembly knew such was/were likely to be committed. Since this section imposes a constructive

penal liability, it must be strictly construed so as to punish members of an unlawful assembly for the offence or offences committed by their associate or associates in carrying out the common object of the assembly. Mere presence in an unlawful assembly cannot render a person liable unless there was a common object. When a person remains present at the place of occurrence as onlooker, he may at the best be considered as an eye-witness of the incident but when a person remaining present at this spot facilitates and promotes the commission of offence by any means, his presence at the spot is tantamount to actual participation in the criminal act. The common object has to be definitely found and has not to be a matter of conjecture. Doing some overt act is not necessary to bring home charge under section 149. Common object of the unlawful assembly can be gathered from the

nature of the assembly, arms used by them and the behaviour of the assembly at, before and after the occurrence. It is an inference to be deduced from the facts and circumstances of each case. To ascertain whether a particular person shared the common object of the unlawful assembly it is not essential to prove that he committed some illegal overt act or had been guilty of some illegal omission in pursuance of the common object. Once it is demonstrated from all the facts and circumstances of a given case that he shared the common object of the unlawful assembly in furtherance of which some offence was committed or he knew it was likely to be committed by any other person, he would be guilty of that offence.

Having considered all the facts and circumstances of the case, the evidence adduced by the prosecution, the submissions advanced by the respective parties



and propositions of laws settled in the case of Altaf Hossain Vs. The State reported in 50 DLR(AD)(1998)120, Tozammel Hussain Chowdhury Vs State reported in 28DLR(AD) (1976)170, Bangladesh Vs. Abed Ali reported in 36 DLR(AD)(1984)234, Barendra Kumar Ghose V. Emperor, AIR 1925 (P.C)1, Tukaram Gonapat V. State of Maharashtra AIR 1974 SC 514, Rasool Bux Vs. The State 22 DLR (SC) 297, Bangabandhu Murder Case, Volume. VI(A)2010(ADC), Ramaswami V. State of T.N. AIR 1976 SC. 2027, Abdur Rahman Mandol Vs. The State, 29DLR(SC)247, Abdus Samad @A.K.M Abdus Samad Vs. The State 44 DLR(AD)233, State Vs. Tajul Islam and others 48 DLR 305, Nur Mohammad Mohd. Yusuf Momin Vs. The State of Maharashtra reported in AIR 1971 SC 885 L.D. Dua, Abdus Sattar and

others Vs. The State 14BLD(AD)(1994)133, Rafiqul Islam Vs. The State<sup>13</sup> BLD (AD)(1993) 117, Irengbam Labei Sing and others Vs. State of Monipur 1982 CRI. L.J.2112, I am of the view that since the common intention and common object as to killing the army officers in the instant case appears to be one and same, overlapping, interconnected and twisted with each other having no scope to separate one from the another, the accused may be convicted and sentenced both under Sections 34 and 149 of the Penal Code together and scope and application of Section 149 of the Penal Code are more wider than Section 34 of the Penal Code.

**Criminal conspiracy under Section 120A and 120B of the Penal Code and the scope and application of section 10 of the Evidence Act in order to connect an accused with the offence of**

**criminal conspiracy and to use the confessional statement of an accused as evidence against the co-accused/co-conspirator.**

During hearing of the criminal appeals and death reference, Mr. Mahbubey Alam, the learned Attorney-General for Bangladesh and Mr. Mosarof Hossain Kazal, the Government prosecutor acted as Additional Attorney-General, submits that in a case of conspiracy, the confession of co-accused can be used as evidence against the co-accused. They next submit that since many convicts-appellants after being arrested by the police made 164 statements before the Magistrate involving themselves and others depicting that how they made conspiracy to kill the army officers sitting in different places as well as narrating their roles played at the time of commission of offences and the confessional statements appear to be

true and voluntary, the said confessional statements may be used as evidence against the other co-conspirators as per section 10 of the Evidence Act, 1872. Contrary to aforesaid submission, Mr. S.M. Shahjahan and Mr. Aminul Haque, submit that the confessional statements of conspirators cannot be used against the co-conspirators once the confessing accused in connection with the conspiracy gets snapped after being arrested by the police. They next submit that the provision of Section 10 of the Evidence Act, 1872 can only be used against co-accused during the existence of the conspiracy.

Criminal conspiracy is an agreement, by two or more persons to do, or cause to be done, an illegal act or an act, which is not by illegal means. The agreement is the gist of the offence. In order to constitute a single general conspiracy, there must be a

common design and common intention of all to work in furtherance of the common design. Each conspirator plays his separate part in one integrated and united effort to achieve the common purpose. Each one is aware that he has a part to play in a general conspiracy though he may not know all its secrets or the means by which the common purpose is to be accomplished. The evil scheme may be promoted by a few, some may drop out and some may join at a later stage, but the conspiracy continues until it is broken up. The conspiracy may develop in successive stages. The essence of the offence of conspiracy is the fact of combination by agreement. The agreement may be express or implied, or in part express and in part implied. The conspiracy arises and the offence is committed as soon as the agreement is made; and the offence continues to be committed so long as the

combination persists, that is, until the conspiratorial agreement is terminated by completion of its performance or by abandonment or frustration or however it may be; in a criminal conspiracy, meeting of minds of two or more person for doing an illegal act is sine qua non but proving this by direct proof is not always possible. Hence conspiracy and its objective can be inferred from the surrounding circumstances and conducts of the accused. The ingredients of this offence are:-

(1) that there must be an agreement between the persons who are alleged to conspire; and (2) that the agreement should be (i) for doing of an illegal act, or (ii) for doing by illegal means an act which may not itself be illegal. The gist of the offence under Section 120-A is that the agreement between two or more persons to do or cause to be done an illegal act or a

legal act by illegal means subject to the proviso that the agreement does not, except agreement to commit offence, amount to a conspiracy unless it is followed by an overt act done by one or more persons in pursuance of such an agreement. An agreement to do an illegal act which amounts to a conspiracy will continue as long as the members of the conspiracy remain in agreement and as long as they are acting in accord and in furtherance of the object for which they entered into the agreement.

In order to prove a criminal conspiracy which is punishable under Section 120-B, there must be direct or circumstantial evidence to show that there was an agreement between two or more persons to commit an offence. This clearly envisages that there must be a meeting of minds resulting in an ultimate decision taken by the conspirators regarding the commission of

an offence. It is true that in most cases it will be difficult to get direct evidence of an agreement to conspire but a conspiracy can be inferred even from circumstances giving rise to a conclusive or irresistible inference of an agreement between two or more persons to commit an offence.

A conspiracy from its very nature is generally hatched in secrecy. It is, therefore, extremely rare that direct evidence in proof of conspiracy can be forthcoming from wholly disinterested quarters or from utter strangers. But, like other offences, criminal conspiracy can be proved by circumstantial evidence. Indeed, in most cases, proof of conspiracy is largely inferential though the inference must be founded on solid facts, surrounding circumstances, antecedents and subsequent conducts. In fact because of the difficulties in having direct evidence of criminal



conspiracy, once reasonable ground is shown for believing that two or more persons have conspired to commit an offence then anything done by anyone of them in reference to their common intention after the same is entertained becomes, according to the law of evidence, relevant for proving both conspiracy and the offences committed pursuant thereto. Direct proof of a conspiracy is, of course, seldom available. In a case of conspiracy, when there is no direct evidence, inferences from the proved facts and circumstances, to a larger extent, form the basis of the Court's conclusion with regard to conspiracy.

In the case of *Kehar Sing and others Vs The State (Delhi Admn.)* popularly known as *Smt. Indira Gandhi Murder Case* reported in AIR1988(SC)1883, it has been decided as follows:-

“Generally, a conspiracy is hatched in secrecy and it may be difficult to adduce direct evidence of the same. The prosecution will often rely on evidence of acts of various parties to infer that they were done in reference to their common intention. The prosecution will also more often rely upon circumstantial evidence. The conspiracy can be undoubtedly proved by such evidence direct or circumstantial. But the Court must enquire whether the two persons are independently pursuing the same end or they have come together to the pursuit of the unlawful object. The former does not render them conspirators, but the latter does. It is, however, essential that the offence of conspiracy requires some kind of physical manifestation of agreement. The express agreement, however, need not be proved. Nor proof of actual meeting of two persons is necessary. Nor it is

necessary to prove the actual words of communication. The evidence as to transmission of thoughts sharing the unlawful design may be sufficient. The relative acts or conducts of parties must be conscientious and clear to mark their concurrence as to what should be done. The concurrence cannot be inferred by a group of irrelevant facts artfully arranged so as to give an appearance of coherence. The innocuous, innocent or inadvertent events and incidents should not enter the judicial verdict”

So, it is not necessary that all the conspirators must know each and every details of the conspiracy as long as they are co-participants in the main object of the conspiracy. There must be unity of object but there may be plurality of means sometimes even unknown to one another.

During hearing, another question arises as to whether under Section 10 of the Evidence Act, 1872, the confessional statements made by co-accuseds even if found to be true and voluntary are admissible in evidence against the co-accuseds and co-conspirators to prove the charge of criminal conspiracy after the cessation of the conspiracy.

It appears that Section 10 of the Evidence Act, 1872 will come into play only when the court is satisfied that there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, that is, to say, there should be a prima facie evidence that a person was a party to the conspiracy before his act can be used against his conspirators. Once such a reasonable ground exists, anything said, done or written by one of the conspirators in reference to the

common intention, after the said intention was first entertained, is relevant against others, not only for the purpose of proving the existence of the conspiracy but also for proving that the other person was a party to it. The evidentiary value of the said act is limited by two circumstances, namely, that the act shall be in reference to their common intention and in respect of a period after such period was entertained by any one of them.

In the case of Emperor of India V. Abani Bhusan Chakrabarty, 15 CWN 25, a question arose whether confessions of co-accuseds are relevant facts under Section 10 of the Evidenced Act. In the above decision, the Full Bench observed as follows:-

“The first piece of evidence we referred a short time ago. It is argued, on behalf of the Crown, that statement comes within the provisions of

Section 10 to the Indian Evidence Act, and is therefore to be treated as evidence against Abani's fellow-prisoners. It is said that, if it does not fall within Section 10 at any rate, under the provisions of Section 30, it is a confession of one of the co-accused and may be referred to in the course of the trial. It is argued by Mr. Roy with very considerable force that in any case, its value can be no higher than that of the evidence of an accomplice, and that, indeed, it is of less value than the evidence of an accomplice, because an accomplice can be cross-examined for the purpose of testing his accuracy, while this confession of Abani made when he was a prisoner cannot be subject to that test. There is, of course, very great force in that argument. We have come to the conclusion that the statement of

Abani cannot properly be treated as evidence under Sections 10 of the Evidence Act. That section, in our view, is intended to make evidence communications between different conspirators while the conspiracy is going on, with reference to the carrying out of the conspiracy. No doubt Section 10 is wider than the law of England as to evidence in case of conspiracy. But we do not think that section is intended to make evidence the confession of a co-accused and put it on the same footing as a communication passing between conspirators, or between conspirators and other persons, with reference to the conspiracy. But, with regard to Section 30, in our opinion, the statement, being the confession of a co-accused, can be looked at under that section. But its value is discounted by the fact that it

cannot be tested by cross-examination. We do not think, for a moment, of putting it any higher than the statement of an accomplice, nor can we in any way allow ourselves to be influenced by the statements in it, except where those statements are corroborated by independent testimony implicating the accused persons in the design with which they are charged.”

