

# Kamaruzzaman

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charges, life imprisonment in two other charges and 10 years' imprisonment in one charge.

"We are convinced from the evidence, oral and documentary, led by the prosecution and the sourced documents, that the accused [Kamaruzzaman] at the relevant time had acted as an atrocious and potential leader of Al-Badr to the actual accomplishment of the crimes charged and beyond," Justice Hassan read from the concluding part of the judgment.

"The accused's conscious and culpable conduct -- antecedent, contemporaneous and subsequent, as have been found -- all point to his guilt and are well consistent with his complicity and participation in the commission of the crimes proved.

"As a result, we conclude that the accused Muhammad Kamaruzzaman had complicity in the commission of the offences in relation to charge nos. 1, 2, 3, 4 and 7 for which he has been charged in the capacity of a potential leader and chief organiser of Al-Badr, which was truly an action section of Jamaat-e-Islami."

The verdict also termed Al-Badr an auxiliary force of the Pakistani army that killed 3 million Bangladeshis, raped around a quarter million women, forced 10 million Bangladeshis to take refuge in India and displaced innumerable people inside Bangladesh during the nine-month-long war.

The verdict criticised the role of the Jamaat-e-Islami during the war. The judgment said, "The Jamaat-e-Islami rather could have played a role in preventing the commission of atrocities by exercising its control over its creations, the Al-Badr, Razakars, Al-Shams and the Peace Committees.

"But instead of doing it, as an organisation, the Jamaat-e-Islami evidently appears to have substantially and consciously contributed especially to Al-Badr, its fascist armed wing, in carrying out dreadful criminal activities in violation of customary international law in 1971 during the war of liberation of Bangladesh."

While delivering the verdict the tribunal said crimes against humanity were predominantly shocking to the conscience of mankind. It said the tribunal carefully considered how Kamaruzzaman committed the crimes and the gravity of the crimes he committed.

"Undeniably, the punishment must reflect both the calls for justice from the persons who have directly or indirectly been victims and sufferers of the crimes, as well as respond to the call from the nation as a whole to end impunity for massive human rights violations and crimes committed during the war of liberation in 1971," Justice Hassan said.

Kamaruzzaman appeared in court yesterday wearing a full sleeve white shirt, black trousers and shoes. He was taken to the dock at 11.05am. The tribunal judges started reading out the 62-page summary of the 215-page

verdict at 11:22am and finished around 2:00pm.

For the most part, Kamaruzzaman sat in the dock silent but just before he was about to be sentenced, he stood up from his chair and shouted "wrong judgment" at the judges.

When the police were taking him to the locker from the dock, he said, "History doesn't forgive anyone. All will have to stand in the dock of history."

His lawyer Abdur Razzak later said the defence would appeal against the verdict to the Appellate Division of the Supreme Court.

According to the International Crimes Tribunal Act, 1973, the defence and the prosecution would have to appeal within 30 days of the tribunal verdict delivery.

Meanwhile, the prosecution expressed satisfaction over the verdict. Attorney General Mahbubey Alam said, "The nation has got justice."

Jamaat and its student wing Islami Chhatra Shibir activists brought out flash protest processions and vandalised vehicles in some places outside the capital while people of all walks of life brought out celebratory processions in some places.

Several hundred lawyers, journalists and observers gathered at the tribunal to witness the judgment delivery in Kamaruzzaman's case yesterday. Strong security measures were in place in and around the old high court building where the tribunals are. Many could not get in and had to wait outside.

Hasan Iqbal, the eldest among the six children of Kamaruzzaman, was present in the courtroom yesterday.

The 33-year-old, a research executive of now-closed Diganta Television, said, "All the allegations [against his father] are baseless."

Expressing his disappointment over the court's observation about Jamaat's role in 1971, Hasan Iqbal said, "I did not expect a reprimand of Jamaat in the judgment."

Musharraf Hossain Talukder, brother of martyr Golam Mostafa, a victim of Kamaruzzaman's atrocities, expressed satisfaction over the verdict.

Musharraf, who also testified as prosecution witness in the case, told The Daily Star over the phone last night that the 42-year-long wait for justice came to an end with the verdict.

"Souls of the martyred will find peace, once the verdict is executed," Musharraf added.

**DEATH IN TWO CHARGES**  
On July 25, 1971, Kamaruzzaman advised members of Al-Badr and Razakar forces to commit a large-scale massacre in association with Pakistani troops in Sohagpur village of Nalitabari upazila in Sherpur. The collaborators murdered 164 unarmed civilians, 44 of whom have been named, and raped many women. So many men were killed in the attack that later on Sohagpur became known as Bidhoba Palli (village of widows).

