



- (2) **“Act”** refers to the International Crimes (Tribunals) Act, 1973 (Act XIX of 1973);
- (3) **“bail”** refers to setting an accused at large on furnishing bond before the Tribunal;
- (4) **“Chairman”** refers to the accusation of crimes against an accused framed by the Tribunal;
- (5) **“charge”** refers to the accusation of crimes against an accused framed by the Tribunal ;
- (6) **“complaint”** means any information oral or in writing obtained by the Investigation Agency including its own knowledge relation to the commission of a crime under section 3(2) of the Act.
- (7) **“counsel”** refers to a person who is enrolled as an advocate in the Bangladesh Bar Council.
- (8) **“Deputy Registrar”** to the Deputy Registrar of the Tribunal;
- (9) **“evidence”** means all statements which the Tribunal permits or requires to be made before it by witnesses, and it includes all other materials, collected during investigation, placed before the Tribunal in relation to matters of fact;
- (10) **“Form”** refers to Forms as are contained in the Schedule;
- (11) **“formal charge”** means accusation of crimes against the accused in the form of a petition lodged by the prosecutor with the Tribunal on receipt of the Investigation Report;
- (12) **“International Crimes Tribunal”** refers to the Tribunal constituted under section 6 of the Act;
- (13) **“Investigation Agency”** refers to the Agency established under section 8 of the Act;
- (14) **“Investigation Officer”** refers to any member of the Investigation Agency.
- (15) **“Investigation Report”** refers to the report submitted by the Investigation Agency after completion of investigation in a case under the Act;



4. An Investigation Officer shall act and work in accordance with the provision of sections 8(1), 8(3), 8(4), 8(5), 8(6) and 8(7) of the Act while investigating a case.
5. The Investigation Agency shall maintain a Complaint Register with necessary particulars on putting date and serial numbers of the complaints meant for initiating investigation under the Act.
6. If the Investigation Officer has reason to believe that any offence has been committed, he shall proceed in person to the spot, investigate the facts and circumstances of the case and if necessary, take steps for the discovery and arrest of the accused.
7. If the Investigation Officer finds and is satisfied that there is no sufficient ground for investigation, he may stop investigation with the concurrence of the Chief prosecutor.
8. (1) The Investigation Officer shall maintain a Case Diary for each case in connection with the investigation mentioning its day to day progress until completion of such investigation.  
  
(2) The Investigation Officer may use the Case Diary at the time of deposition before the Tribunal to refresh his memory or to explain any fact entered therein.  
  
(3) The defence shall have no right to examine or use the Case Diary in defence of a case.  
  
(4) The Tribunal may peruse the Case Diary for clarification or understanding of any fact transpired at the time of investigation.
9. (1) The Investigation Officer, through the Prosecutor, may obtain an warrant of arrest from the Tribunal for arrest of a person at any stage of the investigation, if he can satisfy the Tribunal that such arrest is necessary for effective and proper investigation.  
  
(2) The law enforcing agency of the area where the person to be arrested resides shall execute the warrant of arrest issued by the Tribunal.  
  
(3) At the time of executing the warrant of arrest under sub-rule (2), copy of allegations is to be served upon such person.
10. An Investigation Officer, if he thinks it necessary, may search and seize any documents or things under a seizure list prepared in presence of two witnesses.

11. After complection of investigation, the Investigation Officer shall submit an Investigation Report together with all the documents, papers and the evidence collected during investigation of offence (s) as specified in the Act committed by a person(s) before the Chief prosecutor.
12. The Investigation Officer shall prepare more than one set of his Investigation Report together with all the accompanying documents for the purpose of preserving one set in the office of the Investigation Agency.
13. Each and every document, paper and evidence accompanying the Investigation Report under rules 11 and 12 shall be duly authenticated and Indorsed by the Investigation Officer who investigated the case.
14. The Prosecution and the Investigation Agency shall take necessary measures to ensure the confidentiality of any information, the protection of any witness or victim and the preservation of all the evidence collected.
15. Any judicial Magistrate of the first class may take cognizance and hold trial of an offence under sub-section (7) of section 8 of the Act upon a complaint in writing by an Investigation Officer.
16. (1)The Investigation Officer if thinks it necessary, may apply through the prosecutor to the Tribunal to commit the arrested person(s) in his custody for the purpose of interrogation and the Tribunal can pass order for such custody of the person(s) arrested, for a maximum period of three (3) days if it upon consideration of facts and circumstances of the case is of opinion that for proper investigation such order is indispensable.  
(2) No person during investigation under the Act shall be subjected to any form of coercion, duress or threat of any kind.