This point was then explained and considered in the case of *Mirza Akbor V. King Emperor*, AIR 1940 (PC) 176. Their Lordships of the Privy Council in consideration of different authorities and Section 10 of the Evidence Act observed as follows:-

“This being the principle, their Lordships think the words of S.10 must be construed in accordance with it and are not capable of being widely construed so as to capable of being widely



construed so as to include a statement made by one conspirator in the absence of the other with reference to past acts done in the actual course of carrying out the conspiracy, after it has been completed. The common intention is in the past. In their Lordships judgment, the words “common intention” signifies a common intention existing at the time when the thing was said, done or written by the one of them. Things said, done or written while the conspiracy was on foot are relevant as evidence of the common intention, once reasonable ground has been shown to believe in its existence. But it would be a very different matter to hold that any narrative or statement or confession made to a third party after the common intention or conspiracy was no longer operating and had ceased to exist is

admissible against the other party. There is then no common intention of the conspirators to which the statement can have reference. In their Lordships judgment Section 10 embodies this principle. That is the construction which has been rightly applied to Section 10 in decisions in India, for instance, in 55 Bom 839 and 38 Cal 169. In these cases the distinction was rightly drawn between communications between conspirators while the conspiracy was going on with reference to the carrying out of conspiracy and statements made, after arrest or after the conspiracy has ended, by way of description of events then past.”

On the application of Section 10 of the Evidence Act, 1872, it has been observed in the case of *Bhagwan Swarup V. State of Maharashtra*, AIR 1965 SC 682 as under:-

“Anything so said, done or written is a relevant fact only “as against each of the persons believed to be so conspiring as well as for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.” It can only be used for the purpose of proving the existence of the conspiracy or that the other party or for the purpose of showing that such a person was not a party to the conspiracy. In short, the section case be analysed as follows:

- (1) there shall be a prima-facie evidence affording a reasonable ground for the Court to believe that two or more persons are members of the conspiracy;
- (2) if the said condition is fulfilled, anything said, done or written by any one of them in reference to their common intention will be evidence against the other;
- (3)

anything said, done or written by him should have been said, done or written by him after the intention was formed by any one of them; (4) it would also be relevant for the said purpose against another who entered the conspiracy whether it was said, done or written before he entered the conspiracy or after he left it; and (5) it can only be used against a co-conspirator and not in his favour.”

Similar views have been expressed in the case of *Zulfikar Ali Bhutto V. The State* PLD1979 SC 53 and also in the case of *State V. Nalini* (1991) 5 S.C.C 283.

In the case of *Moqbool Hossain Vs. The State*, 12 DLR (SC) 217, the case against Moqbool Hossain rested entirely on what the other two accuseds were alleged to have stated to Tahsilder at the time of offering the bribe money to the Tahsilder for the

purpose of mutating his name in the register. At the trial, those two accused repudiated their alleged statements. The question that arose was whether the statements of two co-accused were available to the prosecution against him by virtue of Sections 10 and 30 of the Evidence Act. It was laid down as follows:

“Section 10 of the Evidence Act declares that where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiracy as well as for the purpose of proving the existence of the conspiracy as for the purpose

of showing that any such person was a party to it. A plain reading of this section makes it clear that apart from the act or statement of the co-conspirator, some prima-facie evidence must exist of the antecedent conspiracy in order to attract Section 10. Such evidence of a pre-existing conspiracy between the appellant and the two Revenue Officer is conspicuous by its absence in this case.”

In the case of State Vs Mobile Kader reported in 67 DLR (AD)(2015) 7, it has been observed as under:-

“Bazlu made the confessional statement after his arrest and that too after the alleged criminal conspiracy culminated with the killing of deceased. So, the confessional statement of

accused-Bazlu cannot be used as evidence against Mobile Quader.”

In the aforesaid reported case, it is further held as follows:-

“The circumstances before, during and after the occurrence about the complicity of the accused in the incident must be proved beyond shadow of doubt. The criminal responsibility for a conspiracy requires more than a merely passive attitude towards an existing conspiracy for murder. Each one of the circumstances should be proved beyond reasonable doubt.”

Accordingly once a reasonable ground exists to believe that two or more persons have conspired together to commit an offence, anything said, done or written by one of the conspirators in reference to the common intention after the common intention was first entertained, is relevant against other, not only for

the purpose of proving the existence of the conspiracy but also for proving that the other person was a party to it. There can be two objections to the admissibility of evidence under Sections 10 of the Evidence Act. Firstly that the conspirator whose evidence is sought to be admitted against the co-conspirator is not confronted in court by the co-conspirator, and secondly the prosecution merely proves the existence of reasonable ground to be believed that two or more persons have conspired to commit an offence and that brings into operation the existence of agency relationship to implicate co-conspirator.

But however statement made after the conspiracy has been terminated on achieving its object or it is abandoned or it is frustrated or the conspirator leaves the conspiracy in between, is not admissible against the co-conspirator. Fixing the period of conspiracy is



important as the provisions of Section 10 of the Evidence Act would apply only during the existence of the conspiracy.

It is necessary that a prima-facie case of conspiracy has to be established for application of S. 10 of the Evidence Act. The second part of S. 10 permits the use of evidence which otherwise could not be used against the accused person. It is well settled that act or action of one of the accused could not be used as evidence against the other. But an exception has been carved out in S. 10 in cases of conspiracy. The second part operates only when the first part of the Section is clearly established i.e. there must be reasonable ground to believe that two or more persons have conspired together in the light of the language of S. 120-A. It is only then the evidence of action or

statements made by one of the accused could be used as evidence against the other.

Section 10 comes into play only when the court is satisfied that there is a reasonable ground to believe that two or more persons have conspired together to commit an offence. There should be, in other words, a prima-facie evidence that the person was a party to the conspiracy before his acts can be used against the co-conspirator. Once such prima-facie evidence exists, anything said, done or written by one of the conspirators in reference to the common intention, after the said intention was first entertained, is relevant against the others. It is relevant not only for the purpose of proving the existence of conspiracy, but also for proving that the other person was a party to it.

As per general principle of law, the confession of an accused recorded under section 164 of the code of

criminal procedure cannot be used against the other co-accused but the same can be taken into consideration when that confession is found to have been supported by the legal evidence. But the confession of a conspirator is relevant against the co-conspirator in view of section 10 of the Evidence Act, 1872 subject to fulfilment of some terms and conditions. In criminal cases, there is no bar to convict and sentence an accused basing on confessional statement provided that the confession is true and voluntary and the same was recorded in accordance with law. However, as a precautionary measure, the veracity of confessional statement may be taken into consideration in conformity with legal evidence on record.

Accordingly, I am of the view that the confessional statement made by an accused can be used as

evidence/relevant fact against the co-conspirators when there is a prima-facie evidence to the effect that the maker and the conspirator were parties to the conspiracy and in that case anything said, done or written by one of the conspirators during subsistence of conspiracy is evidence/relevant fact against the other conspirators as per section 10 of the Evidence Act since section 10 of the Evidence Act is an exception to general principle of law. However once it is shown that a person becomes snapped out of the conspiracy, any statement made subsequent thereto cannot be used as evidence/relevant fact against the other conspirator under Section 10 of the Evidence Act.

During hearing of the case it is argued on behalf of the prosecution that in the instant case at hand, section 106 of the Evidence Act is applicable to the accused/convicts of this case. On the other hand, the submission on behalf the accused/convicts is that

section 106 of the evidence act is not applicable to the accused/convicts.

Section 106. Burden of proving fact especially within knowledge:- When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

It may be mentioned that Section 106 is applicable only in exceptional cases. When it is established that an accused person has given information about an incriminating article, it is for him to explain how he got the knowledge of the place where that article was found. Similarly, the accused person and his wife were living in the same bed, the wife having received injuries on her person ultimately died of injuries, onus heavily falls on the husband as he is saddled with the burden of proving the facts especially within his knowledge and on failure to

discharge such onus, adverse presumption is bound to seize him. In the instant case, the evidence shows that the convicts/accused were present at the Pilkhana and most of them participated in Darbar at the Darbar Hall. At the time of occurrence, they also actively participated in the commission of offences. In the Pilkhana premises, army officers and the BDR soldiers would have been resided together. Apart from this, many of them made confessional statements involving themselves with the commission of murders of the army officers and other offences and also narrated how they committed the offences giving vivid descriptions. The prosecution witnesses implicated the accused/convicts in this case. Moreover no outsiders or strangers went there to kill the army officers. Under the circumstances, onus of proof under section 106 of the Evidence Act, 1872 heavily lies on the accused/convicts to prove how the army officers were

killed at Pilkhana. Accordingly section 106 of the Evidence Act also fixes the liability of proving the facts of killing of the army officers on the accused/convicts beside the prosecution, since the same was especially within the knowledge of the accused/convicts. However, the accused/convicts have totally failed to discharge their burden of proof as to killing the army officers at Pilkhana, which also nullifies the defence case of the accused/convicts that they were not involved in the commission of murder of army officers and other offences at Pilkhana.

### **Observations and Opinions**

I have gone through the FIR, charge-sheet, order of framing charge, evidence of the prosecution witnesses, evidence of the defence witnesses, inquest reports, post mortem reports, material exhibits, confessional statements of the accused, 342 statements of the

accused. During hearing of the death reference with connected appeals, I have also seen the video clippings recorded at the time of occurrence and after the occurrence, at the court displayed by the prosecution with regard to movements and activities of the BDR rebels and recovery of dead bodies from the mass graves. For delivery of the judgement, I have carefully perused, scrutinized, examined and weighed all the evidence and materials in proper perspective. I have also gone through the judgements proposed to be given by my learned two brothers namely Mr. Justice Md. Shawkat Hossain and Mr. Justice Md. Abu Zafor Siddique. I have also gone through the landmark and celebrated legal decisions of this sub-continent and other jurisdictions of the world referred to by the respective parties of this case. It may be mentioned that the present case is a big and voluminous case



having evidence of 654 prosecution witnesses, confessional statements of 528 accused, evidence of 24 defence witnesses, 342 statements of 830 accused, inquest and post mortem reports of 74 dead bodies, other materials and paper books spreading over more or less 36000 pages. It is an undisputed fact that the present case is one of the largest cases in the history of crimes in the world in terms of accused, witnesses and materials including the gravity of the offences. I have no hesitation to speak out that my two learned brothers delivered the judgements discussing the fact, the evidence and other circumstances of the case in details with great care applying their judicial mind, conscience, insight, perception, sagaciousness and their great wisdom as well as giving a lot of time and energy in writing out the judgements. It is worthwhile to mention that all the learned judges of this Special

Bench have come to a unanimous decision with regard to convictions and sentences of the accused of this case. Under the circumstances, I am going to write out a judgement in a brief and concise manner touching, focusing and highlighting some important facts, evidence and clinching circumstances without repeating the observations and findings that have already been stated and discussed in the judgements delivered by my two learned brothers. If I discuss the selfsame facts, evidence and circumstances of the case in my judgement, it will cause repetition of the same facts, evidence and circumstances of the case and create serious inconveniences to the parties and the readers and it will also kill the valuable public time of the court. Since the present case is an important one having consequential effect in the society, I would like to deal with some important facts, evidence and legal

aspects of the case along with the necessity of the capital punishment for the greater interest of justice with a view to ensuring and establishing justice to all the parties of the case.

