

PROCEEDINGS
Seminar
Commemorating

“25 March - Gonohottya Dibosh (Genocide Day)”



BISS Auditorium, Dhaka
Wednesday 29 March 2017

Organised by



Bangladesh Institute of International and Strategic Studies (BISS)

In collaboration with the



Ministry of Foreign Affairs (MoFA), Government of Bangladesh

PROCEEDINGS
Seminar
Commemorating

“25 March - Gonohottya Dibosh (Genocide Day)”



BIISS Auditorium, Dhaka
Wednesday 29 March 2017

Organised by

 Bangladesh Institute of International and Strategic Studies (BIISS)

In collaboration with the



Ministry of Foreign Affairs (MoFA), Government of Bangladesh



Published by

Bangladesh Institute of International and Strategic Studies (BISS)

1/46, Old Elephant Road, Eskaton

Dhaka-1000

Phone: +880 2 9353808, 8315808, 9336287

E-mail: info@biiss.org

Web: www.biiss.org

Printed by

GraphNet Limited

95 Naya Paltan, Khan Tower

1st Floor, Dhaka-1000

Phone: 9354142, 9354133

E-mail: graphnet@gmail.com

Background

On 11 March 2017, Bangladesh *Jatiya Sangsad* (National Parliament) unanimously adopted a resolution to observe 25 March as *Gonohottya Dibosh* (Genocide Day) in remembrance of the three million victims of mass killing during the nine month long Bangladesh Liberation War in 1971. The Pakistani occupation forces unleashed a barbaric genocide on the unarmed Bengalis in the darkness of night on 25 March 1971, codenamed "Operation Searchlight". This forced Bangabandhu Sheikh Mujibur Rahman to proclaim independence of Bangladesh in the early hours of 26 March 1971, launching the Bengali nation into the War of Liberation. During the nine months of the War of Liberation, the Pakistani occupation forces unabatedly perpetrated the genocide and crimes against humanity that they started on 25 March 1971. They brutally killed 3 million Bengalis and tortured and raped over 200,000 women during this period. Due to the brutality of the Pakistani forces, 30 million Bengalis were internally displaced and 10 million were forced to take refuge in India. The Pakistani forces started the genocide by targeting the teachers, students, members of police and paramilitary on 25 March. In December 1971, when the defeat of the Pakistani forces became inevitable, they methodically rounded up and killed a large number of professionals such as professors, doctors, journalists, writers, cultural activists. All these carnage was committed with a well thought out plan



and in cold blood aiming to destroy the Bengali nation. They adopted a scorched earth policy with the help of their local collaborators leaving the country in ruins.

The barbaric killings and atrocities perpetrated by the Pakistani occupation forces in Bangladesh in 1971 matches everything described by the United Nations (UN) in its convention on the nature of genocide. According to Article 2 of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948), "Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group (b) Causing serious bodily or mental harm to members of the group (c) Deliberately inflicting on the group; conditions of life calculated to bring about its physical destruction in whole or in part". The 9th of December, on which the convention was adopted, is today observed as the "International Day of Commemoration and Dignity of Victims of the Crime of Genocide and Prevention of this Crime".

Media reports of the gory days of 1971 were loaded with reports of atrocities by the Pakistani Forces. For example, Simon Dring's eye-witness report in *The Daily Telegraph* at that time estimated 7,000 killed on the night of March 25 in Dhaka alone. Thousands upon thousands, including women and children, were rounded up and shot, machine-gunned or bayoneted and the women were raped. The works of journalist and author Anthony Mascarenhas and the "Blood Telegram" by Archer Kent Blood, then the United States (US) Consul General in Dhaka, bear ample evidence of the barbaric killings and torture by the Pakistan occupation forces on Bengalis in 1971. The massacre and atrocities were also discussed in the parliaments of different countries such as the US Congress, the British Parliament, Indian Parliament, the National Diet of Japan as well as in the UN during that time. Many international NGOs including the International Committee of the Red Cross (ICRC) who undertook relief and rehabilitation missions in Bangladesh during and after the War of Liberation also witnessed the carnage. Even, some official Pakistani government investigation reports soon after the war contain admission of large scale perpetration of such atrocities. As such, there is no dearth of records and evidence of this genocide, even in the international arena.

Rationale

Formal international recognition of the barbaric genocide and other crimes against humanity during the War of Liberation of Bangladesh is extremely important. It has become particularly important as some elements in the government of Pakistan and their supporters in recent times repeatedly tried to deny the atrocities that took place in 1971. In the recent past they have interfered unnecessarily and irrationally in the internal affairs of Bangladesh by passing resolutions in their parliament and issuing statements by senior officials against the trial of war criminals and crimes against humanity committed by the local collaborators of the Pakistani occupation forces in 1971. It was hoped and expected that Pakistani government and people of Pakistan would condemn the atrocities committed by the Pakistani occupation forces in 1971 and would take necessary steps with the spirit of '1974 Tripartite Agreement' to hold the trial of the 195 identified war criminals. But unfortunately, Pakistani government is still trying to misguide people by spreading misinformation about our War of Liberation, though many Pakistani citizens condemned the atrocities and urged the government of Pakistan to officially apologise for it. In a further worsening of the situation, a Pakistani author Dr. Junaid Ahmed published a book titled 'Creation of Bangladesh: Myths Exploded' under the supervision of the Inter Service Intelligence (ISI) to distort the history of Bangladesh's War of Liberation by completely denying the atrocities by the Pakistani occupation forces.

It has, thus, become necessary to take immediate and appropriate initiatives to ensure that the painful memories of 1971 are not forgotten and to strengthen our determination to raise a voice to stop this type of hateful acts and cruelty anywhere in the world. Observing the day as 'Genocide Day' will be one of the first steps towards Bangladesh's efforts to earn international recognition of the 1971 genocide in the same way that the holocaust, the genocides in Armenia and Cambodia are recognised.

Objectives

The main objectives of this seminar were to i) look back at our War of Liberation, ii) disseminate information about the atrocities committed by the Pakistani Occupation Forces and their local collaborators in 1971, iii) add momentum to the campaign to obtain international recognition of the genocide and crimes against humanity, iv) strengthen people's resolve against such crimes throughout the world.

Against this background, Bangladesh Institute of International and Strategic Studies (BISS) organised a Seminar commemorating "25 March, *Gonohottya Dibosh* (Genocide Day)" in collaboration with the Ministry

of Foreign Affairs on 29 March 2017 at its auditorium. The Seminar was divided into three sessions- Inaugural, Working and Concluding. H. E. Mr. Abul Hassan Mahmood Ali, MP, Honourable Foreign Minister, Ministry of Foreign Affairs, Government of the People's Republic of Bangladesh was the Chief Guest in the Inaugural session. The keynote presentation was delivered in the inaugural session by Mr. Shahriar Kabir, President, Ekattorer Ghatak-Dalal Nirmul Committee. Two presentations were made in the working session presided over by Mr. Mahbub Uz Zaman, Secretary (Asia & Pacific), Ministry of Foreign Affairs, Dhaka. The presentations were made respectively by Dr. Anwar Husain, Supernumerary Professor, Department of History, Dhaka University and Mr. Julian Francis, a social worker and a recipient of 'The Friends of Liberation War Honour' bestowed on him by the Government of Bangladesh for his contribution in 1971. The presentations were followed by open discussion. H. E. Mr. Anisul Huq, MP, Honourable Minister for Law, Justice and Parliamentary Affairs, Government of the People's Republic of Bangladesh was the Chief Guest in the Concluding session. While Dr. Payam Akhavan, Professor of International Law, McGill University, Montreal, Canada and Member of the Permanent Court of Arbitration, The Hague was the Special Guest. The inaugural and concluding sessions were presided over by Ambassador Munshi Faiz Ahmad, Chairman, BOG, BISS.



Inaugural Session



Welcome Address

Major General A K M Abdur Rahman, ndc, psc

Director General, BISS

Bismillahir Rahmanir Rahim

Mr. Abul Hassan Mahmood Ali, MP, Honourable Foreign Minister, Government of Bangladesh

Mr. Shahriar Kabir, President, Ekattorer Ghatak-Dalal Nirmul Committee

Ambassador Munshi Faiz Ahmad, Chairman, Board of Governors, BISS

Excellencies, Colleagues from Media, Distinguished Guests, Ladies and Gentlemen,

Assalamu Alaikum and a very Good Morning,

At the outset, may I express my deepest respect to our Father of the Nation Bangabandhu Sheikh Mujibur Rahman and all the martyrs of our Liberation War of 1971. Let us all pray for the departed souls.

The genocide committed in Bangladesh, the then East Pakistan, during the Liberation War of 1971 is widely considered to be one of the worst in human history. We do remember and we will continue to remember the horrific memories of the black night of 25 March in 1971, when the Pakistan Armed Forces swooped on unarmed Bengalis, resorted to the mass killing in Bangladesh to implement their blueprint of demolishing the liberation movement of Bangladesh. In the attack, dubbed as 'Operation Searchlight', Pakistani forces mercilessly killed the Bengali members of the Pakistani Armed Forces, East Pakistan Rifles and Police and the common people including teachers and students. They killed people indiscriminately, raped women and girls, set fire to houses and property and looted business establishments, leaving a trail of destruction which was described in *The New York Times* in May 1971 as "one of the bloodiest slaughters of modern times".

After 46 years of the bloody massacre, the *Jatiya Sangsad* (National Parliament), on 11 March 2017, unanimously adopted a resolution to observe 25 March as *Gonohottya Dibosh* (Genocide Day) which has been endorsed by the Cabinet Division. This year, for the first time, the “Genocide Day” has been observed commemorating the barbaric killing of the innocent and unarmed people of Bangladesh in 1971.

Learned Audience,

Today, we are extremely delighted to host this seminar jointly with the Ministry of Foreign Affairs to commemorate 25 March as *Gonohottya Dibosh* (Genocide Day). In today's seminar, we would like to look back at the glorious history of our Liberation War, pay tribute to the martyrs and war victims, highlight the atrocities committed by the Pakistani forces and their local collaborators and raise our voice against this type of heinous crime against humanity. I am quite sanguine that through today's discussion, we will be able to enlighten the global community about the atrocities of 1971 perpetrated by the Pakistani forces and justify its recognition as 'International Genocide Day'. This seminar will also provide a great opportunity to reaffirm our pledge to prevent such atrocities anywhere in the world.