On August 23, 1971, on Kamaruzzaman's instructions, collaborators took Golam Mostafa of Gridda Narayanpur village in Sherpur to an Al-Badr camp. Kamaruzzaman and his accomplices brought Mostafa and one Abul Kasem to Serih Bridge and gunned them down.

Kasem survived jumping into the river but suffered injuries in his fingers. Mostafa died on the spot.

The tribunal in its order said Kamaruzzaman be convicted and condemned to a single sentence of death for these two crimes. 'He be hanged by the neck till he is dead' as per the International Crimes (Tribunals) Act, 1973.

**LIFE IMPRISONMENT IN TWO CHARGES**  
On June 29, 1971, under the leadership of Kamaruzzaman, a group of Al-Badr members abducted Badiuzzaman of Ramnagar village under Jhenaigati upazila in Sherpur. He was tortured at Ahammed Nagar army camp all night and was shot to death the following day.

On Ramadan 27, Kamaruzzaman accompanied by 15-20 armed Al-Badr members abducted one Tepa Mia and his elder son Zahurul Islam Dara from Golapjan Road in Mymensingh. They were taken to the Al-Badr camp at District Council Bungalow. The next morning, the father and son along with five others were lined up and shot on the bank of the Brahmaputra river. Tepa Mia managed to escape by jumping into the river, but the other six were killed on the spot.

The tribunal awarded him "a single sentence of life imprisonment" for the offences.

**10 YEARS IN ONE CHARGE**  
In mid-May, 1971, Kamaruzzaman and his accomplices inflicted inhumane torture on pro-liberation intellectual Syed Abdul Hannan, the then principal of Sherpur College, by compelling him to walk naked through the town under constant whipping.

The tribunal awarded him 10 years in prison for the crime he committed.

**ACQUITTED OF TWO CHARGES**  
In mid-Ramadan of 1971, Kamaruzzaman and his followers allegedly picked up Liakat Ali and Mujibur Rahman Panu from their respective houses and took them to a Razakar camp and tortured them there. After four days of detention, on Kamaruzzaman's alleged order, the two along with 11 other civilians were moved to Jhenaigati Ahammed Nagar army camp.

Afterwards, 10 of them were shot dead. The accused and his aide Kamran were present during the alleged shooting.

In November 1971, under the alleged instruction of Kamaruzzaman, some members of Al-Badr abducted Tunu and one Jahangir from Golki Bari and took them to the District Council Bungalow in Mymensingh. Tunu was tortured to death. Jahangir was detained but was freed later.

The tribunal acquitted Kamaruzzaman in the two charges.

Sweden, the other is a jobholder in Malaysia while another is studying in that country.

His fourth son did MBA from Manarat International University while the only daughter is a class VI student.

Referring to yesterday's verdict, Iqbal said, it was given to pave the way for banning the Jamaat.

"We didn't expect such condemnation against Jamaat-e-Islami," he added.

Kamaruzzaman took his homemade lunch inside the prison of the tribunal before the law enforcers took him to Dhaka Central Jail around 3:00pm.

Around 8:00pm, he was taken to Kashimpur jail.



Jubilant students of Motijheel Ideal School and College yesterday after they heard that their school stood first in this year's SSC examination in Dhaka Board.

PHOTO: STAR

## Record pass rate in SSC

**FROM PAGE 1**  
Only 76 examinees had secured GPA-5 in 2001 when the grading system was introduced.

Education board officials attributed applying creative question method in 21 subjects, expanding teachers' training on creative question, special care on English and mathematics and students' reliance on textbooks to this success.

"The results showed a positive progress in all indicators. Not only the pass rate, a qualitative change in the standard of education has also been apparent," said Education Minister Nurul Islam Nahid at a crowded press conference at the ministry at 1:00pm yesterday.

Earlier in the morning, he handed over the results to Prime Minister Sheikh Hasina.

The minister also credited Junior School Certificate (JSC) and Junior Dakhil Certificate (JDC) examinations for the success.

"The students who took this year's SSC examinations were the first batch of JSC and JDC examinees. The JSC and JDC exams boosted their confidence and they became more acquainted with the creative method," he added.

Above all, Nahid said, it was the creative question system that had a major impact on the success, lessening the practice of memorisation to a greater extent.

"We have trained around five lakh teachers of secondary level on creative question method. It has enabled the teachers to simplify the lessons to the students, who understood the lessons better and did well in the exams," he mentioned.

Sharing her views with The Daily Star, Dhaka

board Chairman Prof Taslima Khatun said, "Now the students need to study textbooks as it is not possible to answer the questions without having thorough knowledge of the textbooks. The students can apply their creativity under this creative method."