### **Chapter III**

#### **powers and Functions of the prosecution**

17. Any Prosecutor who is authorized by the Chief Prosecutor shall conduct the prosecution of a case before the Tribunal.
18. Upon receipt of report of investigation of offence(s), the Chief prosecutor or any other prosecutor authorized by him shall prepare a formal charge in the form of a petition on the basis of the papers and documents and the evidences collected and submitted by the Investigation Officer and shall submit the same before the Tribunal.

19. If any Investigation Report does not disclose a prime facie case against an accused Chief Prosecutor may initiate further investigation or stop the said investigation.
20. (1) At the time of submitting a formal charge in the form of a petition, it must contain the name and address of the accused person, witness, and the date, time and place of the occurrence.  
(2) The Chief Prosecutor, or any other prosecutor authorized by him in this regard, shall file necessary papers and documents in support of such case for a process to be issued by the Tribunal for appearance of the accused before the Tribunal if the accused is not already arrested.

#### **Chapter IV**

##### **procedure**

21. All the offences as are described in section 3 (20) of the Act shall be cognizable, non-compoundable and non-bailable.
22. After taking cognizance of an offence the Tribunal shall fix a date for appearance of the accused and issue summons or warrant for appearance as it thinks proper.
23. If the Tribunal does not take cognizance of an offence, the case shall be dismissed.
24. Any judicial Magistrate of the first class shall record the confession of an accused and the statement, if any, of a witness as and when he is required to do so by an order of the Tribunal.
25. (1) The judicial Magistrate shall record the confession of an accused or the statement of a witness in plain white papers.  
(2) The judicial Magistrate shall then make a memorandum or endorsement indicating whether the confession so recorded is voluntary, and while recording confession, shall also comply with the requirements of section 14 (2) of the Act.
26. (1) Presence of all the Members in all sittings of the Tribunal is not compulsory, but at the time of taking cognizance of an offence and delivery of the judgment the presence of all the Members of the Tribunal is compulsory.

- (2) All other orders may be passed even by one Member in sitting and shall be deemed to have been passed by the Tribunal.
27. After recording of the testimony, the witness shall put his signature or thumb impression on each page of the deposition sheet.
28. Bench Officers and Assistant Bench Officers shall be individually and collectively responsible for preservation of the documents, materials and evidence produced before the Tribunal along with the records of the respective cases pending before the Tribunal.

## **Chapter V**

### **powers and Functions of the Tribunal**

29. (1) The Tribunal shall take cognizance of an offence against any accused upon examination of the formal charge, the Investigation Report, the papers, documents and the evidence submitted by a prosecutor in support thereof, if they disclose a prime facie case for trial of the accused.  
(2) If no such disclosure as mentioned in sub-rule (1) is there, the Tribunal shall dismiss the case.
30. After cognizance of an offence is taken, the Tribunal shall issue process or warrant, as it thinks fit and proper, in accordance with rule 22.
31. If the process issued under rule 22 is returned unserved, the Tribunal shall make an order to publish a notice in two daily news papers, one in English and another in Bangla asking the accused to appear before the Tribunal on the date fixed therein.
32. If the accused, despite publication of notice in daily news papers, fails to appear before the Tribunal on the date and time so specified therein, and the Tribunal has reason to believe that the accused has absconded or concealing himself so that he cannot be arrested and produced for trial and there is no immediate prospect for arresting him, the trial of such accused shall commence and be held in absentia.
33. In pursuance of any summons, when an accused appears before the Tribunal, he shall be sent to the prison if he is not enlarged on bail by the Tribunal.