Ladies and Gentlemen,

With this note, I would like to welcome all of you to BISS and at the same time thank you all for your kind presence amongst us.

Thank you very much.

Allah Hafez



Keynote Presentation



On Recognition of Bangladesh Genocide

Shahriar Kabir

President, Ekattorer Ghatak-Dalal Nirmul Committee

In the history of genocide, the number of casualties was highest during the Second World War. The Second World War was spread over three continents and continued for six years killing over 60 million people. The number of people killed in the World War I, was over 20 million. In Vietnam War, 3.6 million people lost their lives. During the nine-months long Liberation War of Bangladesh 3 million people were killed.

Just after the Liberation War of Bangladesh, journalists from Soviet News Agency TASS visited northern parts of the country, duly enquired and reported that about 3 million people were killed during the war of 1971. The Government of Bangladesh also stated that during nine months of war, the Pakistani Army along with their local collaborators, mainly Jamaat-i-Islami brutally killed 3 million innocent and unarmed people. In the book titled, 'Century of Genocide', edited by Samuel Totten and William S. Parsons (published by Routledge, New York and London, 2009), the number of casualties was mentioned 3 million during nine month long Liberation War of Bangladesh. In Encyclopaedia Americana (2003), the 'National Geographic' (September 1972) and in Compton's Encyclopaedia, "Genocide" the figure is also 3 million. On 25th March 1971, the number of people killed in Dhaka alone was about ten to one hundred thousand as mentioned in 'Morning Herald' of Sydney (29.3.71).

During the Liberation War, it was written in 'St. Louis Post' quoting a top ranking American official that the genocide of Bangladesh was much brutal compared against that of Poland committed by the Nazis, The killing of 3 million people in a land of 56 thousand square miles can be considered as the macabre genocide in the history of human civilisation.

A report on Bangladesh genocide published in the 'Newsweek' on June 28, 1971, that quoted one US Congressman mentioned that, "New Jersey Congressman Cornelius Gallagher, who visited the Agartala hospital, says he came to India thinking the atrocity stories were exaggerated. But when he actually saw the wounded he began to believe that, if anything, the reports had been toned down". A much-decorated officer under General Patton in Europe during World War II, Gallagher told me:- "In the war, I saw the worst areas of

France, the killing grounds in Normandy, but I never saw anything like that. It took all of my strength to keep from breaking down and crying".

Many western journalists witnessed the massacre of Dhaka on 25 March 1971 and of such narrated their accounts in the media when the genocide was going on. There are hundreds of such narratives with visual images on Bangladesh genocide at home and abroad.

Professor Ben Kiernan of Yale University, an expert of genocide studies, in his scholarly written book (Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur) presented an authentic observation on Bangladesh genocide. He wrote, "The killing began on March 25, 1971, when Tikka Khan mounted Operation Searchlight, a 'massive armed strike against the population of Dhaka', the capital city of East Bengal". With thousands of new West Pakistani reinforcements, the army started by targeting East Pakistani intellectuals and students, Bengali Hindus and those whom historian Rounaq Jahan calls "the urban lumpen proletariat". According to Pakistani Lieutenant General Kamal Matinuddin, "the commanding officer of the attack on Dhaka University, Brigadier Jehanzeb Arbab, later admitted over-reaction and over-kill by the troops under his command". On March 28, Archer Blood, the US consul general in Dhaka, sent a cable



to Washington headed "Selective Genocide". He reported that the "authorities have a list of Awami League supporters whom they are systematically eliminating by seeking them out in their homes and shooting them down" and that with army support, "non-Bengali Muslims are systematically attacking poor people's quarters and murdering Bengalis and Hindus. On April 1, the chief secretary of the government of East Pakistan told officers of the US Agency for International Development that "the Hindu community in East Pakistan had always conspired against Pakistan". Jahan sees a broader pattern: "The army's campaign against the cities and towns not only led to massive civilian casualties" but also drove possibly 30 million people out of the cities into the countryside, while another 10 million East Bengalis fled to India.

None of the perpetrators of the genocides before World War II were tried or punished. During last century genocides occurred in Congo, Mexico, Armenia, Ukraine, China, Vietnam, Laos, Indonesia, Guatemala and many other countries but the perpetrators went unpunished. If a perpetrator is not tried and punished,

rather gets impunity it will instigate him to commit more crimes. At the same time, if the perpetrators of such crimes are brought to justice, the future genocides would be discouraged. Above all, in order to ensure justice for the victims of genocide the perpetrators must be brought to book. After four decades of genocide both Cambodia and Bangladesh have taken steps in the trials of the perpetrators of genocide.

In 2010, the 'International Crimes Tribunal' was set up in Bangladesh for holding trials of the perpetrators of crimes against humanity and the crime of genocide of 1971. During the trial many new accounts and evidences of Bangladesh genocide were unfolded. To foil this trial the main organisation of perpetrators of genocide i.e. the Jamaat-i-Islami has started multi-dimensional activities at home and abroad. They not only deny their involvement with the genocide, sometimes they also deny the genocide of 1971 as Pakistan still does. Till now, Pakistan and most of the countries in the West including the "Muslim Ummah" have not recognised the genocide committed by Pakistani army in Bangladesh during 1971.

Trial of the perpetrators of Bangladesh genocide has already drawn attention of those nations still waiting for justice to the victims of their genocide. Though the civil society movement initiated by Jahanara Imam campaigning for trial of the perpetrators of genocide as well as for official recognition of the 1971 genocide since 1992 and the Government of Bangladesh started the trial in 2010, it took another seven years to declare March 25 as the 'National Genocide Day'. Government and people of Armenia have achieved a significant success in this regard. As a result of their decades long campaign at least 30 countries as well as the United Nations (UN) have finally recognised Armenian genocide, but as time went by perpetrators of Armenian genocide went unpunished.

In 2015, the United Nations General Assembly (UNGA) adopted a resolution entitled "International Day of Commemoration and Dignity of the Crime of Genocide and of the Prevention of this Crime," at the 103rd plenary meeting of its 69th session on September 11. This resolution, which was initiated by Armenia, comes months after the adoption of another important resolution which was also initiated by Armenia-was adopted by the UN Human Rights Council in March 2015. The UN Human Rights Council then recommended to the UNGA to designate such an International Day. This UNGA resolution adds to the continued efforts of Armenia to promote consolidated international action against the crime of genocide.

The purpose of the day as mentioned in the UN Resolution is to raise awareness of the Genocide Convention and its role in combating and preventing the crime of genocide, as defined in the Convention, and to commemorate and honour its victims. In adopting the resolution, without a vote, the 193-member Assembly reiterated the responsibility of each individual state to protect its populations from genocide, which entails the prevention of such a crime, including incitement to it.

While observing the International Genocide Day in 2016, Mr. Ban Ki-moon, the UN Secretary General said in his message, "As we mark the second International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, we pay tribute to the memory of the victims and reaffirm our pledge to prevent such atrocities".

Decades have passed since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948. Yet, we continue to be confronted with extreme acts of violence against individuals and communities simply because of their national, racial, religious or ethnic identity.

The Secretary General further said, "I am gravely concerned about the rising hostility and prejudice against immigrants and those labelled outsiders. There can be no place for exclusionary or superior views of identity, or for divisive attempts to separate people into 'us and them'. We have seen in the tragedies

of history where this dark path can lead. Member states and the international community must honour the suffering of the victims of genocide, and of their families, by working even harder against expressions of hatred, intolerance, racism and xenophobia. Let us spare no effort to uphold our moral and legal responsibility to protect populations against genocide".

As Bangladesh genocide was not officially recognised by the United Nations and its perpetrators went unpunished, Professor Ben Kiernan, observed that the Al-Qaeda got inspiration from the impunity of Bangladesh genocide. He explained in one of my documentaries titled, War Crimes 71 – "those who committed genocide in Bangladesh and enjoyed impunity, particularly the Pakistani Army, gradually became pretty influential in power politics of Pakistan and at the end of the day they created Al-Qaeda". Bangladesh genocide was committed in the name of religion. The way Pakistani Army and its Bangladeshi allies, mainly Jamaat-i-Islami justified genocide and crimes against humanity in the name of Islam in 1971, at present 'Al-Qaeda' and 'Islamic State of Iraq and Syria' (ISIS) are committing the same crime. If we can link the political philosophy of Bangladesh genocide with the present day genocidal acts committed by 'Al-Qaeda' and 'ISIS' it will be easy to obtain international recognition of the Bangladesh Genocide.



Official recognition of any genocide committed in any part of the world will indeed prevent and frustrate the crime of denial of genocide. The denial of genocide not only dishonours the unbearable sufferings of victims and their right to justice, it also encourages the perpetrators to continue similar crime at home and abroad.

The government of Bangladesh will have to launch vigorous diplomatic efforts for achieving international recognition of Bangladesh Genocide. First of all, we have to gather all documents, important narratives and visual records of Bangladesh genocide and disseminate to all concerned individuals and organisations. Then, we have to request friendly countries that condemned Bangladesh Genocide in 1971 like India, Nepal, Bhutan, Russia, Poland, Bulgaria, Rumania, Hungary and Czech Republic to recognise it officially by adopting a resolution in their respective parliaments. Next, we have to request other friendly countries to do so. On 25 March 2017, while addressing our programme on planting three million trees in remembrance of three million genocide victims of Bangladesh that was inaugurated by the Honourable

President at *Bangabhaban*, the Indian High Commissioner in Bangladesh, H. E. Harsh Vardhan Shringla has already declared his country's all out support in obtaining international recognition of Bangladesh Genocide.

As a result of our request in December 2016, former Prime Minister of Armenia Hrant Bagratyan already proposed for recognition of Bangladesh Genocide at their parliament. Now Armenia is waiting for our Government's request. We firmly believe that if done so, the nations that suffered like us would come forward and join our campaign in achieving common goal.

In order to obtain international recognition and ensure justice to the victims of Bangladesh genocide, public opinion should be mobilised at home and abroad. In this regard, Bangladeshi diaspora in the western countries can play a significant role. All nations and states must come forward in order to recognise the genocides committed in Bangladesh and other parts of the world. All nations shall have to remain accountable to peace, justice and values of civilisation.

Our solemn effort is to reach this message throughout the world - let our planet be free from all kinds of genocidal acts, which causes destruction to humanity and human civilisation.