It may be mentioned that the incident of BDR carnage happened on 25-26 February 2009 at Pilkhana has not happened suddenly. If we look back in 1991, we find many reasons behind the incident of the BDR carnage at Pilkhana in 2009. It appears from the record that the BDR soldiers had some grievances and dissatisfactions over the army officers for non-fulfilment of their demands. On 30<sup>th</sup> November 1991, 17 BDR soldiers of 1 Rifle Battalion Naogaon came to Pilkhana, Dhaka to participate in Tattoo show at the Headquarters of Bangladesh Rifles at Pilkhana, Dhaka. After performing in Tattoo show, the BDR soldiers went back to their own Battalion at 1 Rifle

Battalion, Naogaon. In order to fulfill their demands, the aforesaid BDR soldiers composed leaflets and thereby published and distributed leaflets in different places of 1 Rifle Battalion, Naogaon. The main subject-matter of the leaflets, among 19 demands, was to remove the army officers from the BDR. In order to find out the real offenders, the authority upon examining the hand writing of the aforesaid 17 BDR soldiers came to a conclusion that the hand writings of Naik Md. Afzal matched with the hand writings written on the leaflets and No.26238 Naik Md. Afzal and other accomplices were the architects and perpetrators behind composing the leaflets. Thereafter the Commanding Officer (CO) of 1 Rifle Battalion, Naogaon informed the authority of Bangladesh Rifles, Headquarters, Pilkhana of the aforesaid fact. It was decided by the higher authority

that in order to find out the real causes of the incident and in order to find out the genuine offenders, Naik Afzal would be sent to Sector Headquarters, Rajshahi from 1 Rifle Battalion, Naogaon for interrogation. On 1<sup>st</sup> December 1991 at around 5:30 p.m, when as per decision of the authority, Naik Afzal was being taken to Sector Headquarters, Rajshahi by the escort party, the BDR soldiers of 1 Rifle Battalion, Naogaon taking bamboo sticks and woods obstructed the escort party from taking Naik Afzal to Sector Headquarters, Rajshahi, chanted objectionable slogans and assaulted Commanding Officer (CO) and other army officers including a guest officer. Apart from these, the BDR soldiers scolded the army officers in filthy languages, tried to loot the arms from the Kote, attacked the residences of the army officers and damaged the government properties. In the face of aforesaid

incident, a court of inquiry of 4 members headed by BA-100118 Colonel Monjur Ahmed was constituted. The court of inquiry after holding thorough examination into the matter found No.26238 Naik Md. Afzal Hossain and 20 other BDR soldiers guilty for the aforesaid unbecoming incidents. The court of inquiry also recommended disciplinary action against No.26238 Naik Md. Afzal Hossain and other 20 BDR soldiers of 1 Rifle Battalion, Naogaon for their involvements and misdeeds. As per article 10A of the Bangladesh Rifles Order, 1972 if any Subordinate Officer or a Rifleman or a Signalmen commits any offence like the aforesaid offences, he shall, on conviction by the Special Court, be punished with rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine which may extend to Taka one hundred but the aforesaid BDR

soldiers who committed the offences in 1991 under article 10A of the Bangladesh Rifles Order, 1972 were not exemplary punished bringing them to the trial under the aforesaid provision of law. If the then Government and the authority of the then BDR would take appropriate legal action against the aforesaid BDR soldiers under the appropriate provision of law, the incident like BDR carnage happened at Pilkhana on 25-26 February 2009 would not happen again.

Now I want to discuss about the Dal-Vhat programme taken by the then BDR authority, which was one of the main causes of dissatisfactions and grievances of the BDR soldiers against the army officers in BDR. I have stated earlier that the BDR carnage committed on 25-26 February 2009 at Pilkhana was not happened suddenly. There is a long chequered history behind this incident. If we look into

the incident happened in 1991 at 1 Rifle Battalion, Naogaon, it is conceived that the BDR soldiers were dissatisfied with the army officers over some demands since 1991. It may be stated that after the mutiny happened in 1991 at 1 Rifle Battalion, Naogaon, the grievances and dissatisfactions of the BDR soldiers against the army officers remained in the minds of the BDR soldiers implied and they were waiting for a chance to overthrow the army officers from the BDR. In 2006, when the then Government was in power, there was a price hike of rice, flour, sugar, soya bean oil, powder milk, red lentils including many essential commodities in the market. In order to control the market, the then Government imported the aforesaid goods which were in the shortfall. Thereafter, the then Government decided to distribute the aforesaid goods to the general people through Trading Corporation of



Bangladesh (TCB) and the then BDR authority. Then the then Government handed over the aforesaid goods to the then BDR authority to distribute the same to the general people besides the TCB. In view of the above purposes, the then BDR authority made temporary makeshifts in different places of Dhaka city for selling the aforesaid goods to the general people by the BDR personnel. When the BDR personnel were engaged in Dal-Vhat programme for selling the goods, it was visible that the BDR personnel by putting off their upper uniform were selling goods wearing only camo Guernsey and Guernsey publicly, which degraded their prestige, status and reputation of soldier attitude. A group of BDR personnel who were involved in selling goods of Dal-Vhat programme started preaching to the general BDR soldiers against the army officers that the army officers in BDR would not

supply the goods in proper weight but they received full payment against the full weight from the BDR soldiers as a result of which the BDR soldiers had to pay money from their own pockets and sometimes they had to undergo punishments if they disagreed or failed to pay the full payments against the full weight of goods. The BDR personnel and BDR soldiers are the members of discipline force and their main duty and responsibility are to defend the sovereignty of the State by keeping the border of the country secured and sometimes to protect the law and order situation of the country at the instruction of the Government if required for any reason. It was a wrong decision of the then Government to involve the BDR personnel in a programme like operation Dal-Vhat programme. Considering the confessional statements of different accused particularly the confessional statements of

Sepoy Selim Reza and other accused, I am of the view that since the BDR authority involved the BDR personnel in operation Dal-Vhat programme, taking that advantage, a group of BDR personnel started making conspiracy giving some wrong and negative impressions against the army officers as a result of which the general BDR soldiers became very annoyed with the army officers in BDR. The aforesaid facts created a gap in between the army officers in BDR and BDR soldiers and the same also promoted and accelerated the movements of the BDR rebels in making conspiracy to overthrow the army officers from the BDR. Analysing and perusing the confessional statements of the accused, it is apparent that one and a half years before the date of occurrence happened on 25-26 February 2009, Sepoy Selim Reza of 44 Rifle Battalion would often malign the army

officers in BDR saying that the army officers should not be there in BDR and they needed officers from their own people. In order to implement their evil designs, one of the BDR rebels namely Sepoy Selim Reza went to **PW 343 Mr. Sultanul Moahakken Babu @ SM Babu, a journalist of ATN Bangla** in order to broadcast negative news against the army officers showing some leaflets and torn notes of Taka having laminated. Apart from this, coming across the evidence of **PW-31 No.60737 Sepoy Firoj Hossain Daptory, PW 429 Md. Iqbal Hossain**, it appears that before the occurrence, the BDR rebels composed leaflets at the computer of prime coaching centre belonging to accused Md. Zakir Hossian son of Subedar Kanchon Ali (Retired) and also held meeting therein with regard to their demands. Going through the evidence of **PW-345 Sheik Fazlul Karim Salim**

**MP, PW-575 Mr. Barrister Fazle Noor Tapash MP,**  
**PW-634 Post & Telecommunication Minister Adv**  
**Sahara Khatun** and the confessional statements No.  
63907 Sepoy Selim Reza CS accused No.6, RDO-153  
DAD Mirza Habibur Rahman CS accused No.3,  
No.47474 Lance Naik Ekramul Islam CS accused  
No.35, RDO-165 DAD Abdul Jalil CS accused No.5,  
No.63922 Sepoy Kazol Ali CS accused No.11,  
No.46194 Havildar Assistant Khandoker  
Moniruzzaman CS accused No.29, it appears that as a  
part of pre-planned conspiracy to implement their evil  
designs, the BDR rebels under the leadership of DAD  
Habib, DAD Jalil, Sepoy Selim Reza, Sepoy Moin,  
Sepoy Rubel, Sepoy Shahadat, Havildar Monir, Lance  
Naik Shahabuddin, Lance Naik Ekram, Lance Naik  
Tareq, Sepoy Ayub, Sepoy Mehedi, Sepoy Sajjad,  
Sepoy Kazol, Sepoy RP Reza being the members of

discipline force went to different political leaders namely **PW-345 Sheik Fazlul Karim Selim MP, PW-575 Mr. Barrister Fazle Noor Tapash MP, PW-634 Post & Telecommunication Minister Adv Sahara Khatun** unlawfully violating their laws with a charter of demands with a view to placing their demands to the proper authority for realisation of their demands. From the confessional statement Sepoy Kazol Ali CS accused No.11 it appears that Sepoy Moin told Sepoy Kazol Ali that they went to the residences of Home Minister and MPs but they failed to realise their demands and for that reason they had to compose leaflets and to distribute the same to the different places of the Pilkhana. Going through the evidence of **PW 6 Major Rezaul Mostafa Md. Asad-Ud-Daula, PW 7 Major Tareq Md. Vawali, PW 13 Major Munshi Mahbubur Rahman** and the

confessional statements of **No.44274 Havildar Md Masud Iqbal CS accused No.164, No.45596 Naik Kaiyum CS accused No.165, No.25829 Havildar Md. Yusuf Ali CS accused No.75, JCO-5046 Subedar Md. Yusuf Ali Khan RUS CS Accused No.180**, it appears that on 21.02.2009, 4 leaflets were found and recovered from the different places of Pilkhana. The leaflets were written addressing the Hon'ble Prime Minister stating some objectionable remarks against the DG and the army officers. The aforesaid posters contained, 'DG BDR purchases precious vehicles for them but the BDR soldiers use broken vehicles, perform their duties on foot, do not get proper monies from operation Dal-Vhat programme and monies of breakfast while on duty at Bissho Estema (World Muslims congregation) as those monies were misappropriated by the army

officers'. The aforesaid leaflets contained different types of allegations against DG BDR, Colonel Mojib Sector Commander of Dhaka and wife of DG BDR including different statements with regard to non-necessity of army officers in BDR force. On getting leaflets/posters, a meeting was held at the office of Lieutenant Colonel Enshad Ibney Amin, Commanding Officer (CO) of Rifle Security Unit (RSU) and another meeting was held at the office of DG BDR at Headquarters, Pilkhana. In those meetings, DG BDR instructed to make counter leaflets containing the welfare activities in the BDR for last 3/4 years, expenditures on marriage of the children of the BDR soldiers, medical allowances, developments of treatment in the hospital, communications of BDR soldiers from the remote and inapproachable area by helicopter, distribution of money of operation Dal-



What, increase of admission quotas for the children of BDR members to Pilkhana School, development of ration facilities and accommodations and purchase of new vehicles. Subsequently the BDR authority came to know that Sepoy Moin of 13 Rifle Battalion, Sepoy Selim Reza of 44 Rifle Battalion and Lance Naik Ekram of 24 Rifle Battalion composed and distributed the leaflets at Pilkhana, Dhaka. Under the aforesaid circumstances, in order to increase security, 11 Major and some DADs of BDR were posted at important establishments including quarter guard and Magazine area at Pilkhana. The aforesaid fact of composition and distribution of leaflets at the Pilkhana premises by the BDR rebels indicates that the BDR rebels joined their hands with each other making pre-planned conspiracy in order to remove the army officers from the BDR force and the same is also conceived from

the behaviours and conducts of the BDR rebels and from the objectionable languages used in the leaflets. From the leaflets, it is a reasonable ground to believe that the BDR rebels conspired together to overthrow the army officers from the BDR force and to commit other actionable wrongs if their demands are not fulfilled. Furthermore, the composition and distribution of leaflets are the outcome of the mala fide intention of the BDR rebels, which was first entertained by them before the occurrence. The aforesaid fact of composition and distribution of leaflets is a proof of conspiracy to remove the army officers from the BDR force and to commit the offence of murder and other offences if circumstances arise and the BDR rebels were parties to the conspiracy and the said offence of conspiracy is punishable under Section 120B of the Penal Code.