34. (1) The Police shall produce the arrested accused direct before the Tribunal within 24 (twenty-four) hours of arrest excluding the time needed for the journey.
- (2) When the accused is produced before the Tribunal under sub-rule (1), he shall be sent to the prison if he is not enlarged of bail by the Tribunal.
35. When the case is ready for trial, the Tribunal shall proceed to hear the case in accordance with the procedure of trial under section 10 of the Act on the basis of a charge to be framed considering the formal charge, Investigation Report together with the documents and materials produced and submitted in support of such report.
36. Persons accused of the same offence committed in the course of the same transaction, or persons accused of abetment or attempt to commit such offence, or persons accused of conspiracy of planning or design in the commission of an offence or more than one offence, or persons accused of more than one offence may be charged with, and tried at one trial for, every such offence.
37. When the accused appears or is brought before the Tribunal, and if the Tribunal, upon consideration of record of the case and documents submitted therewith and after giving the prosecution and the accused an opportunity of being heard, finds that there is no sufficient ground to presume that the accused has committed an offence, it shall discharge the accused and record its reasons for so doing.
38. If, after consideration and hearing under rule 37, the Tribunal is of opinion that there is sufficient ground to presume that the accused has committed an offence, the Tribunal shall frame one or more charges for the offences of which he is accused and he shall be asked whether he admits that he has committed the offence with which he is charged.
39. If the accused admits that he has committed the offence charged with, his admission shall be recorded in his own words, and upon such admission the Tribunal may convict him accordingly or may keep such admission with the record for consideration usually at the time of trial and pronouncement of judgment.



40. Whenever the Tribunal considers that the production of any document or other thing is necessary or desirable for the purpose of investigation or trial or other proceedings under the Act, the Tribunal may issue a summons, or an order to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it at the time, place and date stated in the summons or order.
41. The Tribunal may, for ensuring fair justice, appoint one or more amicus curie to assist the Tribunal in a particular case.
42. The Tribunal may allow appearance of any foreign counsel for either party provided that the Bangladesh Bar Council permits such counsel to appear.
43. Where an accused is not represented by any counsel in the trial of a case, the Tribunal shall appoint a counsel to defend such an accused at the expense of the Government.
44. The Tribunal shall be at liberty to admit any evidence oral or documentary, print or electronic including books, reports and photographs published in news papers, periodicals, and magazines, films and tape recording and other materials as may be tendered before it and it may exclude any evidence which does not inspire any confidence in it, and admission or non-admission of evidence by the Tribunal is final and cannot be challenged.
45. In pursuance of section 11 (4) of the Act, the Tribunal may draw a proceeding against any person who obstructs or abuses the process of the Tribunal, or disobeys any order or direction of the Tribunal, or who does anything which tends to prejudice the case of a party before the Tribunal, or tends to bring the Tribunal or any of its Members into hatred of contempt, or does anything which constitutes contempt of the Tribunal.
46. Upon hearing the person and consideration of the explanation submitted, if any, to a notice to show cause issued, if the Tribunal is of opinion that such person is guilty of an offence under section 11(4), it may accordingly convict and punish such person.

## Chapter VI

### Evidence

47. Prior to testifying before the Tribunal, every witness shall swear an oath or make an affirmation in Form 12 of the Schedule.
  48. (1) The Tribunal may, at any stage of trial of a case, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or re-call and re-examine any person already examined.  
(2) The Tribunal shall summon and examine or re-call and re-examine any such person if his evidence appears to it essential to the just decision of the case.
  49. The Tribunal may take consideration of the confession of an accused or the statement of a witness recorded by the judicial Magistrate under rule 25(1) and in the manner as stated in rule 25(2) if the confession is proved by such judicial magistrate or any other Judicial Magistrate who is acquainted with his signature or writing when the recording judicial Magistrate is dead or not available.
  50. The burden of proving the charge shall lie upon the prosecution.
  51. (1) The onus of proof as to the plea of 'alibi' or to any particular fact or information which is in the possession or knowledge of the defence shall be upon the defence.  
(2) The defence shall also prove the documents and materials to be produced by them in accordance with the provisions of section 9(50) of the Act.
  52. Where there are several accused, the reference of the accused on behalf of whom the evidence was submitted, shall be noted.
  53. The testimony of a witness shall be recorded either in English or in Bangla as the Tribunal directs.
  54. The prosecution may prove a document by the person who was the author of such document or who knows their handwriting or signature of such author, and when any of such persons is dead or not available, the person from whom it was collected or who knows from whose possession it was collected.
  55. Once the document is marked as exhibit, the contents of a document shall be admissible.
-