Inaugural Address



Mr. Abul Hassan Mahmood Ali, MP

*Honourable Foreign Minister,
Government of the People's Republic of Bangladesh*

Ambassador Munshi Faiz Ahmed, Chairman, BISS,

Major General A K M Abdur Rahman, ndc, psc, Director General, BISS,

Professor Dr. Syed Anwar Husain, Department of History, Dhaka University,

Mr. Shahriar Kabir, President, Ekattorer Ghatak-Dalal Nirmul Committee,

Excellencies,

Distinguished Colleagues,

Ladies and Gentlemen,

Assalamu Alaikum, Adab and a very good morning to you all.

I would like to express my deep appreciation to all of you for your presence here this morning. My sincere gratitude goes to BISS for organising this seminar commemorating 25 March, *Gonohottaya Dibosh* (Genocide Day) in a rather short time.

In this month of March, I recall with deep reverence the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman who declared our Independence. I pay my heartiest thanks and gratitude to Bangabandhu's daughter and Honourable Prime Minister Sheikh Hasina and my fellow colleagues at the National Parliament who on 11 March 2017 unanimously adopted the resolution to commemorate 25 March as 'Genocide day'. This event today is part of our effort to bring in the horrific genocide in 1971 and creating awareness against this heinous crime.

Ladies and Gentlemen,

The 25th of March 1971 marked the beginning of our nine-month long Liberation War against the oppressive Pakistani regime. The long and heroic struggle of Bengalis culminated in victory on 16 December 1971 and birth of independent Bangladesh.

In our nine month long War of Liberation, loss of lives was disproportionately high. It is estimated that approximately three million people were killed, nearly a quarter million women and girls were raped and 10 million people took refuge in India. The atrocities committed by the Pakistani military and their local collaborators left a deep scar in the newly born nation.

Distinguished Participants,

Soon after the independence, under the charismatic leadership of the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, the people of Bangladesh engaged into the process of nation-building. However, the defeated forces had not conceded defeat. They staged the brutal killing of Bangabandhu and his almost entire family in the early hours of 15 August 1975. Their plan was to upset the journey of the newly independent country towards freedom and development. The events that unfolded after the assassination of Bangabandhu in 1975 saw the country moving backwards.

Bangabandhu's daughter and now our Prime Minister Sheikh Hasina came in as the saviour of the country. She brought in the rights of the people to vote and to have food when she came to power in 1996 for the first time. People brought her to power for the second time in 2008 and Bangladesh started to gain



its lost pride and started to move towards the dream of Bangabandhu's *Sonar Bangla* (Golden Bengal). On her second consecutive term since 2014, under the visionary leadership of Sheikh Hasina, Bangladesh is now marching confidently to attain a middle-income country status by 2021 and a modern, developed and knowledge-based country by 2041.

We have been acclaimed as a 'role model' for development, achieving successes in women empowerment, disaster management, peacekeeping and peace building etc. Our engaging role at various forums has positioned us as a responsible and contributory member of the international community.

The memory of the massacre and mass killing committed by the Pakistani occupation forces during our War of Liberation has always thrust us to stand by our commitment to support international efforts to prevent the commission of genocides anywhere around the world, and promote accountability for such crimes.

We have committed our armed forces and police as peacekeepers to the protection of civilians on the ground, and aligned ourselves with the United Nations' norm-setting and practical initiatives to address the factors and processes that may lead to the commission of genocide. We also consider it a foreign policy priority to promote women's role in conflict prevention, peacemaking and peace building, including in addressing the warning signs and potential triggers of genocide. Our Government, during our previous tenure, ratified the Rome Statute on the International Criminal Court. At the domestic front, the Government of Bangladesh has enacted the International Crimes (Tribunals) Act, for investigation of offence and detention, prosecution and punishment of persons for committing genocide, crimes against humanity, war crimes and other crimes under international law.

Distinguished Participants,

Unfortunately, even after 46 years of independence, we still observe that some vested quarters are trying both domestically and internationally to question the genocide committed against the Bengalis in 1971. We have seen repeated efforts by the defeated forces to undermine our sacrifice by questioning the number of casualties during the War of Liberation. During the last four decades, there had been efforts by anti-liberation forces to change the history by distorting facts. People have risen against these ill efforts. Now the party which brought in and fought for the independence is in power and correcting the historical facts.

It, therefore, is high time we took necessary initiatives to claim recognition of the sacrifice of the people of this country – both nationally and internationally.

Ladies and Gentlemen,

In our journey towards peace and prosperity we always recall the Martyrs and Birangonas whose supreme sacrifices have earned us the independence. We firmly believe that the recognition of genocide day would add on the homage to the solemn sacrifices of our martyrs and create a deterrent effect against genocide and other atrocities throughout the world. It also aims at supporting initiatives of humanity at home and abroad.

This seminar has given us a good opportunity to have a discussion as to how we can disseminate the facts of the genocide that started on 25 March 1971 and atrocities committed onwards till the day of independence to the future generations as well as to the world. The experts' opinion should also highlight the measures that may be taken to create public opinion towards the recognition of these heinous crimes and thus honour the victims.

With these words, I declare the seminar open. I wish this seminar all success.

Joy Bangla, Joy Bangabandhu.

Remarks by the Chair of the Inaugural Session



Ambassador Munshi Faiz Ahmad
Chairman, Board of Governors, (BOG), BISS

Ambassador Munshi Faiz Ahmad, Chairman, BOG, BISS highlighted the main objectives of the Seminar which are i) to look back at the War of Liberation with pride, ii) to disseminate information regarding the genocide that was committed by the Pakistani occupation forces and their local collaborators in 1971, iii) to discuss about ways to ensure that the memories of the truth about these atrocities are never forgotten and remain permanently etched on the minds of the people, particularly the younger generation, iv) to add momentum to the campaign to obtain international recognition of the genocide and crimes against humanity, v) to strengthen peoples' resolve against such crimes throughout the world and to prevent their recurrence. He also stated that in 1971, the genocide that was carried out and unleashed by the Pakistani occupation forces in a cold-blooded and premeditated manner following a laboriously crafted blue-print to annihilate the Bengali nation was not a secret. Everyone at home and abroad witnessed it. Ambassador Ahmad also said that almost every household in Bangladesh has multiple stories of loss of near and dear ones, of untold sufferings and also of the valour of common people; the freedom fighters resisting and finally prevailing over the killers and oppressors. Many of these stories have been collected and recorded and much more remains to be recorded. He observed that the media, both electronic and print of that time have valuable records in this connection. The parliaments of many countries, including the United States Congress discussed these incidents in details and have records. Archives of many countries also have valuable records. Ambassador Ahmad also stated that similarly, the United Nations has records of discussions on these matters from 1971. He also said that organisations such as the Oxfam International and the International Committee of the Red Cross operated their relief and rehabilitation programme during that time and also have records of those events. Ambassador Ahmad emphasised on making concerted efforts to collect, compile and disseminate all this information.

Ambassador Ahmad, expressed his gratitude to Honourable Foreign Minister Mr. Abul Hassan Mahmood Ali, MP for his gracious presence as the Chief Guest at the commemorative Seminar on 25 March, Gonohottya Dibosh (Genocide day) and sharing his valuable wisdom with the audience. He also thanked Mr. Shahriar Kabir, President, Ekattorer Ghatak-Dalal Nirmul Committee for his valuable keynote presentation and appreciated the distinguished audience for their kind presence.

Working Session Presentation – 1



Genocide in Bangladesh, 1971: Fixing Responsibility

Dr. Syed Anwar Husain

Supernumerary Professor, Department of History, Dhaka University

To be a victim of genocide was one of the major cost of Bangladesh's resistance to Pakistani political and economic exploitation for nearly two and a half decades, and, finally, to the military crackdown on 25 March 1971. Bangladesh is, however, not a unique and lone example of such an experience under similar circumstances; indeed, there have been many such examples throughout the ages across the world. But Bangladesh does stand apart, and quite pathetically, in that, neither its rulers since 1975 nor any international body with requisite concern has felt that justice is denied through a systemic delaying of trial of the perpetrators of this genocide. Moreover, and shamefully so, the local collaborators of the Pakistani genocide have at times been provided with space in politics and governance of the country by the political element whose ideological stance is contrary to the spirit of the Liberation War. Generally speaking, in doing so we have turned ourselves into what the American historian Bernard Lewis said, albeit in a different context, 'blundering amnesiacs'. Those who share political platform with the anti-liberation forces do blunder into being amnesiacs in an independent country that has had a blood-stained birth through a bloody Liberation War. The enormity of crime that underlay the genocide of 1971 is perceived rightly and talked about widely at home and abroad, but punishment has so far eluded the criminals - a fact that puts both norms of law and values of conscience to question. It is good echoing the dictum of Gladstone that justice delayed is justice denied; but it is certainly bad not to see the justice through, however delayed. Although delayed justice has been done since 2010 by bringing the war criminals under trial.

Genocide: Definition, Meaning and Ramifications

In 1944, thanks to Raphael Lemkin (1900-1959), a Polish Jewish legal scholar, the term genocide came into legal vocabulary.¹ By way of defining this neology he wrote, "Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups

¹ The origin of this word may be traced to at least three etymological roots: from the Latin *gentis* meaning, 'birth race, stock, kind,' the Greek root *genos*, with the same meaning and from Latin *Cidium*, via French *cide* meaning cutting or killing. Available at <http://en.wikipedia.org/wiki/Genocide>.

themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups".²

According to such a broad definition, genocide was perpetrated by the Pakistani rulers right from 1947 and through to 1971. A legal definition came off the 1948 United Nations (UN) Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). Article 2 had it that, genocide would mean.....any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group deliberately inflicting on the group condition of life; calculated destruction in whole or in part; imposing measures intended to prevent births within the group; children of the group to another group".³



But even as of today, a consensus definition of genocide has not yet emerged. The explanation, as postulated by Jonassohn and Bjornson, is to be found in the fact that "academics have adjusted their focus to emphasise different periods and have found expedient to use slightly different definitions to help them interpret events".⁴

A survey of the current literature reveals at least three different meanings of genocide:

- The ordinary meaning is murder by government of people due to their national, ethnic, racial, or religious group membership.
- The legal meaning of genocide refers to the international treaty, the Convention on the Prevention and Punishment of the Crime of Genocide. This also includes non-killings that in the end eliminate the group, such as preventing, births or forcibly transferring children out of the group to another group.