Following the pre-planned conspiracy, the BDR rebels participated in the commission of offences and they were spotted in and around the Darbar Hall and other places at the time of occurrence at Pilkhana using and carrying the deadly weapons and killing the army officers and others. This leaflets may be taken into consideration as proof of conspiracy of the BDR rebels in killing the army officers.

On perusal of the confessional statement of **Sepoy Selim Reza CS accused No.6** it is found that on 23.02.2009 at around 9:00 p.m, he made a phone call to the Hon'ble Home Minister putting extra grameen sim to the mobile of No. 63922 Sepoy Kazol CS accused No.11. No.63907 Sepoy Selim Reza CS accused No.6 gave salam (salutation) to the Hon'ble Home Minister, introduced himself to her and told her that she would come at the Pilkhana tomorrow and

what were being brought by her for changing the fate of the BDR members. The Home Minister replied to the effect that she would not come alone, the Hon'ble Prime Minister would also be there.

From the evidence of **PW-337 Md Shamsuzzaman @ Anu, PW 338 KM Kamrul Ahsan Shah @ Swapan, PW-576 Miraj Ahmed Razib, PW 61 No.43607 Havildar Md Ashraf Uddin** and confessional statements of **No. 41584 Lance Naik Zakaria Mollah CS accused No.23, No. 63907 Sepoy Selim Reza CS accused No.6, No. 63922 Sepoy Md. Kazol Ali CS accused No.11, No.47474 Lance Naik Ekramul Islam CS accused No.35, No.56942 Sepoy Md. Habibur Rahman CS accused No.26, No.71318 Sepoy Md. Ziaul Haque CS accused No.27**, it is evident that on 24.02.2009 at around 9:00 p.m, a secret meeting of the BDR

personnel was held at the rented house of BDR member Zakaria Mollah near gate No.5 of Pilkhana in order to implement their evil designs. In that meeting, No. 63907 Sepoy Selim Reza CS accused No.6, No. 63922 Sepoy Md. Kazol Ali CS accused No.11, Sepoy Mizan, Sepoy Hasibul of 44 Rifle Battalion, No.47474 Lance Naik Ekramul Islam CS accused No.35 of 24 Rifle Battalion, No. 41584 Lance Naik Zakaria Mollah CS accused No.23, No.56942 Sepoy Md. Habibur Rahman CS accused No.26, Sepoy RP Reza, Sepoy Rubel, Sepoy Shahadat, Sepoy Moin of 13 Rifle Battalion, Sepoy Rahman, Sepoy Ayub, Sepoy Atiqur Rahman, Sepoy Sadullah, Sepoy Kamrul, Sepoy Masbah Uddin and 30/35 BDR soldiers were present. At that time, there was no electricity in that area. Lighting up a candle, the BDR rebels held that meeting. It was decided in that meeting that on the

date of occurrence, that is, on 25.02.2009, all the BDR members would be assembled at the field of 44 Rifle Battalion within 7:00 a.m and thereafter they would loot the arms and ammunitions from the Kote and Magazine keeping the army officers under hostage. It was further decided that the officers would be put under hostage and then they would be confined to Rifles Public School and college. Thereafter that incident would be informed to the Government and the officers would be kept under hostage till realization of their demands. It was also decided to come there taking rope and knife with them. After meeting, they also took oath keeping their hands together that they would realize their demands at any cost.

Apart from this, another meeting was held on 24.02.2009 at around 10:00 p.m, at the office of Subedar Major SM Gofran Mollik of 24 Rifle

Battalion, which is evident from the confessional statement of **No.65702 Sepoy Md. Emran Chowdhury CS accused No.34**, runner of Lieutenant Colonel Lutfar Rahman Commanding officer of 24 Rifle Battalion, who has stated in his confession that on 24.02.2009 at 8:00 p.m he went to Shahjahanpur taking the mother-in-law of his Commanding Officer (CO). He came back therefrom at around 10:00 p.m. Thereafter he attended the meeting held at the office room of Subedar Major SM Gofran Mollik of 24 Rifle Battalion. In that meeting, he along with Subedar Major Gofran Mollik, Sepoy Azim Patwary, driver of Lieutenant Colonel Lutfar Rahman Commanding Officer (CO) of 24 Rifle Battalion, Havildar Taher and Lance Naik Karim both of 24 Rifle Battalion was present. It was decided in that meeting that in the next day, that is, on 25.02.2009 the army officers would be

kept under hostage at the Darbar Hall and they would be killed if necessity arose. Gofran Mollik told **No.65702 Sepoy Md. Emran Chowdhury CS** accused **No.34** that if the chaos arose at the Darbar Hall, the Commanding Officer (CO) might go to his office. Subedar Major Gofran Mollik also told him to inform him over wireless set if the Commanding Officer (CO) went to his office and then he would go to the office. 1/1½ months before the occurrence, **No.65702 Sepoy Md. Emran Chowdhury CS** accused **No.34** would hear Subedar Major Gofran Mollik to say now and then in his office that the army officers would be kept under hostage for realisation of their demands if opportunity would come.

It appears from the confessional statement of **RDO. 133 DAD Md. Nasir Uddin Khan CS** accused **No.2** that he was attached with 44 Rifle Battalion as



Deputy Assistant Director (DAD). On 24.02.2009 at 4:00 p.m, Sepoy Selim of 44 Rifle Battalion informed him that a meeting with regard to the demands of BDR members would be held at the field of Rifle Sports Board (RSB) at 8:00 p.m. In that meeting DAD Touhid, DAD Habib, DAD Jalil, DAD Rahim and many others would remain present. DAD Nasir was supposed to go there but he could not attend as there was a rehearsal programme for tattoo show. Moreover, on that night he was entrusted with a duty at central Magazine.

Apart from aforesaid facts and circumstances of the case, the following fact also enticed and inflamed the BDR members for which they became highly dissatisfied and furious with the army officers. It is noticeable from the confessional statement of **No. 61489 Sepoy Md. Abdul Muhit CS accused No.70**

that on 24.02.2009 he was present at the parade which was arranged for observance of BDR week, 2009 as well as for the purpose of coming of the Hon'ble Prime Minister at Pilkhana. After taking salute at the parade, the Hon'ble Prime Minister did not deliver any speech in respect of the demands of the BDR members. Arising out of this matter, there was an implied dissatisfaction among the BDR soldiers. Unlike every year, the BDR soldiers were not invited with their family members and being aggrieved by the same, **No. 61489 Sepoy Md. Abdul Muhit CS accused No.70** without participating in the lunch purchased a hen and enjoyed the lunch with his family members. DG BDR misappropriated taka 600/- crore from Dal-Vhat programme. The shares of the BDR soldiers were not given to them. The officers took signature of the BDR soldiers on white papers but they

did not provide any money to them. For those reasons, the BDR soldiers were highly dissatisfied with the army officers. Subsequently **No. 61489 Sepoy Md. Abdul Muhit CS accused No.70** came to hear that Sepoy Selim, Sepoy Kazol, RP Reza and others in order to realize their demands made contact with different political leaders.

It is evident from the evidence of **PW 33 Lieutenant Colonel Md. Reazul Karim, PW 453 No.79173 Sepoy Ripon Kumar Biswas, PW 35 No-75327 Sepoy Md. Tabbas Ali** and confessional statements of **Sepoy Selim Reza CS accused No.6, Sepoy Md. Sajjad Hossain CS accused No. 10, Sepoy Kazol Ali CS accused No. 11 and Sepoy Md. Rafiqul Islam CS accused No.19** that as per decision of the secret meeting held at the residence of Zakaria Mollah in the night of 24.02.2009, on 25.02.2009 in

the morning at around 7:00-7:30 a.m, the BDR rebels including Sepoy Selim Reza, Sepoy Moin, Sepoy Shahadat, Sepoy Sajjad along with 18/20 BDR rebels wearing their uniform assembled at the field of 44 Rifle Battalion. Since the attendance of the BDR rebels was poor, talking with each other they came to a decision that it was not possible to attack the Darbar Hall with such a scanty number of BDR rebels. Then they decided to attend the Darbar of DG BDR. At around 7:30 a.m, the aforesaid BDR rebels including Sepoy Selim Reza, Sepoy Moin, Sepoy Rubel, Sepoy Sazzad, Sepoy Shahadat came at Sultan Ground. At that time, Sepoy Altaf and Sepoy Habib happened to meet the aforesaid BDR rebels and wanted to know the reason of their coming from the field of 44 Rifle Battalion. Then the BDR rebels replied that since the attendance of the BDR rebels was very poor, they had

comeback therefrom as it was not possible to attack the Darbar Hall with such a few number of people. After a while Sepoy Habib informed the BDR rebels that the time of Darbar was shifted and the same would be held at 9:00 a.m. instead of 8:00 a.m. After that, Sepoy Habib asked all the BDR rebels to go to the Sadar mess assuring them that he would send sufficient people there as quickly as possible. Then Sepoy Selim Reza, Sepoy Altaf, Sepoy Moin, Sepoy Habib, Sepoy Hafiz, Sepoy RP Rezaul and others went to Sadar Mess. About 30/35 BDR assembled at Sadar mess within a short period of time. Sepoy Selim Reza and Sepoy RP Rezaul told all the BDR members that all the army officers would be present at the Darbar Hall and they would realize their demands keeping the army officers under hostage. A few time later, Sepoy Selim Reza, Sepoy RP Rezaul and Sepoy Altaf

divided the BDR members in two groups giving instruction that one group would go to the Kote while the other group would go to the Magazine and after looting the arms and ammunitions, they would assemble again and exchange arms and ammunitions with each other and then they would attack the Darbar Hall. As per plan, Sepoy Selim Reza, Sepoy Moin, Sepoy Kazol, Sepoy Rubel, Sepoy Sazzad, Sepoy Rafique, Lance Naik Ekram, Sepoy Habib, Sepoy Obaidul and other soldiers of 13 Rifle Battalion were in the Kote breaking group while Sepoy Altaf, Sepoy RP Rezaul, Sepoy AB Siddique, Sepoy Jashim, Sepoy Mizan, Sepoy Palton Chakma, Sepoy Lutfor Alam and other soldiers of 13 Rifle Battalion were in the Magazine breaking group. The group of BDR members under the leadership of Sepoy Selim Reza and Sepoy Moin went to the Kote to bring arms and

the group of BDR members under leadership of Sepoy Altaf and Sepoy AB Siddique went to Magazine to bring ammunitions. It appears from the evidence of PW. 33 Lieutenant Colonel Md. Rezaul Karim that at around 8:50 a.m, the group of BDR members numbering about 20/25 persons under the leadership of Sepoy Selim Reza attacked him when he was on duty at Central Quarter Guard. The BDR members addressed him as son of bitch and assaulted him by fists and kicks. On that time, the guards of the Kote remained silent standing thereat. The BDR soldiers took him therefrom lifting his body, tied his hands and legs with rope and chain and tried to kill him by strangulation. Some BDR members uttered to kill him by charging bayonet on him. They snatched his wrist watch and Mobile set from his possession. They shut down the door from the outside fastening him inside