56. (1) The Tribunal shall give due weight to the primary and secondary evidence and direct and circumstantial evidence of any fact as the peculiar facts and circumstances of the case demand having regard to the time and place of the occurrence.
- (2) The Tribunal shall also accord in its discretion due consideration to both hearsay and non-hearsay evidence, and the reliability and probative value in respect of hearsay evidence shall be assessed and weighed separately at the end of the trial.
57. The Tribunal shall apply these Rules which will best favour a fair determination of the matter in issue before it and are consonant with the spirit of the Act.
58. (1) Evidence that is produced by the prosecution or the defence shall be suitably identified, proved by the respective party and marked with consecutive numbers as exhibits.
- (2) Exhibits of the prosecution shall be marked with English numerals while those of the defence with English alphabets and all exhibits shall constitute part of the record.

## **Chapter VII**

### **Office of the Tribunal**

59. (1) The Office of the Tribunal shall be composed of a Registrar, a Deputy Registrar and other personnel and employees.
- (2) The Registrar shall, with approval of the Chairman, organize and direct the works of the Office.
- (3) The Office shall provide necessary secretarial services to the Tribunal and perform such other duties as may be assigned by the Chairman.
- (4) All communications intended to the Tribunal shall be delivered to the Registrar.
- (5) The Working hours of the office shall be from 10.00 A.M to 01.00 P.M and 02.00 P.M and the judicial work shall be held from 10.00 A.m to 04.30 P.M with recesses of one hour from 01.00 P.M to 02.00 P.M.
- (6) The Office shall be closed on Friday and Saturday for weekly holidays.
- (7) The Tribunal shall fix up fresh official and judicial working hours for the month of Ramadan.

## Chapter VIII

### **powers and Functions of Registrar and Deputy Registrar**

60. The Registrar shall-
- (1) be the Chief Administrative Officer of the Office of the Tribunal and receive the cases submitted by the prosecutor for the purpose of laying them before the Tribunal;
  - (2) assist the Tribunal in the performance of its functions under the authority of the Chairman and shall be responsible for the administration and service of the Tribunal and shall serve as its channel of communication;
  - (3) maintain a Duty Roster of other personnel and employees of the Office;
  - (4) maintain a Case Register of the cases in Form-15 and shall make entry of necessary particulars thereof, and such cases so registered and numbered shall be called as **ICT-BD Case**;
  - (5) be responsible for custody of the record of the cases;
  - (6) make correspondence with the government and other offices on behalf of the Chairman;
  - (7) be responsible for issuing summons or warrant of arrest under his signature for securing attendance of the accused or the witness or search warrant etc. from the Office as required by the Tribunal, bearing its seal, and be responsible also for maintaining a process Register in this regard;
  - (8) be the 'Drawing and Disbursing Officer' (DDO) and be responsible for the accounts of the money sanctioned to the Tribunal, and he shall manage and deal with the financial matters by taking initiative for placement of budget and spend the fund when needed for providing services to the Tribunal on sanction of the Charman;
  - (9) keep Taka 20,000/00 as permanent Advance in hand to meet up day to day expenses of the Tribunal either in cash or in voucher, or in both;