² Raphael Lemkin, *Axis Rule in Occupied Europe*, Washington, DC: Carnegie Endowment for International Peace, 1944, p. 79.

³ Cited in wikipedia, p. 1. see note 1.

⁴ Kurt Jonassohn and Karin Solveig Bjornson, *Genocide and Gross human Rights Violations in Comparative Perspective*, 1998, p. 133.35, Available at <http://books.google.co.uk/books>.

- A generalised meaning of genocide is similar to the ordinary meaning but also includes government killings of opponents or otherwise international murder. To avoid confusion regarding what meaning is intended Rummel created the term democide for the third meaning.⁵

In 1996, Gregory Stanton developed paradigm in which he suggested following eight stages through which genocide takes place:

1. Classification: People are divided into 'us' and 'them'.
2. Symbolisation: When combined with hatred, symbols may be forced upon unwilling members of pariah groups.
3. Dehumanisation: One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects or diseases.



4. Organisation: Genocide is always organised. Special army units or militias are often trained and armed.
5. Polarisation: Hate groups broadcast polarising propaganda.
6. Preparation: Victims are identified and separated out because of their ethnic or religious identity.
7. Extermination: It is extermination to the killers because they do not believe their victims to be fully human.
8. Denial: The perpetrators deny that they committed any crimes.⁶

It was, however, not suggested that all these eight characteristics would fit all cases of genocide. Emerging out of a survey of the cases of genocide this paradigm appears to have been developed as a generalisation to be used as an analytical tool.

⁵ R. J. Rummel, *Democide Versus Genocide; which is what?*, Available at <http://www.hawaii.edu/powerkills/GENICIDE>, HTM.

⁶ Gregory Stanton, "The 8 Stages of Genocide". This was a briefing paper presented at the United States State Department, which also included eight specific suggested preventing measures to the eight characteristics. Available at <http://www.genocidewatch.org/8stages.htm>.

The Bangladesh genocide fits generally both the academic and legal definitions; and this is a fact that hardly needs any elaboration and reiteration. But a few explanatory words are in order here as to how the Bangladesh genocide fits the Stanton paradigm, if not wholly, but partially.

Characteristics: Bangladesh Case-study

1. Classification: The Liberation War involved the Pakistani rulers and Bengalis as 'us' and 'them'; and it had been so since 1947.
2. Symbolisation: The Pakistani rulers used at least three hate symbols *vis-á-vis* Bengalis: "not pure Muslims", "low-born people", and finally, "miscreants" during the Liberation War.
3. Dehumanisation: In February 1971, Yahya Khan was reported to have stated "Kill three million of them, and the rest will eat out of our hands". General Niazi considered Bangladesh a "low lying of low lying people". He considered Hindus as Jews to the Nazis - scum and vermin that should be best exterminated. Journalist Dan Coggin quoted one Punjabi captain as telling him, "We can kill anyone for anything. We are accountable to no one".



4. Organisation: That the Pakistani genocide was organised and pre-planned becomes evident from the statements of Yahya Khan and Niazi quoted above. Moreover, the killing spree was aided and abetted by the locally raised militias generically called *razakars*, who were ideologically linked with the Jamaat-i-Islami and its student wing Islam-i-Chhatra Sangho.
5. Polarisation: During the Liberation War, Pakistani propaganda was launched to the effect that all Muslims in Bangladesh had turned into Hindus, and the Liberation War had been provoked by India.
6. Preparation: In her book, *Against Our Will: Men, Women and Rape*, Susan Brownmiller mentions how Bengali women were targeted for gender – selective atrocities and abuses, notably sexual assault and rape/murder from the earliest days of the Pakistani genocide. According to her statistics, eighty per cent of the raped women were Muslims, but Hindu and Christian women were not exempted. But Bangladeshi researcher Dr. M. A. Hasan comes up with different statistics.

According to him the ratio of persecuted Muslims was 56.50, Hindus 41.44, Christians and others 2.06.⁷

7. Extermination: The extent and ramifications of the perpetrators of genocide confirm their extermination objectives.
8. Denial: Neither the Pakistani perpetrators nor their local cohorts have ever accepted any responsibility for genocide in Bangladesh. This theoretical discussion, especially the section relating to the Stanton paradigm, juxtaposed against the Bangladesh phenomenon of genocide makes it abundantly clear who were the perpetrators. The following section makes a specific case for responsibility.

Fixing Responsibility for Genocide

Hard evidence of both local and foreign provenance abound to the effect that the primary responsibility is to be fixed on the Pakistani military that authored the "Operation Searchlight" and unleashed the genocide. To be added to this category of complicity is the role of the local collaborators called *razakars*.



Robert Payne gives a chilling account of the Pakistani genocide in his widely read book *Massacre*: "For month after month in all the regions of East Pakistan the massacres went on. They were not the small casual killings of young officers who wanted to demonstrate their efficiency, but organised massacres conducted by sophisticated staff officers, who knew exactly what they were doing. Muslim soldiers sent out to kill Muslim peasants, went about their work mechanically and efficiently until killing defenceless people became a habit like smoking cigarettes or drinking wine".⁸

Such a narrative, among the many blood-curdling and heart-rending ones, clearly demonstrates that the mass killing in Bangladesh was among the most carefully and centrally planned of modern genocides. Records suggest that a group of five Generals planned and orchestrated the genocide: Yahya Khan, Tikka Khan, Chief of Staff Pirzada, Security Chief Umar Khan, and Intelligence Chief Akbar Khan. None of the generals or the lower ranking officers involved on the ground has ever been brought to trial.

⁷ Dr. M. A. Hassan, "Trauma and Tribulation of Victims", Proceedings of the International Conference on Genocide, Truth and Justice organised by the Liberation War Museum on 1-2 March 2008 in Dhaka, pp. 36-41.

⁸ Robert Payne, *Massacre: The Tragedy at Bangladesh and the Phenomena of Mass Slaughter throughout History*, Macmillan, 1973, p. 29.

In a secondary sense, Zulfikar Ali Bhutto is to be accused of complicity in the genocide. But the Jamaat-i-Islami, in both the wings, was the main back-up political force that had its distorted and obscurantist Islamic ideology at the services of the genocidal military junta.

But as far as trial of the perpetrators of genocide in Bangladesh is concerned our immediate focus is on those who are called *razakars*, who in 1971, belonged to Jamaat-i-Islami in the then East Pakistan and its student wing Islam-i-Chhatra Sangha. Moreover, there were other collaborators who did not belong to these organisations, they had their own political platforms, but shared the ideology of *razakars* in opposing Bangladesh and actively participating in the genocide. To this category belonged such rightist political parties as the Muslim League, (Council/Convention) and Nizam-e-Islam.

Of the many political personalities who aided and abetted genocide special mention should be made of late Fazlul Quader Chowdhury and his son Salahuddin Quader Chowdhury.

A close look at the complicity factor brings out information about external input to genocide, if not directly but in an effective indirect manner. The role of the United States and China was anti-Bangladesh *ab initio*. The US government, long supportive of military rule in Pakistan, supplied some US\$ 3.8 million in military hardware to Yahya Khan's regime even after the onset of the genocide. Similar complicity is found in the case of China, and Chinese military equipment were used in the genocide. Finally, of the external actors' complicity mention should be made of the Muslim countries. In supporting Pakistan and opposing Bangladesh, they not only compromised Islamic values but also became a party to the genocide.

Trial of War Criminals in Bangladesh: A Track-Record

On 1 January 1972, the interim government of Bangladesh decided to set up a Genocide Investigation Commission. On 10 January 1972, in his address to the nation Bangabandhu made the point: "The world must investigate this atrocious massacre. My wish is for an international, impartial team to probe this barbarity?" He was more forthcoming when he said, "Those who have collaborated, killed millions of our citizens, disrespected our sisters and mothers, can they be forgiven? They cannot be forgiven; they will be punished after trial". With this end in view, the Collaborators Act of 1972 came into operation. Thirty-seven thousand, four hundred and thirteen people were arrested under this Act; and the trial of two thousand, eight hundred and forty-eight was completed. But in the legal process, this Act revealed some lacunae in the specific context of differentiating between war crimes and crimes against humanity. In other words, it was found out that war crimes were of special nature and needed special act and special tribunal. Two consequences followed from this experience. First, a general amnesty on 30 November 1973 freed those who had committed petty crimes, but with the clear provision that collaborators punished or accused of rape, murder, attempt to murder or arson would not come under general amnesty. Second, on 20 July 1973, the International War Crimes (Tribunals) Act was passed accommodating the extraordinary nature of the war crimes of 1971.

But after the assassination of Bangabandhu on 15 August 1975, Bangladesh began on a course not charted by the Liberation War. The Articles 12, 38, 66 and 122 banning denominational politics and barring the anti-liberation forces from political process was deleted. Consequently, on 31 December 1975, the eleven thousand under trial war criminals were released.⁹ Moreover, all the anti-liberation political elements have since been systematically rehabilitated. The cycle of rehabilitation was completed as the Bangladesh Nationalist Party (BNP) formed government in alliance with the Jamaat-i-Islami and Islami Oikyo Jote in 2001.

⁹ For the list of war criminals numbering about eleven thousand with specific charges, see, A. S. M. Shamsul Arefin (ed.), *Muktijuddha '71: Dalal Aine Sajaprapta Jud-dhaparadhi* (Vernacular) (Liberation War '71: Convicted War Criminals under the Collaborators Act), Dhaka: Bangladesh Research and Publications, 2008.

The present Awami League led grand alliance government that swept into power through a landslide victory in the 29 December 2008 general election has the mandate as well as parliamentary nod to try the war criminals afresh. To this end, the International War Crime (Tribunals) Act of 1973 has been updated and strengthened.

Concluding Observations

Winston Churchill had it to say by way of advice: "If you look longer back, you can look farther ahead". If we look longer back to our Liberation War over the intervening years we find cues to look farther ahead. The first cue is for crafting Bangladesh as per the spirit of the Liberation War. The second cue is for



bringing the local anti-liberation elements having complicity in the genocide under trial. If the second cue is not acted upon, as experience over the years suggest the first cue can never be acted upon. Moreover, if we fail to try the war criminals, we, on moral ground, would also be accused of complicity in the genocide of 1971. Condonation of crime is an offence equal to that of countenance.