the room. Thereafter, the BDR rebels took keys from the on duty guard commander of the Kote and looted away arms from the Kote. The name of the guard commander is Havildar Shajahan. After opening the Kote, they took arms and asked each other to go the Magazine for taking ammunitions. Among the BDR rebels, he identified Sepoy Selim Reza, Sepoy Sazzad, Sepoy Kazol, Lance Naik Ekram, Sepoy Rafiqul, RP Rezaul, Sepoy Jashim Mollik, Sepoy Obaidul and Sepoy Habib. Among them Sepoy Sazzad was of 13 Rifle Battalion, Sepoy Iqbal of 24 Rifle Battalion, RP Rezaul of Sadar Rifle Battalion and the remaining BDR rebels were of 44 Rifle Battalion. Havildar Shajahan, Naik Kamruzzaman, Sepoy Masum, Sepoy Hafizur, Sepoy Goutom, Sepoy Chandranath, Sepoy Anowar, Sepoy Raihan and Sepoy Sharif were of 24 Rifle Battalion and they were on duty at the quarter



guard but they did not make any obstruction to the BDR rebels from looting the arms from the Kote and they also did not come forward to rescue him, rather they assisted them in handing over keys of Kote to the BDR rebels. After a while, he heard of sound of boots of hundreds of soldiers and sound of loading arms with ammunitions. The aforesaid fact of looting arms from the Kote has been supported and corroborated by the evidence of **PW 453 No.79173 Sepoy Ripon Kuman Biswas** who was a guard of central quarter guard and was present at the time of looting arms from the Kote.

It is evident from the evidence of **PW 35 Sepoy Md. Tobbas Ali** that on 25.02.2009, he was on duty at the central Magazine. On that day, Havildar Habibur, Havildar Majid, Havildar Kalam, Sepoy Munnaf, Sepoy Lutfor, Sepoy Al-Amin and Sepoy Abu Bakar

were also on duty with him. He was assigned to duty from 7:00 a.m. to 9:00 a.m. Handing over the charge of duty, he went to guard room for rest at 9:00 a.m. At about 9:15 a.m, 14/15 BDR rebels entered the Magazine. The BDR rebels directed him and others to open the door failing which they gave threat to kill them. Among the BDR rebels, he identified Sepoy Altaf, Sepoy Siddique and Sepoy Mizan of 44 Rifle Battalion and Sepoy Paltan Chakma and Sepoy Lutfor Alam of 24 Rifle Battalion. Before that event, DAD Miraj took the arms from the guards on duty and other guards and kept those under the lock and key. Being unarmed, he could not make any resistance to the BDR rebels. The BDR rebels took away arms and ammunitions shutting the door from the outside, while he remained inside the Magazine. He came out from the back door and found hundreds of BDR rebels who

were opening fires repeatedly with their arms. The aforesaid fact of looting ammunitions from the Magazine has been supported and corroborated by the confessional statements of **Sepoy Selim Reza, Sepoy Kazol Ali, Sepoy Rafiqul, Sepoy Sajjad** and others.

After looting the arms and ammunitions, the BDR rebels assembled at the Sultan ground and exchanged their arms and ammunitions with each other and then they started towards the Darbar Hall. At that moment Darbar of DG was going on and during that time DG BDR delivering his speeches on Operation Dal-Vhat programme and other issues. At that time 97 officers of different ranks and around 2500/3000 BDR soldiers were present at the Darbar Hall. Suddenly, Sepoy Moin of 13 Rifle Battalion entered the Darbar Hall and pointed arms at DG BDR. Within a short span of time, Sepoy Kazol Ali of 44

Rifle Battalion following Sepoy Moin also entered the Darbar Hall with arms. On that situation, DDG Brigadier General Bari, **PW 4 Colonel Shamsul Alam Chowdhury** and other officers present over there disarmed Sepoy Moin and at one stage Sepoy Kazol managed to flee away running and opened a fire going outside the Darbar Hall through the southern gate. After hearing a sound of firing, the BDR rebels inside the Darbar Hall stood up uttering and shouting a word 'Jago'. Thereafter the BDR members present at the Darbar Hall started leaving the Darbar Hall breaking down the glasses of the doors and windows of the Darbar Hall. On such situation, DG BDR ordered all the BDR members to remain seated and he wanted to hear their problems but the BDR members ignoring and disobeying the order of DG started leaving the Darbar Hall. In the meantime, the BDR

rebels taking the arms and ammunitions were approaching the Darbar Hall opening fires targeting the Darbar Hall. Finding no other way, DG BDR directed all the commanders to control their troops going to their own units. Getting order from the DG, many officers including Sector Commander Colonel Mojib, Commanding Officer (CO) of 36 Rifle Battalion, Lieutenant Colonel Lutfar, Commanding Officer (CO) of 24 Rifle Battalion, PW4 Lieutenant Colonel Md. Shamsul Alam Chowdhury Commanding Officer (CO) of 44 Rifle Battalion, PW 3 Lieutenant Colonel Abu Tasnim of Signal Sector, PW 6 Maj Rejaul Mostafa Md Ashad-ud-Doula of Rifle Security Unit (RSU) and others went out of the Darbar Hall to control the troops of their respective units. However DG, DDG and many other officers including the lady officers remained inside the Darbar Hall. In the

meantime, the BDR rebels under the leadership of Sepoy Selim Reza, Sepoy Habib, Sepoy Kazol Ali, Sepoy Rafiqul, Sepoy Obaidul, Sepoy Jashim, Sepoy Sajjad, Sepoy RP Reza, Lance Naik Ekram, Sepoy Altaf, Sepoy Rubel, Sepoy Shahadat and others encircled the Darbar Hall and during that time hundreds of BDR rebels went to the Kote and Magazine, looted arms and ammunitions and participated in the commission of offences joining the other BDR rebels. The terrible firings were started around the Darbar Hall as a result of which DG BDR and many officers including the lady officers out of fear of life took shelter behind the screen of the stage of the Darbar Hall and other officers took shelter in different places and hideouts, that is, at green room, bathroom, washroom, kitchen, utensils and other places of the Darbar Hall. During that time DG BDR

and other officers sought help from the higher authority of the army and the Government over mobile phone intimating the situation. At around 10:30 a.m, under the leadership of Sepoy Selim Reza, Sepoy Atowar, Sepoy Habib, Sepoy Kazol Ali, Sepoy Rafiqul, Sepoy Obaidul, Sepoy Jashim, Sepoy Sajjad, Sepoy RP Reza, Lance Naik Ekram, Sepoy Altaf, Sepoy Rubel and Sepoy Shahadat and others, many BDR rebels being armed with weapons entered the Darbar Hall opening fires. Sepoy Selim Reza taking arms in one hand and megaphone in another hand appeared near the stage of the Darbar Hall and directed the BDR officers to come out of the hideouts through the megaphone uttering that he would take the officers to a safe place. In spite of hearing the utterances, when the officers did not come out from the hideouts, Sepoy Selim Reza scolded the army

officers in filthy and objectionable languages and further uttered that if the officers did not come out from the hideouts he would shoot them. Getting order from Sepoy Selim Reza, 10/15 officers who took shelter at the southern side of the stage of the Darbar Hall started coming out raising their hands over their heads. When they came down from the stage raising their hands, Sepoy Selim Reza of 44 Rifle Battalion aiming arms at them was taking them towards the outside of the Darbar Hall. At that time, other group of BDR rebels obstructed their way, caught hold of them and asked the army officers to lie down on the floor and to put off their rank badges. Getting order the army officers lay down on the floor and in that moment one BDR rebel killed Colonel Kaiser opening fires at him. Then the BDR rebels asked the army officers to stand up. When they stood up the BDR



rebels pushed them out through the gate located in the north-east gate of the Darbar Hall. Bringing out from Darbar Hall the BDR rebels called bad names of the officers and beat them mercilessly. One of the BDR rebel kicked on the stomach of Lieutenant Colonel Lutfar as a result of which 3 lady doctors fell down on the ground. One of the BDR rebels beat at the jaw of Major Zahid by the rifle bat. They started beating Major Zahid and Major Rokhsana by their boots and rifle bats. Some of BDR rebels wanted to take the lady officers to the firing squad. At that time Sepoy Selim Reza came there and told the BDR rebels not to kill the lady officers as they are lady doctors and they would be needed for their treatment purposes. On that time Major Saleh came out from the Darbar Hall receiving bullet injuries. At that time armed Sepoy Wahed of Dhaka Sector came there with a pickup and

told the lady officers to stand up and ride on the pickup. At the order of Sepoy Wahed, the 3 lady officers embarked on the pickup. But the BDR rebels obstructed Lieutenant Colonel Lutfar, Lieutenant Colonel Robi Rahman and Major Zahid from boarding the pickup. When the pickup was started for departure Lieutenant Colonel Robi boarded the pickup. After going some paths, the BDR rebels pushed down Lieutenant Colonel Robi by beating him with rifle bats. The aforesaid fact stands supported and corroborated by the evidence of **PW 72 Major Farzana Kalam, PW 73 Colonel Yesmin Akhter, and PW 77 Major Roksana Khanom.** When the officers were compelled to lie down at the road at north-west side near water fountain of the Darbar Hall the BDR rebels killed them by opening several burst-fires and fires on them. The aforesaid killing incident

has been supported and corroborated by **PW 9 Lieutenant Colonel Md. Maksudul Haque** as well as **Sepoy Md. Habibur Rahman CS accused No.26.**

After killing the 1<sup>st</sup> group of army officers, a few minutes later, Sepoy Selim Reza of 44 Rifle Battalion again appeared near the stage and witnessing the movement of the screen of the stage, he came to know that some officers were concealed behind the screen of the stage. By using megaphone, he again ordered the army officers, that is, the another group of army officers who took shelter behind the screen of the stage and in other places to come out, rebuked them with highly objectionable filthy languages and issued threat of killing if they failed to come out. Then DG, DDG and 10/12 other officers came down from the stage. Sepoy Selim Reza further rebuked and ordered the officers to go “one by one” making a queue raising

their hands. Thereafter at around 10:45 a.m, DG and other officers, that is, the another group of army officers started going out towards the north-west side of the Darbar Hall maintaining a line. At that time Sepoy Selim Reza of 44 Rifle Battalion, Sepoy Sajjad Hossain of 13 Battalion, Sepoy Ibrahim of 44 Rifle Battalion, Sepoy Obaidul of 44 Rifle Battalion, Sepoy Rafiqul of 44 Rifle Battalion, Sepoy Emran of 24 Rifle Battalion and some other BDR rebels started going to the western side of the Darbar Hall aiming arms at the officers. At that time DAD Nasir was with the BDR rebels. **As soon as the DG and others officers came out through north-west gate of the Darbar Hall, Sepoy Selim Reza, Sepoy Atoar, Sepoy Ibrahim, Sepoy Obaidul, Sepoy Rafiqul of 44 Rifle Battalion, Sepoy Sajjad of 13 Rifle Battalion, Lance Naik Ekram of 24 Rifle Battalion and other BDR rebels**

**opened burst-fires on them as a result of which the army officers fell down on the floor receiving bullet injuries. The bodies of the army officers were riddled with a spray of bullets as a result of which all the army officers instantly succumbed to the injuries and the dead bodies were fallen scattered in and outside the Darbar Hall.** At that moment, DAD Nasir of 44 Rifle Battalion was present at the place of occurrence with the BDR rebels.