- (10) maintain the Office Order Book and other registers including the Register of Letters issuer and the Register of Letters Received, and the Daily Attendance Register of staff of the Office shall be duly maintained and signed by him, and also maintain a peon Book;
  - (11) supply or cause supply a certified copy of the judgment of the Tribunal, upon an application filed by the accused or prosecutor, prepared in offset white paper on payment of a fees of Taka 10 (ten) fro each page of the copy while an absconding accused shall not get the such a copy unless he surrenders before the Tribunal or he is arrested; and
  - (12) be bound to do any official work meant for smooth functioning of the Tribunal as assigned by the Chairman.
61. Except clause (1), (2), (8) and (9) of rule 60, the Registrar may delegate any of his powers under these Rules to the Deputy Registrar and in such a case he shall inform the matter to the Chairman.
  62. (1) For the smooth functioning of the Tribunal, the Registrar may control the entry of peple including the counsels in the court-room of the Tribunal as and when required by the Tribunal for maintaining discipline and order.  
(2) For ensuring orderly and disciplined state of affairs inside the court-room of the Tribunal, no counsel, journalist, media person or other people shall be allowed to enter the court room without having 'entry pass' issued by the Registrar.
  63. (1) The Deputy Registrar shall assist the Registrar in his works and act as per direction of the Registrar.  
(2) The Deputy Registrar shall automatically assume the powers and perform necessary functions of the Registrar under these Rules during the absence of the Registrar.

## **Chapter IX**

### **Representation and Fees etc.**

64. A counsel may represent a party before the Tribunal upon filing a 'Vakalatnama' duly executed by and obtained from such party.
65. Every application to the Tribunal shall bear a court-fee of Taka 10 (ten) and the 'Vakalatnama' shall be affixed with a court-fee of Taka 50 (fifty).

## **Chapter X**

### **Amendment**

66. These Rules are not exhaustive and may be amended, altered, added or repealed by the Tribunal if it thinka necessary and expedient for the smooth functioning of the Tribunal.

**A.K.M Zaheer Ahmed**  
Member

**Justice A.T.M Fazle Kabir**  
Member

**Justice Md.Nizamul Huq**  
Chairman

**By Order of the Tribunal**

**Md. Shahinur islam**  
Registrar (District judge)  
International Crimes Tribunal  
Old High Court Building, Dhaka,  
Bangladesh.

ৱস্জ ৱ` k



ইিৱৱৱ

আইসি ৩ মস্. ৱ  
কস্. ৱ কস্. ৱ

---

---

ৱস্জ, ৱ ২৯, ২০১১

---

---

**INTERNATIONAL CRIME TRIBUNAL  
Old High Court Buildings  
Dhaka, Bangladesh**

**NOTIFICATION**

Dated : 28 June 2010

**No Anto : Apo : Tri:138/Bidhi/11-**The Tribunal, in exercise of the powers conferred by section 22 of the International Crimes (Tribunals) Act, 1973 (Act XIX of 1973) (hereinafter referred to as the “Act”), has introduced the following amendments in the International Crimes Tribunal Rules of Procedure, 2010 (hereinafter referred to as “Rules”)

**Chapter I**

**General provisions**

**Short title :**

1. These Rules may be cited as the “International Crimes Tribunal Rules of Procedure (Amendment), 2011.”

**Amendment to Rule 2**

2. The definition of “Victim” shall be added in rule 2 by inserting the following sub-rule (26)

“(26) “Victim” refers to a person who has suffered harm as a result of commission of the crimes under section 3(2) of the International Crimes (Tribunal) Act, 1973.”

---

(6653)



## **Chapter II**

### **Powers and Functions of the Investigation Agency**

#### **Amendment to rule 8**

3. The following sub-rule (5) shall be inserted in rule 8-

“(5) The Tribunal, if it considers expedient, may direct the prosecutors to present the progress report of investigation for its perusal.”

#### **Amendment to rule 9**

4. The following sub-rules (5) and (6) shall be inserted in rule 9-

“(5) If an accused is in custody during investigation period, the investigation officer shall conclude the investigation within one year of his arrest under the Rules. In case of failure to complete the investigation as specified above, the accused may be released on bail subject to fulfillment of some conditions as imposed by Tribunal. But, in exceptional circumstances, the Tribunal by showing reasons to be recorded in writing may extend the period of investigation and also the order detaining the accused in custody for a further period of six months.

(6) After every three months of detention of the accused in custody the investigation officer through prosecutor shall submit a progress report of investigation before the Tribunal on perusal of which it may make a review of its order relating to the detention of the accused.”