Presentation – 2



Genocide: The Experience of a 'Friend of Bangladesh'

Julian Francis

Social Worker and Recipient of 'The Friends of Liberation War Honour'

I always feel emotional whenever I join any function connected with the Liberation War of Bangladesh. It brings back many memories of the period when I was a young man in Calcutta in 1971!

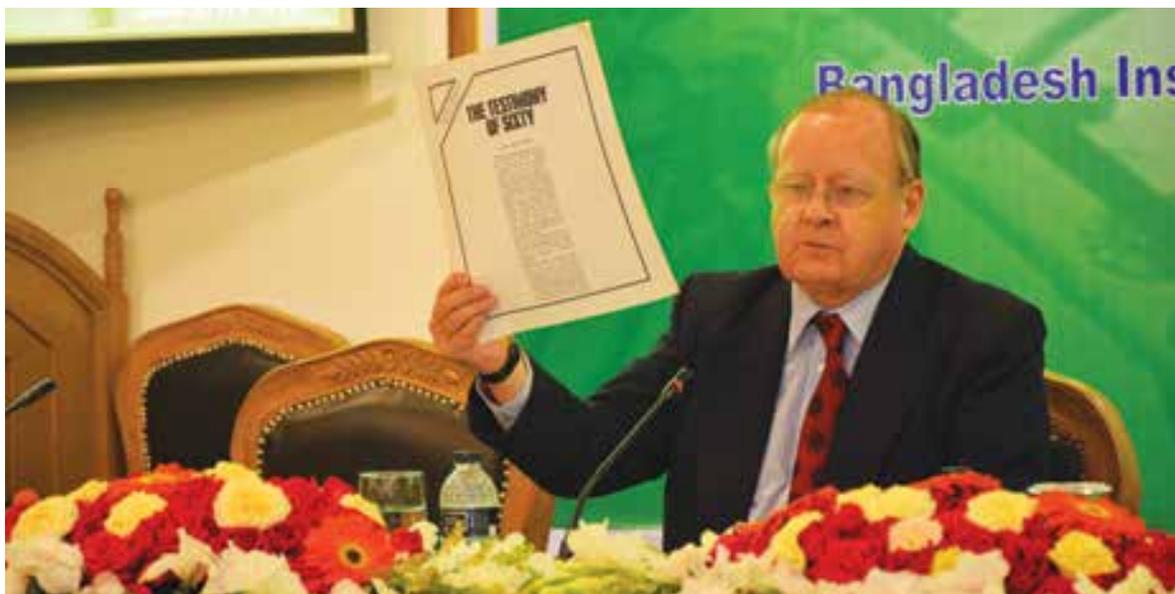
As far as genocide is concerned, I grew up in London during the years immediately after the end of the Second World War and as a schoolboy learnt about the genocide which Hitler of Nazi Germany ordered in his attempt to exterminate the Jewish people. However, until about 2 years ago I had never been asked to speak about genocide. In a way, for many years I did not talk about my 1971 experiences. They were so painful that I had kept them hidden away. It was only in 2007 during a chance to visit the Liberation War Museum that I felt to talk about my experiences of 1971.

A couple of years ago, I attended a Planning Commission seminar about 'Extreme Poverty' and in the address by one of the officials I learnt then that over 70 per cent of the current population were less than 40 years old and may not know the accurate history regarding the formation of this country. I am regularly asked to write about my memories of 1971 and when I have expressed that I found it difficult to write the same things year after year, Bangladeshis of my age and older tell me that I must keep on writing as it is important that the people of this country are reminded again and again about the true history of the period before, during and after the Liberation War.

I witnessed the painful birth of Bangladesh, and so it is painful and difficult to understand that some Bangladeshis do not support the war crimes trials. Surely justice must be done! There are also those who deny that any genocide took place. Whenever, someone tells me this or I read this, I become very angry indeed and also incredulous. I remember families of Bangladeshis – Hindus and Muslims – coming in a traumatised state across the border to access some of the over 900 refugee camps in India. Men, women and children of all ages, struck dumb by the horror of seeing some of their loved ones murdered before they managed to escape. I remember being in a hospital in Krishnanagar, West Bengal, in June 1971 at the same

time as an international reporter from, I believe, Newsweek. I remember this young girl in a colourful dress and this is how the reporter recorded our meeting with this girl who was about 10 years old:

The story of one shy little girl in a torn pink dress with red and green bows has a peculiar horror. She could not have been a danger to anyone. Yet, I met her in a hospital in Krishnanagar, hanging nervously back among the other patients, her hand covering the livid scar on her neck where a Pakistani soldier had cut her throat with his bayonet. "I am Ismatar, the daughter of the late Ishaque Ali," she said formally. "My father was a businessman in Kushtia. About two months ago he left our house and went to his shop and I never saw him again. That same night after I went to bed, I heard shouts and screaming, and when I went to see what was happening, the Punjabi soldiers were there. My four sisters were lying dead on the floor, and I saw that they had killed my mother. While I was there they shot my brother – he was a bachelor of science. Then a soldier saw me and stabbed me with his knife. I fell to the floor and played dead. When the soldiers left I ran and a man picked me up on his



bicycle and I was brought here". Suddenly, as if she could no longer bear to think about her ordeal, the girl left the room. The hospital doctor was explaining to me that she was brought to the hospital literally soaked in her own blood, when she pushed her way back through the patients and stood directly in front of me. "What am I to do?" she asked. "Once I had five sisters and a brother and a father and mother. Now I have no family. I am an orphan. Where can I go? What will happen to me?"

Perhaps, it is necessary to remind people about what happened in 1971 and for the members of the younger generation it is important to accurately inform them of the genocide unleashed by the Pakistani army and their collaborators. Because of 'Operation Searchlight', 10 million refugees came to India, most of them living in appalling conditions in the refugee camps. I cannot forget seeing 10 children fight for one chapatti. I cannot forget the child queuing for milk, vomiting, collapsing and dying of cholera. I cannot forget the woman lying in the mud, groaning and giving birth.

In India, (I was in Bihar at the time) we had heard of the genocide from the night of 25th March. Thousands upon thousands were rounded up and shot, machine-gunned or bayoneted. From 25 to 31 March, eye witnesses told us it was estimated that about 200,000 Bengalis had been killed. An Italian priest living in Jessore at the time told me that in Jessore itself about 10,000 had been killed in the 10 days after March 25.

However, what about the actual numbers? By end of May 1971, I remember a Dhaka University Professor, Samir Paul, who was, as a refugee, helping us to organise camp activities, telling me that, till then, it was estimated that one million Bengalis had been killed inside Bangladesh until that time (May 1971).

It is very clear to me that many Bangladeshis died on their way to India and many more died after coming to the refugee camps as a result of the injuries, wounds incurred on the way. I saw people with bullet wounds and bayonet wounds and some of them did not manage to survive.



During the cholera epidemic, I remember that in one refugee camp of 15,000 persons, over 750 died in one month - about 5 per cent. People should also remember that many of the refugee camps were severely flooded during the heavy monsoon of 1971. Sanitation could not be maintained and many died of gastro-enteritis as well as cholera. By September 1971, hundreds of children were dying every day from malnutrition and doctors who had also, earlier, worked in Biafra, were of the opinion that the malnutrition in the Indian refugee camps was worse than that of Biafra. Many more children died as a result of the severe cold winter. In mid-November an accepted figure of numbers of children dying was 4,300 per day in the refugee camps alone. I remember attending a coordination meeting at that time when it was estimated that by the end of December 1971 up to 500,000 children would have died largely from malnutrition. There are indeed some estimates that 1 million died in the refugee camps in 1971.

By September 1971, Oxfam was of the opinion that the world was losing interest in what was happening in Bengal. It was difficult to keep the news on the front pages of the newspapers. Oxfam decided that they would collect statements from politicians, journalists, aid workers and publish them in time to be distributed at the general assembly of the United Nations in October 1971. Many of these statements were collected in the field by my office in Calcutta. Others were collected by Oxfam's head office in Oxford, United

Kingdom (UK). The first two statements in the publication, 'The Testimony of Sixty' were by Senator Edward Kennedy and Mother Teresa. A number of British members of parliament, who had visited both West Bengal and (then) East Pakistan, gave their statements as well as many well-known journalists including John Pilger and Anthony Mascarenhas. Within a week of it being published on 21 October 1971, Senator Edward Kennedy took the publication to the United States (US) Senate and asked the Senators there to accept the publication of evidence of what was happening in Bengal. In his address to the Members of the Senate, Senator Kennedy said, *"No one who reads this document can remain unmoved or uninformed as the plight of the Bengali people"*. There being no objection, the testimony was ordered to be printed in the Congressional Record. The publication of this document played an important part in forcing the US government to suspend supplying arms to Pakistan.

Aid officials of the time estimated that between 20 and 30 million Bangladeshis had been internally displaced inside Bangladesh and there would have been significant deaths from those numbers.

The US government archives may suggest that a total of only 300,000 died and the Pakistan archives say that only two million refugees came to India. Everyone should know that both these figures are complete nonsense!

Rightly or wrongly, personally I consider the deaths of all the people who left their homes as a result of the actions of the Pakistan authorities and their collaborators as genocidal deaths. Perhaps, we will never know the accurate figure. It could easily be over three million.

Now 45 years after the emergence of Bangladesh, it is vitally important that the world authorities



officially accept and recognise that what happened in Bangladesh in 1971 was genocide. There are many eye witness accounts that have been documented. For example, the powerful writing of Anthony Mascarenhas who visited in April 1971 (his writing, entitled 'GENOCIDE', published June 13, 1971 by The Sunday Times), the May 22, 1971 editorial of the US publication, 'Saturday Review' entitled 'Genocide in East Pakistan', and the British magazine, 'The Spectator' in its issue of June 19, 1971, in an article entitled, 'Another Final Solution' had the following:

"We, in this country, like to think that among the reasons why we fought the Germans in the last war was to rid the world of the evil of Hitler and his gang and their genocidal, 'final solution'. It is easier to imagine Germany's gas chambers than Pakistan's choleric slaughter in the Bengal Plain, but it remains the case and it ought to be declared that the Pakistani crime now matches the Hitlerian in dimension and horror and threatens monstrously to exceed it. Difficult and unpleasant though it may be, each one of us ought to endeavour to the best of his ability to imagine the enormity of the Pakistani crime".