It is evident from the confessional statement of **Sepoy Md. Rafiqul Islam CS accused No. 19** that at the time of killing the army officers, DAD Nasir of 44 Rifle Battalion was also present there with the BDR rebels. After opening burst-fires and fires, the DG and officers fell down on the ground receiving bullet injuries. In order to ensure the death of the officers, the BDR rebels charged bayonets and kicked on the

dead bodies of the officers in order to see whether the officers were alive or not. When the BDR rebels became confirmed that no officers were alive, then DAD Nasir of 44 Rifle Battalion left the place of occurrence.

It is noticeable from the confessional statement of **No. 75336 Sepoy Md. Saiful Ialam CS accused No.61** that after killing the first and second group of army officers by the BDR rebels under the leadership of Sepoy Selim Reza in the aforementioned places, at around 10:45 a.m when Sepoy Md. Saiful Islam was standing beside the dead bodies of army officers at the middle place in between the fountain and north-west gate of the Darbar Hall, Sepoy Altaf of 44 Rifle Battalion called him to enter the Darbar Hall. Entering into the Darbar Hall, Sepoy Saiful stood at the north corner of the stage. At that time by using megaphone

Sepoy Altaf being armed with weapon directed the army officers to come out making a line. Sepoy Altaf directed the army officers to hand over their mobile phones and thereby the army officers handed over their phone to Sepoy Saiful. Thereafter Sepoy Altaf directed the army officers to go towards the west gate of the Darbar Hall maintaining a queue. The officers were being taken towards the west gate of the Darbar Hall marching. When the army officers were going out through the west gate of the Darbar Hall, the BDR rebels under the leadership of Sepoy Altaf opened burst-fires at the officers as a result of which the army officers fell down on the ground receiving bullet injuries.

Apart from the aforesaid evidence and materials, the facts of killing of army officers are also evident from the evidence of **PW 536 Brigadier General**

**Waker-Uz-Zaman** who has stated in his evidence that on 27.02.2009 at 10:30 a.m, this witness as Second-In-Command (2IC) of 17 East Bengal Regiment along with his brigade commander and other army officers entered the Pilkhana. He went to DG bungalow, Darbar Hall and different quarters of the officers. Going at DG bungalow and Darbar Hall, he found many alamots and marks of killing therein. However, he recorded some scenario of alamots and marks of killing of DG bungalow in his personal mobile. Subsequently, he converted those scenario into CD.

The aforesaid fact of killing has been supported and corroborated by the evidence of **PW 3 Lieutenant Colonel Abu Tasnim, PW 4 Lieutenant Colonel Shamsul Alam Chowdhury, PW 5 Lieutenant Colonel Md. Abdul Mokim Sarker, PW 8 Lieutenant Colonel Md. Zahid Hasan, PW 9**



**Lieutenant Colonel Md. Maksudul Haque, PW 10**  
**Major Md. Alamgir Hossain Dewan and PW 11**  
**Major Md. Sujaul Haque.** It may be mentioned that the BDR rebels during the occurrence atrociously killed 74 persons including DG BDR Major General Shakil Ahmed, DDG Brigadier General MA Bari, Major Mostafa Asaduzzaman @ Asad, Lieutenant Colonel Lutfor Rahman, Commanding Officer (CO) of 24 Rifle Battalion, Major Md. Mosharaf Hossain, Major Abu Syed Gazzali Dastogir, Doctor Major Mamun, Colonel Mojib, Lieutenant Colonel Enayet, Major Mokbul, Lieutenant Colonel Doctor Robi Rahman, Lieutenant Colonel Enshad Ibney Amin, Lieutenant Colonel Bodrul Alam, Lieutenant Colonel Sazzad, Major Maksumul Hakim, Naznin Shakil wife of DG BDR, Lieutenant Colonel Delowar, Mrs Delowar, Maid Servant Kolpana and Gardner Firoj

Miah. Since I have stated about all the facts of killings with reference to evidence of prosecution witnesses and confessional statements of accused and other materials of records, I have decided not to discuss the same facts of killings in my observations again. The names of BDR rebels, that is, the accused of this case who looted arms and ammunitions from the Kote and Magazine as per their pre-planned conspiracy, atrociously and butcherly killed the army officers at the Pilkhana during the occurrence following common intention and common object, screened off the dead bodies of the army officers, caused disappearance of evidence from the place of occurrence and damaged the Government properties have been clearly disclosed in the evidence of prosecution witnesses and confessional statements of the accused. Apart from this the involvement and participation of the BDR

rebels, that is, the accused/convicts have been inferred from the conducts and behaviours of the accused and from the clinching circumstance of the case. Further the roles of the accused in using and carrying deadly weapons at the time of occurrence, their presence at the place of occurrence to instigate the commission of offences by chanting different objectionable slogans against the army officers, publication and distribution of leaflets and posters containing the demands of BDR members for overthrowing the army officers from the BDR, the objectionable languages of the leaflets like ‘মাননীয় প্রধানমন্ত্রী, আপনার কাছে আমাদের একটি মাত্র দাবী বিডি আর থেকে সেনাবাহিনীর অফিসার তুলে নেওয়া হউক।’ ‘যেহেতু গরীব বাহিনীর অফিসার অর্ধ শিক্ষিত তাহাতো দেশের সবাই জানে। এতদিন আমরা ধৈর্য্য ধরে দিনের অপেক্ষা করেছি কিন্তু বর্তমানে ওদের অত্যাচারের শোষণ আর শাসনের জ্বালায় আমাদের পিঠ দেয়ালে ঠেকে গেছে।’ and ‘বিডিআর বাহিনীতে ওদের দেখতে চাইনা প্রয়োজনে আন্দলনের মাধ্যম

কুকুরের ন্যায় সরাব।’, making conspiracy to uproot the army officers from the BDR, holding of secret meeting in different places behind the back of the authority and meeting with political leaders and journalist in clandestine manner indicate that the BDR rebels, that is, accused/convicts of the case are involved in the commission of offences of murders and other offences which are punishable under sections 302/120B/34/149/382/148/448/411 and other sections. It is now well settled that a conspiracy from its very nature is generally hatched in secrecy. It is, therefore, extremely rare that direct evidence in proof of conspiracy can be forthcoming from wholly disinterested quarters or from utter strangers. But, like other offences, criminal conspiracy can be proved by circumstantial evidence. Indeed in most cases, proof of conspiracy is largely inferential though the

inference must be founded on solid facts, surrounding circumstances, antecedents and subsequent conducts and behaviours. In fact, because of the difficulties in having direct evidence of criminal conspiracy, once reasonable ground is shown for believing that two or more persons have conspired to commit an offence, then anything done by any one of them in reference to their common intention after the same is first entertained becomes relevant according to the law of evidence for proving both conspiracy and other offences committed pursuant thereto. Apart from composing and distributing the leaflets, many accused/convicts made inculpatory confession involving themselves in the commission of murders and other offences. The prosecution witnesses disclosed their names and identities in their evidence as the accused/convicts were spotted at the place of

occurrence with some roles like using and carrying deadly weapons and making some instigations to promote and accelerate the commission of offences. Besides the legal evidence, a confession can be made foundation of a conviction if it is recorded in accordance with law; if it is found true and voluntary; if it is inculpatory in nature and if on examination of the confessional statement as a whole, it is found in conformity with the legal evidence adduced by the prosecution witnesses. In the instant case at hand, the BDR rebels, that is, the accused/convicts of this case not only committed the murders, they also committed crimes against humanity by killing innocent army officers and women who were unarmed at the time of occurrence. The BDR rebels, that is, the accused/convicts of this case by their barbarous, devilish, despotic, treacherous and ghastly offences proved that

the object of conspiracy of the accused/convicts was not only to uproot the army officers from BDR force but to kill them forever in order to establish their supremacy in BDR. The offences as committed by the BDR rebels, that is, the accused/convicts of this case are the exceptional depravity and unparallel acts/offences in the history of crimes. From the facts and circumstances and the evidence on record, it suggests that without jointly operating in concert following pre-planned designs, the criminal conspiracy to overthrow the army officers from the BDR force and the common intention and common object to kill the army officers could not have been executed and it was not possible to bring about the result of the criminal object without participation/support either direct or passive in nature of all accused/convicts of this case.

It may be mentioned that I along with my two learned brothers have come to a unanimous decision in respect of conviction and sentence of each of the accused/convicts. However, I do agree with the observations and findings of Mr. Justice Md. Abu Zafor Siddique who with reference to the facts and circumstances of the case, evidence, confessional statements and other materials on records has elaborately discussed about the roles/activities/ conducts of the accused/convicts who participated in the commission of murders and other offences and thereby come to a conclusion giving observations and findings in respect of each of the accused. Under the circumstance, I do not like to discuss and highlight the selfsame observations and findings that have been made in the judgement delivered by Mr. Justice Md. Abu Zafor Siddique Anyway, I have only pinpointed,



highlighted and focused on some important facts, evidence, confessional statements and clinching circumstance of the case in order to give some individual findings and observations of my own in respect of the roles/activities/conducts and involvements of the accused/convicts who participated in the commission of murders and other offences at the time of occurrence following pre-planned criminal conspiracy together with common intention and common object. It is crystal clear that the BDR rebels in collaboration with each other sharing their common intention and common object following a criminal conspiracy hatched in secrecy deliberately killed the army officers with a view to exterminating the army officers from the BDR and establishing their full control and supremacy over the BDR Force. No provocation, no criminal conspiracy, no dissatisfaction

and no aggrievement can justify this sort of atrocities and massacres committed in the Pilkhana on 25-26 February, 2009 atrociously killing 74 persons including 57 upright and promising army officers unless there was a pre-planned plot or conspiracy behind the BDR carnage in the Pilkhana. This incident is an unprecedented event in the history of crimes in the world. By that carnage, the Nation has lost some promising, bright, distinguished, luminous, patriotic and outstanding army officers and it will take a long time to fill up the vacuum. The offences committed by the disgruntled BDR rebels are very shocking, gruesome, diabolical and ghastly in nature which cannot be accepted and tolerated by the civilised society and the same has exceeded all limits of barbarism and incivility. From the facts and circumstances of the case, it appears that there was a

plot and conspiracy to uproot, dethrone and depose the newly formed Government headed by Hon'ble Prime Minister Sheikh Hasina following the general election held in 2008. The purpose of staging of this incident is to make political crisis in the country and to cause damage to the democracy of the country by some designing quarters. The BDR rebels in order to satisfy their personal grievances, fulfil their joint interest, attain their personal aggrandisement and ambition and in order to get support met different persons in different places and talked with them with regard to their grievances. Apart from this, the BDR rebels held meetings in different places and ultimately conspired together to eliminate and overthrow the army officers from the BDR by killing them forever. Accordingly, the BDR rebels in pursuance of said premeditated conspiracy and in furtherance of their common

intention and in order to vindicate their personal vendetta and joint interest and ambition in fulfilment of their conspiratorial scheme being armed with Rifles, Pistols, Sub-Machine Guns (SMG), Light Machine Guns (LMG), Machine Gun (MG), Mortars, Rocket Launchers (RL), Recoilless Rifle (RR), Armour Personal Carrier (APC) along with other different deadly weapons with grenade and ammunitions attacked the army officers in and around the Darbar Hall and in different places of Pikhana and ruthlessly and atrociously killed 74 persons including 57 army officers. The incident and the killing of the army officers are very pathetic, brutal, barbarous, horrendous, tragic and inhuman which are very shocking and I am in scarcity of proper language to deprecate, condemn and denounce such treacherous, immoral and unauthorized activities committed by the

BDR rebels. I resolutely hope and believe that the BGB members shall not indulge in such heinous and nefarious acts in future in order to tarnish the image of BGB and the country as well.