## **Chapter III**

### **Powers and Functions of the prosecution**

#### **Amendment to rule 18**

5. Rule 18 shall be re-numbered as rule 18 (1) and thereafter the following sub-rule (2) sub-rule (3), sub-rule (4), sub-rule (5) and sub-rule (6) shall be inserted-

“(2) The Investigation Agency shall

(a) Work with the prosecutors in preparing the report under rule 18(1), and after submission of the report, shall assist the prosecutors in the task of formulating the formal charge including arrangement of documents and materials; and

(b) also assist the prosecutors in tendering evidence at any stage of trial.

“(3) As and when directed by the Tribunal, the Investigation Agency shall produce witness before the Tribunal as required by the prosecutors. The law enforcing agency of the concerned area shall provide all necessary assistance to the Investigation Agency in executing the process issued for securing attendance of witness.

(4) The Chief prosecutor shall file extra copies of formal charge and copies of other documents for supplying the same to the accused(s) which the prosecution intends to rely upon in support of such charges so that the accused can prepare his defence.

(5) The Chief Prosecutor shall also file three sets of formal charge and other documents intended to be relied upon before the Tribunal in compact disk (CD) or digital versatile disk (DVD) while submitting the formal charge under sub-rule (1).

(6) The defence shall also require to submit three sets of list of witnesses along with the documents which the defence intends to rely upon before the Tribunal in compact disk(CD) or digital versatile disk (DVD) while furnishing the same under section 9(5) of the Act.”

## **Chapter IV**

### **Procedure**

#### **Amendment to rule 24**

6. The following sub-rule (1A) shall be inserted after sub-rule (1) of rule 24-

“(1A) At the time of recording confession under rule 24(1) the Judicial Magistrate shall allow the engaged counsel for the accused to be present there, provided that the counsel shall not be allowed to interfere or speak in course of recording such confession.

#### **Amendment to rule 26**

7. The following sub-rule (3) shall be inserted in rule 26-

“(3) The Tribunal, on its own motion or on the application of either party, may review any of its order including the order of framing charge (s) in the interest of justice.”

#### **Amendment to rule 28**

8. Rule 28 shall be re-numbered as rule 28(1) and thereafter the following sub-rule (2) shall be inserted in rule 28-

“(2) Record of disposed of cases shall be preserved and archived for ever by the Tribunal at the place and in the manner as arranged by the Government.”

## **Chapter V**

### **Powers and Functions of the Tribunal**

#### **Amendment to rule 29**

9. Sub-rule (2) in rule 29 shall be deleted.

#### **Amendment to rule 34**

10. The following sub-rule (3) shall be inserted in rule 34-

“(3) At any stage of the proceedings, the Tribunal may release an accused on bail subject to fulfillment of some condition as imposed by it, and in the interest of justice, may modify any of such conditions on its own motion or on the prayer of either party. In case of violation of any of such conditions the accused may be taken into custody cancelling his bail.

#### **Amendment to rule 38**

11. The Rule 38 shall be re-numbered as rule 38(1) and thereafter the following sub-rule (2) shall be inserted in rule 38-

“(2) An accused pleading not guilty will get at least three weeks time for preparing his defence.”

#### **Amendment to rule 43**

12. The Rule 43 shall be re-numbered as rule 43(1) and thereafter the following sub-rules (2),(3),(4),(5),(6),(7) and (8) shall be inserted in rule 43-

(2) A person charged with crimes as described under section 3(2) of the Act shall be presumed innocent until he is found guilty.

(3) No person shall be tried twice for the same offence described under section 3(2) of the Act.

(4) The accused shall be entitled to a fair and public hearing and to engage his counsel at his choice who is legally authorized to appear before this tribunal.

(5) The accused shall be tried without undue delay.

(6) No accused shall be punished without giving him an opportunity of being heard.

(7) No accused shall be compelled to testify against his will or to confess his guilt.

(8) The accused is entitled to get a copy of judgment [under section 10 (j) of the Act] free of cost.”

#### **Insertion of new Rule 43A**

13. The following new rule 43A shall be inserted after the rule 43-

“43A If the accused on bail fails to appear and or the accused being in custody refuses to come to Tribunal for any reason and or he could not be brought before the Tribunal due to his long ailment, the Tribunal shall have authority to proceed with the proceedings in presence of his counsel or pass any order which it thinks fit and proper.”