Another document that details the effects of the genocide in 1971 is 'The Testimony of Sixty' published by Oxfam in 1971. Facsimile copies of this document are available at the Liberation War Museum.

There are members of parliament in many countries with family connections in Bangladesh. Bangladesh must involve them in raising the issue in their parliaments. In UK, a key voice is likely to be the niece of the Bangladeshi Prime Minister, Tulip Rezwana Siddiq. Rushanara Ali and Rupa Asha Haque are the two other female Labour MPs in the British House of Commons. Research needs to be urgently coordinated in other countries. I am confident that world bodies will eventually recognise that Genocide was, without question, perpetrated by Pakistan in 1971.

It was an honour to be part of the discussions which led to the demand that March 25th to be declared as 'Genocide Day' and I would like to say that it was indeed another honour to participate in the tree planting ceremony at Bangabhaban on March 25th which signalled the beginning of the planting of 3 million trees in memory of the 3 million martyrs of 1971. The tree I assisted in planting is in the memory of Syed Mir Nisar Ali Titimur, who led uprisings against zamindars and the British in the 1830s. It would appear to me that the way in which the British forces stormed and destroyed Titimur's 'bamboo fort' could be described as a kind of 'genocide'. For me, that is indeed 'food for thought'.



Open Discussion



Mr. M Mokammel Haque, Former Secretary, Government of Bangladesh stated that, according to the United Nations (UN) resolution, a policy of conscious extermination of a particular population or ethnic group or a religious minority would be considered as genocide. Mr. Haque expressed his gratitude in memory of Mrs. Indira Gandhi and the then Indian government for setting up relief camps to save the lives of Bangladeshi citizens in 1971. He argued that in human history, genocide normally gets perpetrated by the majority government over minority population. However, in 1971 a minority Pakistani military government perpetrated genocide

over a majority Bengali population. Mr. Haque referred to the assassination of Bangabandhu as the reason for Bangladesh not being able to obtain international recognition of the 1971 genocide. However, in the recent past Bangladesh succeeded to punish the leaders of the Al-Shams, Al-Badar and Jamaat-i-Islami such as Motiur Rahman Nizami. Mr. Haque refused to address Motiur Rahman Nizami as '*Maulana*' since the connotation of '*Maulana*' requires a high level of knowledge and particular specialisation in certain aspects of religion. Mr. Haque felt, a war criminal does not deserve such high acclaim. He was critical of the Pakistani government and Pakistan National Assembly's role in adopting a resolution in favour of Motiur Rahman Nizami following his execution. Mr. Haque also expressed his disgruntlement over the denial of the 1971 genocide by the Pakistani government. He also mentioned the jailing of famous human rights leader, Mrs. Asma Jahangir for raising her voice against Pakistan's role in the 1971 genocide. Mr. Haque further argued that, along with the 195 military officers; Zulfikar Ali Bhutto, Yahya Khan and his entire cabinet should be prosecuted as they ordered the genocide to be perpetrated.

Ambassador Kazi Anwarul Masud congratulated the incumbent government and the parliament for declaring 25 March as the National Genocide Day. In addressing the issue of Bangladesh being so late on seeking recognition for the Genocide Day, Ambassador Masud mentioned an article written by Mr. S. Banerjee, who was a senior Indian diplomat, stationed in London during 1972. The article deals with hidden stories as to why those 195 Pakistani military officers, who committed war crimes had to be released. In that article, it was noted that along with these military officials, Mr. Muzaffar Husain, the last Chief Secretary of the then East Pakistan was also a prisoner of war.



His wife Laila Husain was in London at that time. Mr. D. P. Dhar, a close advisor and confidant of Mrs. Indira Gandhi asked Mr. Banerjee to get in touch with Laila Husain to inquire about the attitude of Zulfikar Ali Bhutto regarding the fate of Bangabandhu Sheikh Mujibur Rahman who was already under a death sentence passed by the military court. At that time, Laila Husain and Zulfikar Ali Bhutto were very good friends. During that

period when he was still in New York, Zulfikar Ali Bhutto was declared as the Chief Martial Law Administrator (CMLA) by Yahya Khan. So, from New York he went off to London. Then Laila Husain met Mr. Bhutto and asked him for the release of her husband. Mr. Bhutto smiled and asked her to go to Mrs. Indira Gandhi and to convey the message that, he would not sign the death sentence of Bangabandhu. Mrs. Indira Gandhi at that time was completely preoccupied with the safety of Bangabandhu as the Pakistan Army was unpredictable and their atrocities committed in East Pakistan were well known. The British, the Americans and most of the world were either decided to remain silent or blind at that time. However, the obsessive interest of Mrs. Gandhi was the safety for Bangabandhu so much, that she disregarded the advice from her advisers to take advantage regarding the final solution on the Kashmir issue in exchange of the Pakistani prisoners of war. Rather, Mrs. Gandhi agreed on the conditions given by Mr. Bhutto to release these 195 prisoners of war in exchange of freedom for Bangabandhu, which was later culminated in to 1974 treaty. Ambassador Masud acknowledged with gratitude, the critical role that former Soviet Union played in favour of Bangladesh within the United Nations Security Council (UNSC). Without six vetoes from the Soviet Union, UNSC would have passed a resolution that would have ended the Indo-Pak war in 1971. He also mentioned the role of the Indian government to give shelter to 10 million refugees and the 6-7 thousand Indian soldiers, who sacrificed their lives in the War of Liberation of Bangladesh. Ambassador Masud also praised the Indian Generals for their tactics in the war, which made possible the surrender of 93 thousand Pakistani soldiers.

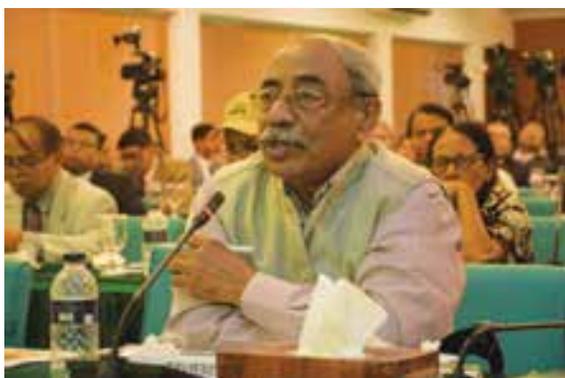
In addition, the Geneva Convention of 1948 was not effective till long after 1971 for the simple reason that a certain number of countries had to agree on the Geneva Convention. It was only in 2005, at the UN summit where the responsibility to protect was agreed by all the assembled countries of the world. That placed each country under the obligation for the protection of the individuals, particularly of the civilians. He suggested that the generation after the Liberation which is about 40 per cent of the total population, should be retold about the atrocities committed by the Pakistan Army and the refusal of the successive governments in Pakistan to take responsibility for this genocide. Ambassador Masud urged the serving members of the diplomatic community to take initiatives in order to reach foreign audiences to obtain recognition for 25 March as International Genocide Day.



Ambassador M. Shafiullah stated that in order to seek international recognition for 25 March, creation of strong domestic public opinion should be the first priority of the government. He also stated that the Inter-Parliamentary Union (IPU) conference 2017 is taking place in Dhaka. Since 131 countries will be represented at this conference, it would be a suitable place to reach the global community. Ambassador Shafiullah also hoped for a resolution to be adopted at the IPU conference in support of declaring 25 March as the International Genocide Day.

Mr. Shahriar Kabir, President, Ekattorer Ghatak-Dalal Nirmul Committee, stated that to declare 25 March as the International Genocide Day might be counterproductive, since Bangladesh is one of the signatories of a resolution that was passed on 11 September 2015 establishing the International Day of commemoration and the dignity of the victims of the crime of genocide and of the prevention of this crime. A total number of 193 countries signed the declaration in the United Nations General Assembly (UNGA). Henceforth, 9 December is the International Genocide Day. Now, if the Bangladesh government changes stance and proposes that 25 March should be the International

Genocide Day then it could be counterproductive. Mr. Kabir stated that Bangladesh is campaigning for the recognition both at the national and international level. At the national level, Bangladesh has been campaigning since last 24 years and at the international level, Bangladesh has been campaigning since 2005. In 2010, Bangladesh wrote a letter to the UNESCO in relation to the war crimes tribunal which was set up at the same year. As a result, Mr. Kabir's Armenian friend contacted and wanted to know whether Bangladesh itself observes 25 March as the National Genocide Day or not. Mr. Kabir's answer was negative and hence his friend stated that how Bangladesh can expect international community to observe 25 March as International Genocide Day, whereas Bangladesh itself does not observe this day at the national level.



Hence, Mr. Kabir suggested that it would be prudent to campaign for obtaining international recognition for Bangladesh Genocide of 1971, like the way the UNGA recognised the European Holocaust, the Rwandan Genocide, and the Armenian Genocide. He further stated that Bangladesh can request friendly countries that condemned Bangladesh genocide in 1971 to pass a resolution in their parliaments by condemning the 1971 genocide and he believes the Ministry of Foreign Affairs (MOFA) can play a major role in this endeavour. He argued that only after completing this ground work, Bangladesh should go to the United Nations. He also observed that unlike the campaign for International Mother Language Day's recognition, Bangladesh should expect severe protest from Pakistan and her allies. He also supported the ideas given by Mr. Julian Francis and Ambassador M. Shafiullah that Bangladesh should utilise its diaspora in different parliaments of the world as well as the IPU conference to reach the foreign audiences. He further added that Bangladesh should adopt a multidimensional approach which should involve the government, the civil society and the diaspora to build a public opinion in favour of international recognition for the 1971 genocide.