**Opinion:-**

Considering the FIR, charge sheet, order of framing charge, direct and tangible evidence of the prosecution witnesses, evidence of the defence witnesses, inquest reports, post mortem reports, material exhibits, video clippings, confessional statements of the accused and 342 statements of the accused, the facts and circumstances of the case, legal decisions referred by the respective parties and some other landmark and celebrated legal decisions of this subcontinent and other jurisdictions of the world collected at the initiative of the court, the gravity of offences and clinching circumstances with regard to

pre-planned criminal conspiracy along with common intention and common object in killing the army officers by the BDR rebels, that is, the accused/convicts of this case, participation and presence of BDR rebels with arms, grenade, ammunitions, APC (tanks) and deadly weapons at the time of killing the army officers and at the time of commission of other offences, law and order situation of the country, protection of borders and sovereignty of the country, keeping the disciplined forces under the law and rule and command of the higher officers and authorities, protection of lives and properties of the general people, necessity of capital punishment and other punishment and existing laws of the country, we have been able to reach a unanimous decision in respect of conviction and sentence of the

accused/convicts of this case which have been reflected in the ordering portion of the judgement.

### **Recommendations**

1. It is the pious wish of this court that the members of the BDR (now BGB) should not carry out any activity/programme like operation Dal-Vhat which hurts the pride and self-respect of the BGB members.
2. This court also expects that the BGB authority should not take up any activity/programme that gradually results in degeneration of the soldierly attitude and behaviour of the BGB members.
3. It is also the considered view of this court that the Ministry of Home and BGB authority should provide fast decision/reply to all problems of BGB members

taking the same into consideration as quickly as possible.

4. This is also the view of this court that the BGB would mitigate all the grievances of BGB members, if any that are still hidden at the level of officers and BGB members.

5. The court is of the view that the BGB authority would make quick payment of TA and DA bills if any to the BGB members which are still pending.

6. This court further expects that the BGB authority should consider the leave matters of the BGB members which are due to them and solve all problems relating to leave and other matters.

7. This court strongly feels that the BGB authority should make an inquiry into the matter by forming a probe committee as to why the Rifles Security Unit (RSU) of BDR (now BGB) failed to provide necessary



information of the BDR massacres happened on 25-26 February 2009 at Pilkhana before commission of the same and they should make it public as early as possible.

8. This court further expects that the soldierly relationship and attitude between the officers and soldiers must be maintained giving mutual respect to each other.

9. This court further desires that if any soldier commits any misconduct during discharge of duties, he or she should be dealt with in accordance with law.

10. This court further holds the view that in order to avoid critical situation in the discipline force, unwanted and unbecoming behaviour, conduct and language on the part of the officers and soldiers must be avoided.

11. This court is also of the view that the security of Kote and Magazine at Pilkhana should be and must be brought under the strict surveillance with a view to protecting them from all kinds of hazards.

### **The Necessity of capital punishment**

It is worthwhile to mention that many countries in the world do not approve the capital punishment as a measure to prevent and control the crime considering it uncivilised, unethical and unnecessary although it is true that the capital punishment as well as imposition of fine upon the offenders play a vital role in terms of crime prevention and reduction. About 140 countries including some developed countries of the world in the meantime have abolished the capital punishment from their judicial system claiming that the capital punishment is an act of brutality and has no positive impact on human life on the control of crime and it

shows less value for human life. Some of the human rights activists regard the death penalties as violation of the people's right. However, many countries like United States, China, Japan, South Korea, India, Pakistan, Bangladesh, Sri Lanka and Indonesia still consider and provide capital punishment to the offenders of grievous nature like murder, treason, espionage, war crimes and crimes against humanity.

The criminal offences like murder, setting fire to the private and government properties, looting of arms and ammunitions from the Kote and Magazine, looting of valuable properties from the house of the army officers deputed in BDR, inhuman torture upon the officers and their family members, charging of grenade and bayonet upon the army officers and at their residences and offices, burning of dead bodies, dumping of dead bodies of army officers in mass

graves and causing disappearance of evidence of offences following criminal conspiracy with common intention and common object committed by the BDR rebels in and around the Darbar Hall and in different places at Pilkhana are so alarming, dreadful, heinous, barbarous, inhuman, horrendous and brutal that the BDR rebels deserve appropriate punishment so that these sorts of atrocious criminal offences are not repeated in future. The offences perpetrated by BDR rebels who were the members of paramilitary force, that is, the disciplined force cannot be accepted in any standards. Under the circumstances, we think that the capital punishment is a just punishment that is necessary for curbing the offences of grievous nature in the country. The capital punishment acts as a deterrent for illegal activities/offences and gives signal to the citizen of the country to follow legal activities

being obliged to the law of the country. It also passes a message that if any person engaged in any criminal activities of grievous nature, that may finally lead them to the death penalty. If anybody caused the murder to anybody illegally and unethically, it cannot be the argument that the imposition of capital punishment on the offenders of gruesome and diabolical murder would be an act of brutality, uncivility and inhumanity. In the appropriate cases of ghastly offences, the capital punishment becomes crucial in cases of serious crimes like murder and rape, since it is unethical to let a murderer live after having taken someone's life. The capital punishment is a prevention of criminal activities/offences in the country and the world today. The statistics of the countries that maintain and impose death sentence against the criminals show that the capital punishment

plays an essential and important role in reducing the number of crimes in those countries. It is very natural that if the capital punishment is imposed on the murderer/s and the justice is seen to have been done, the people of that country would be more unlikely to engage in criminal activities/offences as they would know that they would have received the death sentence in consequence of commission of murder and grievous offences. Ultimately, the capital punishment prevents the murder and is an act of just retribution. It is the responsibility of the State to protect the citizens from the depredations of individuals who have demonstrated an unwillingness to respect others and to obey the law. Such individuals are criminals and must be separated from the community to prevent undue harm to the innocent and the law-abiding citizens. The most brutal, cold blooded murderers who committed

murder/crimes/ grievous offences showing a vicious and wanton disregard for innocent human life, such individuals, by their actions, have unequivocally demonstrated that they are a threat to other members of society so long as they are alive. In order to ensure that the society is completely protected from these most dangerous murderers, the only recourse is the finality of capital punishment. Accordingly, I am of the view that application and imposition of death penalty as a punishment will certainly and positively enhance the law and order situation of the country and help reduce and prevent the gruesome murders, rape and inhuman grievous offences in the society as a whole.

**Appreciation for learned Attorney-General Mr. Mahbubey Alam and his team members, Government Prosecutor acted as Additional**

**Attorney-General Mr. Mosharraf Hoosain Kazol**  
**and his team members and the learned Advocates**  
**for the convicts/accused who assisted the court to**  
**coming to a decision in this case**

It is an undeniable fact that the present case is one of the biggest cases in legal history of the world in terms of number of accused and witnesses. It cannot be gainsaid that it is a most voluminous case spreading over a huge number of pages and it is a gigantic task even to read the entire volume of the case and to keep in memory such a huge volumes of evidence and materials. It was not possible on the part of the learned Judges to deliver the judgment at this stage unless the learned Attorney-General and his team members, Government Prosecutor acted as Additional Attorney-General and his team members and the learned Advocates for the convicts/accused and the court



staffs would render their co-operation and assistance to the court for disposal of the case. For these reasons I want to put on records my sincere appreciation and thanks to Mr. Mahbubey Alam, the learned Attorney-General, and his team members namely Mr. K.M Zahid Sarwar, D.A.G, Mr. Biswajit Debnath, D.A.G, Mr. Bashir Ahmed, A.A.G, Mr. Gazi Md. Mamunur Rashid, A.A.G, Mr. Md. Asaduzzaman, A.A.G, Mr. Mosharraf Hossain Kazol, Government Prosecutor acted as the learned Additional Attorney-General and his team members namely Mr. Sheikh Baharul Islam, D.A.G, Mr. Monjur Mohammad Shahnewaz Tipu A.A.G, Mr. Md. Aminul Islam, A.A.G, Mr. Md. Habibur Rahman, A.A.G, Mr. A.K.M Towhidur Rahman, A.A.G, Mr. Md. Mokter Hossain, A.A.G, Mr. Md. Jalil Afrad Kabir, A.A.G for their active participation and valuable service to the court. It may

be mentioned that Mr. Mahbubey Alam, the learned Attorney General, in spite of his busy schedule of works, attended the court with utmost sincerity and rendered legal opinions and services to this special bench for quick disposal of this case. For these reasons, I am indebted to him and his team members. The learned Attorney General by his submissions has presented the prosecution case very efficiently, competently and elaborately. The submissions of the learned Attorney General were very luminous, warm and stimulating but completely free from heat, rancour and anger. The learned Attorney General with his profound legal knowledge, expertise and legal acumen has rendered legal submissions with reference to a huge number of legal decisions from our jurisdiction and from different jurisdictions of the subcontinent and the world. The learned Attorney General very

carefully presented the prosecution materials, direct and tangible evidence and the clinching circumstances with regard to pre-planned conspiracy together with common intention and common object. The submissions and the legal decisions referred by the learned Attorney General has helped us a lot in coming to a decision in this case. Mr. K.M. Zahid Sarwar, learned Deputy Attorney-General has taken us through all the prosecution materials, evidence and trial court's judgment and the argument books by providing much labour and painstaking services towards completion of hearing of the case. Mr. K.M. Zahid Sarwar showed remarkable preparation and resourcefulness in this case. The manner in which he placed the prosecution materials before the court and maintained the prosecution records is exemplary and highly appreciable. Similarly, the submissions

advanced by Mr. Mosharraf Hossain Kazol, the Government prosecutor acted as Additional Attorney General were very impressive, reasonable and analytic in nature. Mr. Mosharraf Hossain Kazol in support of his submissions and contentions has referred to many legal decisions from the different jurisdictions of the subcontinent and the world. His submissions with reference to the prosecution case and the legal decisions were well-founded and well-grounded. I have found him very obliged, wise and nice hearted person. His submissions has given us a lot of enlightenment in coming to a decision in this case. Besides the submissions of Mr. Mosharraf Hossain Kazol, with the leave of court, Mr. Monjur Mohammad Shahnewaz Tipu, the learned A.A.G also presented the prosecution materials, legal evidence and many legal decisions from our jurisdiction and

from the jurisdiction of this subcontinent and the world. Mr. Monjur Mohammad Shahnewaz Tipu, the learned Assistant Attorney-General has been able to present the prosecution materials including the videos relating to killing of army officers successfully and efficiently. Mr. Monjur Mohammad Shahnewaz Tipu while presenting the video clippings with regard to killing of the army officers and recovery of dead bodies from mass graves burst into tears and wiped out tears by handkerchief. On the other hand, the learned Advocates for the convicts/accused namely Mr. Khandker Mahbub Hossen, Mr. Jamiruddin Sircar, Mr. Abdul Baset Majubder, Mr. Md. Mohsen Rashid, Mr. S.M. Shahjahan, Mr. A.S.M Abdul Mobin, Mr. Syed Mizanur Rahman, Mr. Md. Aminul Islam, Mrs. Sultana Akter Rubi, Mr. Shameem Sarder, Mr. Jyotirmoy Barua and other learned Advocates are

also appreciated for their valuable submissions, assistance and co-operation to the court for which the court has been able to deliver this judgment at this stage. All the learned advocates particularly Mr. Khandker Mahbub Hossen, Mr. Md. Mohsen Rashid, Mr. S.M. Shahjahan, Mr. A.S.M Abdul Mobin, Mr. Md. Aminul Islam, Mrs. Sultana Akter Rubi and Mr. Jotirmoy Barua and others showed great presence of mind and professionalism at the time of hearing of the case and they presented the defence versions of the case properly with reference to a huge number of legal decisions from our country and from other jurisdictions of the subcontinent and the world. I am really indebted to all the learned advocates for their valuable legal submissions and the legal decisions referred by them. We put our gratitude on records for the valuable

services of the learned advocates, which have, no doubt, helped us in coming to a decision in this case.