Besides, she said, the board has ensured close monitoring on classroom activities as well. The pass rate in English and mathematics is quite good.

As many as 12,97,034 students from 27,072 institutions took this year's SSC and equivalent exams that began on February 1 and ended on March 15. Of them, 11,54,778 have become successful.

The results were available in schools, on education boards' websites and mobile phones through SMS.

Yesterday, the schools across the country wore a festive look following the publication of the results. Students and parents, who had been on their nerves for the last few days, burst into joy as soon as they received the results. Many were seen distributing sweets among relatives and friends.

Boys did better than the girls in terms of pass rate. The success rates of boys and girls are 89.18 and 88.88 percent.

The number of institutions with zero pass rate under the eight boards came down to five from last year's 14. However, no student passed from 17 institutions under the madrasa board.

On the other hand, the number of institutions with cent percent pass rate rose to 5,092 from last year's 3,377.

Three out of seven centres abroad saw cent percent success with 75 out of 285 students achieving the

highest grade (GPA-5).

In terms of success rate, Rajshahi board is on the top with 94.03 percent pass rate while Dhaka at the bottom with 87.31 percent.

In Dhaka board, Ideal School and College, Motijheel topped the list of 20 best institutions. Vigarunnisa Noon School and Rajuk Uttara Model High School and College ranked second and third based on five academic standards.

Students of science group have continued to outnumber other groups with 94.95 percent pass rate. The pass rate is 85.56 percent in humanities group and 90.93 in commerce group.

Like previous years, schools in urban areas, especially in metropolises, dominated the top-20 list, GPA-5 category and 100 percent pass record.

During yesterday's press briefing, the education minister rejected outright the claim whether the teachers gave wholesale pass marks and were flexible in evaluating exam papers. The students have passed on the basis of their merit, he noted.

"When we came to power, we found most unsuccessful students used to flunk in English and mathematics. We arranged special training for the teachers of 4,500 institutions on the two subjects," said Nahid.

Prof Tanbirul Alam, chairman of Rajshahi education board, said apart from training, they had several meetings with the teachers on creative system and classroom lessons.

The trained teachers taught the students well that helped achieve better results. Besides, the students and their parents are aware of the need for education, he mentioned.

The big success, however, leads to a concern for many successful students as they now would have to face some stiff competition to enrol at renowned colleges.

## Dakhil pass

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Technical Education Board, a rise from the last year's 3,524.

However, the figures of GPA-5 achievers under Bangladesh Madrasa Education Board have decreased to 9,673 -- 6,726 male and 2,947 female students -- this year from last year's 13,436.

A total of 88,360 candidates took SSC (vocational) examination. (Of them, 71,688 students passed.)

This year, 2,21,257 students appeared at Dakhil examination and 1,97,199 came out successful.

## Defence upset

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army. This is unbelievable," he said.

Terming the verdict below international standards, he said the defence would appeal to the appellate division for justice.

Prosecutor Tureen Afroz said the international courts dealing with war crimes could use the judgment as reference.

She said from organising to training Al-Badr members, Kamaruzzaman's involvement had been found everywhere, which proved his superior status.

Prosecutor AKM Saiful Islam said family members of the war victims would find some consolation through this verdict.

After scrutinising the documents, if they felt it necessary, they would appeal against the tribunal's decision to acquit Kamaruzzaman of charges 5 and 6, he said.

## Work

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While the United States noted that the tragedy at Rana Plaza once again underscores the urgent need for government, owners, buyers, and labour organisations to work together to improve labour safety and lives of working people in Bangladesh.

The State Department, the Department of Labour and the Office of the US Trade Representative at a conference call in Washington on Wednesday urged the US buyers to coordinate efforts with each other and with the Bangladesh government and the BGMEA, as well as civil society and labour groups, on factory safety and fire initiatives, including helping pay for independent safety and fire inspectors.

US Assistant Secretary of State for South and Central Asian Affairs Robert O Blake, and Special Representative for International Labour Affairs Barbara Shailor, who represented the State Department at the conference, also reviewed how the private sector can assist in these vital ongoing efforts.

Blake and Shailor encouraged the buyers to communicate their concerns about labour conditions to the BGMEA and the Bangladesh government, and to urge immediate passage of the labour law amendments to lay the basis for establishment of an International Labour Organisation and International Finance Corporation Better Work Programme.

"The growth of Bangladesh's export sector does not come at the expense of safe and healthy working conditions or fundamental labour rights," said the media note issued by the Office of the Spokesperson in Washington, DC on Wednesday.