Praising the efforts taken by BISS and MOFA to organise the seminar in order to achieve global recognition for 25 March as the International Genocide Day, **Ambassador Humayun A. Kamal** put forward three supplementary proposals. Firstly, according to him, Bangladesh government should prepare a 'White Paper' on the genocide that took place during the Liberation War of Bangladesh in 1971 and translate the paper into important global languages (i.e. French, German, Italian and Arabic) with which Bangladeshi diplomats stationed abroad, can start lobbying with their counterparts. Since, Bangladesh already has a strong presence in various international and regional organisations; such as the United Nations (UN), the Organisation of Islamic Countries (OIC), the Commonwealth, the Non-Aligned Movement (NAM) and the South Asian Association for Regional Cooperation (SAARC); hence it is imperative for Bangladesh to be vocal in these multilateral forums to include the agenda of 25th March as the International Genocide Day. Secondly, Mr. Kamal emphasised on identifying and developing a group of states as 'friends of Bangladesh', within the UNGA; who are sympathetic to Bangladesh's cause and went through a similar experience of genocide during their own nationalist struggle for independence. Finally, Ambassador Kamal suggested holding international seminars in the key capitals in different regions of the world where international scholars

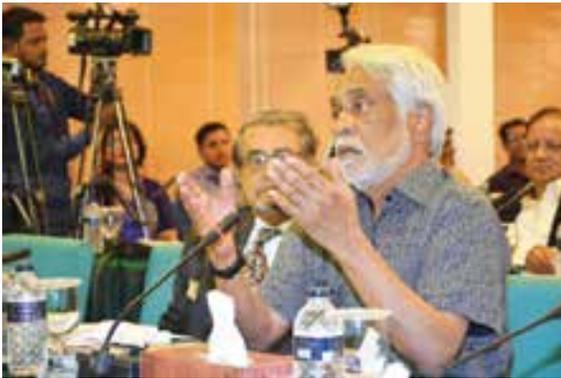


should be invited as key speakers along with Bangladeshi experts to generate international support for Bangladesh's agenda.

In his response, **Dr. Syed Anwar Husain** clarified his position regarding the Indian role in the Liberation War of Bangladesh. In his opinion, considering the smallish size of 56 thousand square miles; without Indian assistance, the liberation fighters would have been easy victims to Pakistani militaries' extermination policy.



In corroboration with Mr. Mokammel Haque's point, Professor Husain referred to one of his research work published by the Liberation War Museum titled, "Genocide in Bangladesh, 1971: Fixing Responsibility", which categorises persons responsible for the genocide of 1971.



Dr. Husain agreed with Mr. Kabir's observation regarding the difficulties that may come with shifting the International Genocide Day from 9th December to 25th March. However, he believes in endeavour to achieve international recognition; at least Bangladesh would be able to disseminate critical facts and figures relating to the genocide of 1971; which will pull the crucial international support for Bangladesh's cause.

Ambassador Ashfaqur Rahman appreciated the common sentiment of the forum to concretise the strategies to obtain international approval to get 25 March declared as the International Genocide Day. In order to do that, Mr. Rahman made two suggestions. Firstly, he made his point regarding the need for a dedicated website on Bangladesh's War of Liberation and genocide to sensitise and inform the global community, which has been largely absent in Bangladesh's strategy. Secondly, Ambassador Rahman argued the need for engaging the global youth through building a strong online presence which will facilitate an informed discourse on the matter.



Remarks by the Chair of the Working Session



Mr. Mahbub Uz Zaman

Secretary (Asia & Pacific), Ministry of Foreign Affairs

Mr. Mahbub Uz Zaman, Secretary (Asia & Pacific), Ministry of Foreign Affairs, recalling the traumatic events of the black night of 25 March 1971 and the genocide perpetrated by the Pakistani Army, stated that horrific memories of that night would be very difficult to be healed from the national psyche of Bangladesh. The people of Bangladesh are committed to ensure justice as the onward march continues and no force on earth can dishonour the sentiment of the people of Bangladesh or the spirit of the Liberation War which are the basic premises of Bangladeshi nationhood.

Mr. Zaman stated that people of Bangladesh have a collective national responsibility to ensure justice and in that regard, Bangladesh conducted trials of those who were convicted of war crimes against humanity and genocide. In that effort, the Bangladesh government has been uncompromising and unflinching in its resolve to ensure that the world gives due recognition to the massive scale of genocide perpetrated by the Pakistani Army. Hence, declaring 25 March as the Genocide Day is a part of the overall effort. He proposed that Bangladesh should enact a law similar to German Holocaust Act, preventing anyone from saying something that would impeach or cast aspersion over the facts and figures related to the Holocaust. He also mentioned that the Ministry of Foreign Affairs is already working in order to reach the global audiences and to make this continuous process more effective, the Ministry needs the assistance and cooperation of the civil society.

Mr. Zaman metaphorised 1971 by a famous quote from Charles Dickens, "...it was the best of times, it was the worst of times". The struggle for freedom was a glorious time as it was inspired by the ideals and spirit of liberation and the barbaric acts by the Pakistani Army marked the worst of times. Mr. Zaman referred Anthony Mascarenhas and stated that in Bangladesh Genocide, there was a systematic pattern of mass killings. Mr. Zaman quoted Mr. Mascarenhas's taped interview, which says:

"What struck me was the impression I got, a very hard impression, that this was a regular pattern. It wasn't somebody venting his spleen, but he had clear orders to clean up. It was

the pattern of the killing. You killed first Hindus, you killed everyone of the East Pakistan Rifles, the police, or the East Bengal Regiment you found, you killed the students, the male students, if you got a woman student you probably did something else, the teachers. . . The teachers are supposed to have been corrupted by the Hindus. It is the pattern that is most frightening. I have seen the partition riots in Delhi in 1947. That was mob frenzy. It was completely different here. This was organised killing, this is what was terrifying about it. It was not being done by mobs. It was a systematic organised thing”.

The interview encapsulated the attitude of the Pakistani occupation forces during that period.

Regarding the 1974 tripartite agreement, Mr. Zaman stated that there had been attempts to misconstrue or deviate from the original understanding of the agreement. Handing over of 195 Pakistani prisoners of war and war criminals took place based on the understanding that, the Pakistan government would hold the trial and which has never happened. Unfortunately, the Pakistani government never expressed their regret and remorse for their deeds in 1971, which Mr. Zaman believes important for normalisation of the bilateral relation between the two countries. Mr. Zaman supported the idea of submitting the claim in order to get recognition from the United Nations for the 1971 genocide. He explained the idea of genocide and argued that the Pakistani Army categorically tried to wipe out the Bengali race. Since, there are enough evidences that can be provided to back the case, Bangladesh should go ahead to submit the claim that a genocide did take place in 1971 which will be vindication of Bangladesh's effort.

Concluding Session

Remarks by the Special Guest (on skype)



International Judicial Recognition of the 1971 Bangladesh Genocide

Dr. Payam Akhavan, LL.M, SJD (Harvard)

*Professor of International Law, McGill University, Montreal, Canada
Member of the Permanent Court of Arbitration, The Hague*

Almost half a century has passed since the mass-murder of countless civilians during the 1971 War of Liberation and the question of international recognition of these unspeakable crimes remains an unrealised aspiration for the people of Bangladesh. Despite the establishment of the International Crimes Tribunal in 2009, those most responsible for these atrocities, mainly senior military and other officials of the Pakistan Government of the time, have never been held to account. On the contrary, to this day, Pakistan continues its policy of denial, failing to even recognise what are now established historical facts. In light of this reality, what are the options available to Bangladesh in ensuring international recognition of the 1971 Genocide?

Although Bangladesh became a party to the Rome Statute of the International Criminal Court (ICC) on 23 March 2010, Pakistan is not a party and is, therefore, not bound by the jurisdiction of the ICC. Furthermore, under Article 11(1) of the Rome Statute, the temporal jurisdiction of the ICC is limited to crimes committed after the entry into force of its Statute on 1 July 2002, which clearly excludes crimes committed in 1971. In addition, the question of justice is broader than war crimes trials, and includes the state responsibility of Pakistan not only to prosecute surviving perpetrators, but also to recognise the historical truth, to apologise for these crimes, and to pay compensation to the victims, as required by international law. In this regard, the best option available to Bangladesh may be to initiate proceedings against Pakistan before the International Court of Justice (ICJ).

It is ironic that it was Pakistan that first invoked the jurisdiction of the ICJ in the 11 May 1973 Trial of Pakistani Prisoners of War case against India. The objective of that case was to prevent 195 Pakistani

prisoners of war held in India from being prosecuted in Bangladesh on charges of genocide and crimes against humanity. Pakistan's dubious assertion was that under Article VI of the 1948 Genocide Convention, to which both Pakistan and India were parties, it had "exclusive jurisdiction" over charges of genocide and crimes against humanity insofar as they were committed on the territory of what was then East Pakistan. It was on this basis that Pakistan requested the ICJ to order that India immediately repatriate the 195 prisoners of war rather than handing them over to Bangladesh to stand trial. Later that year, on 28 August 1973, India and Pakistan concluded the Agreement Regarding Repatriation of Persons. Although Bangladesh was not a party to the treaty, Article IV provided that: "Bangladesh agrees that no trials of the 195 prisoners of war shall take place during the entire period of repatriation". In view of this Agreement, on 14 December 1973, Pakistan requested the ICJ to discontinue the proceedings against India.

On 9 April 1974, the Governments of Bangladesh, India, and Pakistan entered into a Tripartite Agreement in New Delhi. Paragraph 13 of the Agreement noted that:

The question of 195 Pakistani prisoners of war was discussed by the three Ministers in the context of the earnest desire of the Governments for reconciliation, peace and friendship in the sub-continent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by those prisoners of war constituted, according to the relevant provisions of the United Nations General Assembly (UNGA) resolutions and international law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defence and Foreign Affairs of the government of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed.



Furthermore, paragraph 15 provided that:

In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war might be repatriated

to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement.

The repatriation of the 195 Pakistani prisoners of war instead of their prosecution before the courts of Bangladesh did not relieve Pakistan of its obligation to bring the perpetrators to justice before its own courts, even if it opposed trials before the courts of Bangladesh. To this day, none of the repatriated 195 prisoners of war have been put on trial for these atrocities. Furthermore, Pakistan's obligations under international law may also extend to recognition of the historical truth, an apology to Bangladesh, and compensation to the victims. In this regard, the ICJ could provide a potential means for judicial enforcement of these obligations insofar as the prospect of achieving a settlement by negotiation appears remote.