#### **Amendment to rule 46**

14. The rule 46 shall be re-numbered as rule 46(1) and thereafter the following sub-rul(2), sub-rule(3), sub-rule(4) shall be inserted in rule 46-

“(2) Upon conviction of an accused person under section 0(2) of the Act, the sentence of imprisonment shall commence from the date of judgment. In case of absconding convict, it shall commence from the date of his surrender before the Tribunal, or from the date of his arrest.

(3) Proportionate to the gravity of the crime, in sectencing the accused, the Tribunal may also impose fine and or pass reparation order which is deemed to be fit and proper.

(4) Clerical or numerical errors or omissions in the judgments or orders may at any time be corrected by the Tribunal either on its own motion or on the application of either party.

#### **Insertion of new Rule 46A**

15. The following new rule 46A shall be inserted after the rule 46-

“46A. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent power of the Tribunal to make such order(s) as may be necessary to meet the ends of justice or to prevent abuse of the prcess.”

## **Chapter VI**

### **Evidence**

#### **Amendment to rule 50**

16. The Rules is amended in rule 50 by inserting the words “beyond reasonable doubt” after the words “upon the prosecution” in rule 50.

#### **Amendment to rule 51**

17. The following sub-rule(3) shall be inserted in rule 51-

“(3) Mere failure to prove the plea of alibe and or the documents and materials by the defence shall not render the accused guilty.”

#### **Amendment to rule 53**

18. The words “and mode of its recording will be decided by the Tribunal at the of trial” shall be inserted after the words “the Tribunal directs” in rule 53.

#### **Amendment to rule 54**

19. The Rule 54 shall be re-numbered as rule 54(1) and thereafter the following sub-rule (2) shall be inserted in rule 54-

“(2) Pursuant to section 19(1) of the Act, the Tribunal may admit any document or its photo copies in evidence if such documents initially appear to have probative value.’

#### **Amendment to rule 56**

20. The following sub rule (3) shall be inserted in rule 56-

“(3) Any statement made to the investigation officer or to the prosecutor in course of investigation by the accused is not admissible in evidence except that part of the statement which leads to discovery of any incriminating material.”

**Insertion of new Rule 58A under the new Chapter VIA**

**Chapter VIA**

**Witness and Victim protection**

21. After the chapter VI a new chapter VIA shall be added under which the following new rule 58A(1), and thereafter sub-rule (2) and sub-rule(3) shall be inserted in rule 58A-

“58A(1) The Tribunal on its own initiative, or on the application of either party, may pass necessary order directing the concerned authorities of the Government to ensure protection, privacy and well-being of the witnesses and or victims. This process will be confidential and the other side will not be notified.

(2) The Government shall

- (a) arrange accommodation of witness(s)/victims(s), if so prayed for;
- (b) ensure security and surveillance during the stay of witnesses/victims as directed by the Tribunal; and
- (c) take necessary measure to escort the witnesses/victims to the courtroom by the members of the law enforcing agency.

(3) In case of holding proceedings in camera under section 10(4) of the Act, both the prosecution and the defence counsel shall provide undertakings regarding confidentiality of the proceeding, and shall not reveal any information arising out of such proceeding including identity of the witness. Violation of such undertaking shall be prosecuted under section 11(4) of the Act.”

**Chapter VII**

**Office of the Tribunal**

**Amendment to rule 59(1)**

22. The words “Assistant Registrar(s)” after the words “Deputy Registrar” shall be inserted in sub-rule(1) of rule 59.

## Chapter VIII

### Powers and Functions of Registrar and Deputy Registrar

#### Amendment to rule 60(2)

23. A comma “(,)” and the words “shall represent the Tribunal as its spokesman” shall be inserted after the words “service of the Tribunal” and before the words ‘and shall serve as its channel of communication’ in sub-rule(2) of rule 60.

**A.K.M Zaheer Ahmed**  
Member

**Justice A.T.M Fazle Kabir**  
Member

**Justice Md.Nizamul Huq**  
Chairman

**By Order of the Tribunal**

**Md. Shahinur islam**  
Registrar (District judge)  
International Crimes Tribunal  
Old High Court Building, Dhaka,  
Bangladesh.