Meanwhile, the UN Working Group stressed that the Bangladesh government has the duty to protect human rights from violations by business actors, and that it must take action to ensure a thorough investigation of how the affected factories were allowed to operate, bring those responsible to account, ensure reparations for victims, and take strong action to improve protection for workers' rights.

"We strongly urge international clothing brands sourcing from Bangladesh to address human rights risks in their supply chains with the involvement of workers, other relevant stakeholders, and human rights experts, and to share publicly what they are doing to mitigate their risks," Sulyandziga said.

He urged brands to address how buyer behaviour and pricing strategies may prevent investments in safer factories and living wages for workers, and called on the international garment sector to implement the UN Guiding Principles on Business and Human Rights.

## Govt to go in few days

**FROM PAGE 1**  
[in power]?" Iqbal has heard telling his father, as Kamaruzzaman was being put into tribunal custody after the announcement of yesterday's verdict.

But Iqbal was stopped by Kamaruzzaman's junior defence counsels, who just said, "Nothing will happen."

The 33-year-old Iqbal was apparently reminded of the change over of power as both the father and son consider the trial proceedings "politically motivated".

Later, Iqbal, in his immediate reaction, told The Daily Star, "My father is a victim of political vengeance. We didn't get justice."

On June 4, 2012, when

charges were framed, Kamaruzzaman had said he could have evaded trial for war crimes, had he joined the Awami League.

Iqbal, who had testified for his father as the third defence witness, yesterday said that his father was 18 years old during the Liberation War. "How could superior responsibility fall upon him [Kamaruzzaman]?" he questioned.

The allegations brought against him were "baseless", said Iqbal, who is a research executive of the now off-air Diganta Television.

Kamaruzzaman has five sons and one daughter. One of his sons lives in

Sweden, the other is a jobholder in Malaysia while another is studying in that country.

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Two tribunals, dealing with war crimes cases, earlier passed three verdicts in the cases against Abul Kalam Azad, Abdul Quader Mollah and Delawar Hossain Sayedee. But this is the first time that one of the tribunals has held a war crimes accused responsible for holding superior status.

In its verdict, the tribunal said the conducts, acts, behaviour, activities and significant attachment of Kamaruzzaman to the Al-Badr camps sufficiently established that he had such a level of authority and control over Al-Badr members. And he was in a position to prevent Al-Badr members from committing crimes.

"But instead of doing it, he [Kamaruzzaman] rather encouraged, motivated, advised, planned, influenced, instigated and provided substantial moral support and approval for effecting the actual perpetration of crimes by his co-members of Al-Badr force," said the judgment.

On June 4, 2012, the tribunal framed seven charges against him for holding liability under section 4(1) of the International Crimes (Tribunals) Act-1971, which says, "When any crime as specified in section-3 is committed by several persons, each of such person is liable for that crime in the same manner as if it were done by him alone."

And section 4(2) of the act talks about the mode of "superior liability". But no charges were brought against Kamaruzzaman under that section.

However, in its closing arguments, the prosecution said Kamaruzzaman, the president of Islami Chhatra Sangha, the then student wing of Jamaat-e-Islami, was the chief organiser of Al-Badr in greater Mymensingh.

As the commander of two Al-Badr camps in Mymensingh and Sherpur, Kamaruzzaman had acted in his capacity as "superior" of the force, and it was revealed through the witnesses' testimonies, said the prosecution.

Being the "superior" of the Al-Badr force, Kamaruzzaman held "civilian superior responsibility," said the prosecution, and prayed to the tribunal for Kamaruzzaman's conviction for his superior status.

In its order, the tribunal said, "It is now settled that the doctrine of superior responsibility extends to civilian superiors only to the extent that they exercise a degree of control over their subordinates [the principal perpetrators] which is similar to that of military commanders."

"We are convinced to deduce that the accused [Kamaruzzaman] has also

incurred criminal liability under the 'theory of civilian superior responsibility' which is covered by section 4(2) of the Act of 1973 and it may legitimately be taken into account as an 'aggravating factor', for the purpose of determining the degree of accused's culpability and awarding sentence."

The tribunal said it would not be appropriate to convict Kamaruzzaman under both sections 4(1) and 4(2) of the act.

"Where under both sections 4(1) and 4(2) responsibilities are found to have been incurred under the same charge framed, and where the legal requirements pertaining to both of these heads of responsibility are met, it would be appropriate to enter a conviction on the basis of section 4(1) only, and consider the accused's superior position as an aggravating factor in sentencing only," it said.

Meanwhile, the UN Working Group stressed that the Bangladesh government has the duty to protect human rights from violations by business actors, and that it must take action to ensure a thorough investigation of how the affected factories were allowed to operate, bring those responsible to account, ensure reparations for victims, and take strong action to improve protection for workers' rights.

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