**Expunging of remarks from the judgement passed by the learned trial judge.**

I have noticed from the judgement of the trial court that the learned trial Judge made some remarks in respect of Mr. Anisul Huq, the Government Chief Prosecutor and Mr. Mosharraf Hossain Kazol, the Government Additional Chief Prosecutor, which have detrimentally affected their reputation and social status. It may be stated that Mr. Anisul Huq as Chief Prosecutor of the State successfully, efficiently and competently conducted Bangabandhu Murder case, Jail killing case and many other important cases with reputation, dignity and honour and earned name and fame nationally and internationally. Accordingly, I am of the view that for ends of justice, those remarks

require to be recalled and expunged. Consequently, the remarks made in the judgement passed by the learned trial judge are expunged for the greater interest of justice. It may be mentioned that the present case is a most voluminous case having a lot of papers and documents but the learned trial judge by his conscientious and meticulous analysis delivered the judgement applying his judicial mind and wisdom in a very short time, for which he deserves appreciation.

**Necessity of bonus to be given to the employees who worked relentlessly for last 3 (three) years in order to bring the judgment of this case to light:**

It may be mentioned that the court staffs particularly, B.O, A.B.O, P.O, Jomader (orderly), court peons, drivers and others attached with each of the Judges of the Special Bench have rendered tremendous service to this matter relating to its



hearing and disposal of the case. It is a long standing practice of the subcontinent that in a sensational case having a huge volume of paper books and materials on records, the staffs of the court have to bear a lot of pressure and trouble in composing the judgment as well as in carrying the materials from court to chamber and chamber to court and sometimes from court to the residences of the learned Judges and from the residences to the court which are very painstaking job and they have to give extra energy, extra time and extra labour in doing the same after office time and in holidays. In this connection, I may refer to a decision in the case of Kasab @ Abu Mujahid V. State of Maharashtra reported in (2012)9 SCC1 wherein the court directed the Government of Maharashtra to pay a some of rupees to the learned Advocates for the appellant as token remuneration for their valuable

assistance to the court. Similar view with regard to extra benefits to the employees attached with the Judges in sensational cases was taken in the case of Mohammed Ajmal Mohammad Amir Kasab Alias Abu Mujahid Vs. State of Maharashtra reported in (2012) 9 (SCC) Supreme Court Cases 1, Para-596 (Page-217). Under the circumstance, I agree with the view taken by my brother Mr. Justice Md. Abu Zafor Siddique with regard to payment of extra benefits to the employees attached with each of the Judges of the Special Bench.

**Appreciation for journalists and medias.**

We also want to put our gratitude and thanks on records for the valuable services of the medias and the esteemed journalists who by their effective and contributory roles published the authentic reports/news on this matter including the proceedings of this court and the proceedings of the trial court, for which

the people of home and abroad came to know about the killings and massacres happened on 25-26 February 2009 at Pilkhana as well as the proceedings of the courts. This court expects that the medias and the respected journalists would continue performing their duties and responsibilities for the greater interest of the country.

**(Justice Md. Nazrul Islam Talukder)**

**Order of the Special Bench**

**Present:**

Mr. Justice Md. Shawkat Hossain  
And  
Mr. Justice Md. Abu Zafor Siddique  
And  
Mr. Justice Md. Nazrul Islam Talukder

**Hence it is ordered:-**

Our short order dated 26-27<sup>th</sup> Nov, 2017 shall form part of the judgment.

In case of any discrepancy with short order, this order shall prevail.

Accordingly, the Death Reference No.58 of 2013 is accepted in part.

Criminal Appeal Nos. 70 of 2014, 169 of 2014, 545 of 2014, 750 of 2014, 751 of 2014 and 1821 of 2014 are allowed.

Criminal Appeal Nos. 7484 of 2013, 7491 of 2013, 01 of 2014, 02 of 2014, 14 of 2014, 15 of 2014, 31 of 2014, 38 of 2014, 39 of 2014, 40 of 2014, 41 of 2014, 42 of 2014, 43 of 2014, 46 of 2014, 47 of 2014, 48 of 2014, 50 of 2014, 51 of 2014, 65 of 2014, 82 of 2014, 90 of 2014, 92 of 2014, 94 of 2014, 112 of 2014, 113 of 2014, 131 of 2014, 158 of 2014, 173 of 2014, 297 of 2014, 306 of 2014, 640 of 2014, 668 of 2014, 723 of 2014, 748 of 2014, 867 of 2014, 912 of 2014, 1183 of 2014, 2650 of 2014, 2969 of 2014 and 514 of 2015 are allowed in part.

Criminal Appeal Nos. 7197 of 2013, 85 of 2014, 170 of 2014, 206 of 2014, 298 of 2014, 299 of 2014, 300 of 2014, 301 of 2014, 302 of 2014, 303 of 2014, 304 of 2014, 305 of 2014, 314 of 2014, 409 of 2014, 452 of 2014, 691 of 2014, 726 of 2014, 727 of 2014, 728 of 2014, 729 of 2014, 730 of 2014, 731 of 2014, 732 of 2014, 733 of 2014, 734 of 2014, 735 of 2014, 736 of 2014, 737 of 2014, 738 of 2014, 739 of 2014, 740 of 2014, 741 of 2014, 742 of 2014, 743 of 2014, 744 of 2014, 745 of 2014, 746 of 2014, 747 of 2014, 749 of 2014, 752 of 2014, 753 of 2014, 781 of 2014, 796 of 2014, 801 of 2014, 1023 of 2014, 1088 of 2014, 1173 of 2014, 1174 of 2014, 1175 of 2014, 1176 of 2014, 1177 of 2014, 1178 of 2014, 1179 of 2014, 1180 of 2014, 1181 of 2014, 1182 of 2014, 1184 of 2014, 1373 of 2014, 1529 of 2014, 2358 of 2014, 2359 of 2014, 2360 of 2014, 2970 of 2014, 3573 of 2014,

5992 of 2014, 7067 of 2014, 360 of 2015, 361 of 2015, 485 of 2015 and 665 of 2015 are dismissed with modification.

Criminal Appeal No.13 of 2014, 307 of 2014, the appellant No.5 in Criminal Appeal No.31 of 2014, the appellant No.12 in Criminal Appeal No.38 of 2014, the appellant No.3 in Criminal Appeal No.42 of 2014 and appellant No.3 in Criminal Appeal No.48 of 2014 are hereby abated.

Mr. Muhammad Masud -Ul-Haque, the learned Advocate has filed Criminal Appeal No.3004 of 2014 in respect of appellant Md. Abdur Rahman (Sipahi/64789). Since the appellant preferred earlier Criminal Appeal No.82 of 2014 against the same judgment and order, the subsequent Criminal Appeal No.3004 of 2014 is dismissed for non-prosecution.

Jail Appeal No.250 of 2013 is hereby abated.

Jail Appeal Nos. 204 of 2013, 205 of 2013, 206 of 2013, 207 of 2013, 208 of 2013, 209 of 2013, 210 of 2013, 211 of 2013, 212 of 2013, 213 of 2013, 214 of 2013, 215 of 2013, 216 of 2013, 218 of 2013, 219 of 2013, 220 of 2013, 221 of 2013, 222 of 2013, 223 of 2013, 224 of 2013, 225 of 2013, 226 of 2013, 227 of 2013, 228 of 2013, 229 of 2013, 230 of 2013, 231 of 2013, 232 of 2013, 233 of 2013, 234 of 2013, 235 of 2013, 236 of 2013, 237 of 2013, 238 of 2013, 239 of 2013, 241 of 2013, 242 of 2013, 243 of 2013, 244 of 2013, 245 of 2013, 246 of 2013, 247 of 2013, 248 of 2013, 249 of 2013, 253 of 2013, 254 of 2013, 256 of 2013, 257 of 2013, 258 of 2013, 259 of 2013, 260 of 2013, 261 of 2013, 262 of 2013, 263 of 2013, 264 of 2013, 265 of 2013, 266 of 2013, 268 of 2013, 269 of 2013, 270 of 2013, 271 of 2013, 272 of 2013, 273 of 2013, 274 of 2013, 275 of 2013, 276 of 2013, 277 of

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Jail Appeal Nos. 267 of 2013, 292 of 2013, 300 of 2013, 309 of 2013, 340 of 2013 and 149 of 2014 are allowed in part.

Jail Appeal Nos. 240 of 2013, 251 of 2013, 294 of 2013 and 150 of 2014 are allowed.

The Govt. Criminal Appeal No.03 of 2014 is allowed in part.

Trial Court is directed to take necessary step to apprehend the absconding accused, confirm the death sentence and life sentence imposed upon them in no time so far as it relates to the absconding accused, namely as under:

Abs. C.S. 01 Sepoy/65140 Md. Moyeen Uddin

Abs. C.S. 02 Sepoy/74041 Hasibul Hasan

Abs. C.S. 04 Sepoy/63952 Md. Rezaul Karim

Abs. C.S. 05 Sepoy/61721 Paltan Chakma

Abs. C.S. 06 Sepoy/73583 Md. Mizanur Rahman

Abs. C.S. 07 Sepoy/78888 Md. Mukul Alam

Abs. C.S. 10 Sepoy/58589 Md. Baki Billah

Abs. C.S. 17 Sepoy/56787 Md. Nurul Alam

Abs. C.S. 18 Lance Naik/51148 Md. Hamidul  
Islam

Abs. C.S. 19 Sepoy/77867 Md. Anisur Rahman.

Abs. C.S. 20 Sepoy/70498 Md. Mokbul Hossain

C.S.816 (Abs. 08) Sepoy/76899 Md. Kamrul  
Hasan

C. S. 819 (Abs. 16) Sepoy/64442 Md. Salim

The trial Court is further directed to recall the warrants of arrest pending for execution against absconding accused C.S.817 (Abs. C.S. 14) Sepoy/74996 Md. Mesbah Uddin.

Let the accused-appellants whose sentences have been set aside be set at liberty at once, if not wanted in connection with any other case.

The sentence of death, in respect of whom Death Reference has been accepted, would be executed as per existing mode of execution of death sentence.

The learned Judge of the court below and the DG BGB are directed to release the materials like gold, laptops, mobile phone sets and other valuable properties which were not exhibited in this case, in favour of the owners on verification.

Let the records of the case along with a copy of the judgement and order be communicated to the concerned court below at once for information and necessary action in accordance with law.

(Md. Shawkat Hossain, J:)

(Md. Abu Zafor Siddique, J:)

29059

(Md. Nazrul Islam Talukder, J:)