Article 36 of the ICJ Statute provides two grounds for jurisdiction, which must be based on the consent of states parties to a dispute. First, Article 36(1) includes "all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force". Second, Article 36(2) provides that:

The states parties to the present Statute may at any time declare that they recognise as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

In regard to Article 36(1), the prospect of submitting the dispute to the ICJ based on a special agreement between Bangladesh and Pakistan is highly unlikely. The most relevant treaty provision providing for ICJ jurisdiction appears to be Article IX of the Genocide Convention which provides that:

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Pakistan and Bangladesh became parties to the Genocide Convention on 12 October 1957 and 05 October 1998 respectively. There are, however, three obstacles to jurisdiction on this basis. First, upon accession to the Convention in 1998, Bangladesh made a declaration to Article IX stipulating that: "For the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all parties to the dispute will be required in each case". Bangladesh would have to withdraw that declaration in order to invoke Article IX as a basis for jurisdiction. Second, in the 2015 case concerning Application of the Genocide Convention (Croatia v Serbia), the ICJ held that the obligations in the Convention do not apply retroactively such that they are applicable only to acts occurring after its entry into force in respect of the state invoking the treaty. In other words, although Pakistan ratified the Convention in 1957, because Bangladesh only acceded in 1998, it cannot invoke Pakistan's obligations retroactively in regard to acts occurring in 1971. Of course, this temporal limitation does not apply to the prohibition of genocide under customary international law in 1971, but that does not apply if the ICJ's jurisdiction is based solely on Article IX of the Convention (i.e. as treaty law rather than customary law). Third, even if temporal jurisdiction

was not an obstacle, the crime of genocide is very narrow in scope, and it does not encompass the broader categories of crimes against humanity and war crimes that are much easier to establish as a matter of proof. It may not be wise, therefore, to make the crime of genocide the only basis for ICJ jurisdiction, which would create an “all or nothing” scenario for Bangladesh.

Article 36(2) on the other hand, provides a much broader basis for ICJ jurisdiction. In particular, on 13 September 1960, Pakistan made an Optional Clause Declaration providing as follows:

The Government of Pakistan recognise as compulsory *ipso facto* and without special agreement in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

- a. The interpretation of a treaty;
- b. Any question of International law;
- c. The existence of any fact which, if established, would constitute a breach of an international obligation;
- d. The nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that the declaration shall not apply to:

- a. Disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or
- b. Disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;
- c. Disputes arising under a multilateral treaty unless
 - i. all parties to the treaty affected by the decision are also parties to the case before the Court, or
 - ii. the Government of Pakistan specially agree to jurisdiction; and provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

In order to invoke Pakistan's Declaration under Article 36(2) to initiate proceedings, Bangladesh would have to make a reciprocal Declaration, which could be with or without reservations as required. The advantage of this basis for ICJ jurisdiction is that it would not be subject to the temporal jurisdiction limitations of invoking Article IX of the Genocide Convention insofar as Pakistan's obligations to prevent and punish the crime of genocide also arise from international customary law. This approach would also avoid Pakistan's reservation in regard to “disputes arising under a multilateral treaty” since the reservation would not apply to customary law. Furthermore, this basis for jurisdiction would also encompass crimes against humanity and war crimes, as well as broader obligations and remedies that may otherwise not be available to Bangladesh under the Genocide Convention.

International recognition for the 1971 Genocide is a means of healing the wound that continues to afflict the victims of these heinous crimes and their descendants. It is a collective trauma in the historical memory of Bangladesh that requires vindication under international law. In the pursuit of justice, recourse to the ICJ may be an important option that deserves serious consideration.

Concluding Address



Mr. Anisul Huq, MP

*Honourable Minister for Law, Justice and Parliamentary Affairs
Government of the People's Republic of Bangladesh*

Hon'ble Foreign Minister,

Distinguished scholars, experts and participants,

Ladies and Gentlemen,

Good afternoon,

I would like to begin by expressing my deepest appreciation of Bangladesh Institute of International and Strategic Studies (BISS) for organising this Seminar to commemorate the genocide day in Bangladesh. With the adoption of the recent resolution in the National Parliament of Bangladesh declaring 25 March as *Gonohottya Dibosh* (Genocide Day), this commemorative event indeed is a very timely endeavour.

I would also like to take this opportunity to convey my most sincere gratitude to the near and dear ones of the victims of 1971 genocide. It is only due to the supreme sacrifice of those victims, that have achieved our long cherished freedom. Although late, today I feel relieved that we have finally been able to give formal recognition to the victims of genocide and mass atrocity crimes committed during the nine-month long Liberation War of Bangladesh, by declaring 25 March as 'Genocide Day'.

Ladies and Gentlemen,

The previous speakers and discussants including my esteemed colleague from the Cabinet have already spoken about the fateful moments of our history which began with the infamous 'Operation Searchlight' on 25 March 1971. During the entire period of armed struggle against Pakistan military, small minority of ideologically motivated local collaborators and military trained local auxiliary forces (e.g., Razakar, al-badar etc.) directly participated, supported and abetted the occupying army in committing internationally recognised war crimes including killing of three million civilians including intellectuals, women and children based on their ethnicity and religion, raping more than 300,000 women, making 10 million people refugees, and 40 million internally displaced.

The genocide committed in 1971 in Bangladesh has been regarded as one of the major genocides since the Holocaust in terms of its brutality, atrocity and heinousness. In perpetrating these crimes, the occupying army and their local collaborators did not respect the minimum norms and standards of international war laws. However, the key perpetrators of these unprecedented heinous crimes enjoyed decades of impunity remaining unaccountable until now while the victims and their families never received justice or reparations.

The patrons of those criminals responsible for genocide in 1971 were not only provided impunity, they have unfortunately made well-calibrated efforts to erase such accounts from the history of our Liberation War. The military regimes have deformed our constitution again and again to undermine the struggle and sacrifice of the mass in the 1971 War of Liberation. The perpetrators of genocide were made law makers and were put in positions of authority and power from where they could change the course of the history and turn the horrendous genocide into a forgotten chapter of our national life.

Ladies and Gentlemen,

The history of genocide and atrocities are as old as the history of war. Despite repeated efforts and commitments by the international community, shadow of mass atrocity crimes continued to loom large in different parts of the world. Unfortunately, in most cases, such atrocities have gone unpunished or forgotten. The first departure from such practice was the Nuremberg trial which was initiated by the allied forces of the Second World War for trial of Nazi leadership who planned, carried out, or otherwise participated in the Holocaust and other war crimes. The legacy created by Nuremberg trial was subsequently followed in other war ravaged countries of the world, such as, Japan, Rwanda, Cambodia, and Yugoslavia, where the perpetrators of genocides and other mass atrocity crimes were brought to justice. Bangladesh too has finally joined the legacy.



In March 2010, the Government of Prime Minister Sheikh Hasina established the International Crimes Tribunal, Bangladesh (ICT-BD) to end the culture of impunity enjoyed by the perpetrators, uphold the rule of law and brought justice to the victims and their families traumatised by their experience.

The ICT-BD, established in pursuance of the principle of complementarity recognised by the Rome Statute, has set a new paradigm in international criminal justice system by trying internationally defined

mass atrocity crimes through domestic courts under a domestic legislation. The ICT Act accommodates and adheres to relevant international standards to ensure due process and fairness of the trials and the rights of the defendants. Going beyond the scope of the Nuremberg and Tokyo trials or other international tribunals, the ICT Act, 1973 allows the verdicts of the tribunals to be appealed against at the apex court of the land.



The trials in Bangladesh provided yet another basis for recognition of genocide. For example, number of the accused criminals, such as Mr. Ali Ahsan Mujahid and Maulana Motiur Rahman Nizami had been charged for their participation in the crimes of genocide in 1971. The Tribunals as well the Appellate Division, has examined the crime of genocide in the light of international law and delivered verdict on that basis. Mr. Ali Ahsan Mujahid, for instance was found guilty for abetting the crime of genocide against a group of intellectuals during the Liberation War.

The ICT-BD has thus provided a strong legal perspective to the crimes of genocide committed in Bangladesh. It is interesting to note that the 'critics' of ICT-BD whom I would rather call 'detractors', have never denied the fact that Bangladesh indeed experienced 'genocide' during the 1971 Liberation War. Their criticism was confined into the trial process.

Ladies and Gentlemen,

There is no denying that the 'Operation Searchlight' launched by Pakistan military on 25 March 1971 targeting the innocent civilians in selected areas of the city clearly had genocidal intent. The famous 'Blood Telegram' sent by the then US Consul to the State Department used the word 'selective genocide'.

The same term was used by Anthony Mascarenhas in the heading of his report published in the Sunday Times. In the recent time, Professor Gary J. Bass in his award winning book, "The Blood Telegram: Nixon, Kissinger and a Forgotten Genocide" published in 2013 has revived issue of 1971 genocide in the international literature once again.

Such literary discourse along with the legal basis provided by International Crimes Tribunal surely puts us in a stronger footing today. I would like to request the civil society and academia to devote more into

the historical evidences to counter the ill-motivated narratives of the detractors who want to question the facts after all these years.

Now that the parliament has declared 25 March as Genocide Day, we should strengthen our common efforts both nationally and internationally so that the history is not distorted again.

Bangladesh is a state party to the 1948 International Convention on the Prevention and Punishment of the Crime of Genocide and as a member of the United Nations also observes the 'International Day of Commemoration and Dignity of the Victims of the Crimes of Genocide' on 09 December. The observance of National 'Genocide Day' on 25 March would now offer a unique opportunity to the people of Bangladesh to resonate with international efforts to end the atrocious crime of genocide.



Before I end, I would once again express my deepest honour to the victims of 1971 genocide and call upon everyone present here to put their best efforts to prevent this heinous crime at any cost.

Let us vow to prevent genocide anywhere, anytime.

I thank you all.

Suggestions from the Seminar

In light of the deliberations and discussions in the previous sessions, the Seminar made the following suggestions:

- There is a need for a dedicated website on Bangladesh's War of Liberation and genocide to sensitise and inform the global community.
- The global youth should be engaged through building a strong online presence which will facilitate an informed discussion on 1971 genocide.
- Bangladesh government should prepare a White Paper on 1971 genocide and translate the Paper into important global languages for dissemination through diplomatic missions.
- The existing strong presence in the multilateral and regional forums can be utilised in order to achieve international recognition for 25 March as the International Genocide Day.
- Within the United Nations General Assembly (UNGA), Bangladesh government needs to identify and develop a group of states as 'Friends of Bangladesh'; who are sympathetic to Bangladesh's cause and went through a similar experience of genocide during their own nationalist struggle for independence.
- International seminars can be organised in some of the key capitals in different regions of the world. International scholars and experts should be invited as key speakers along with Bangladeshi experts to generate international support.
- Bangladesh can request friendly countries to adopt resolution in their respective parliaments in condemnation of the 1971 genocide.
- The forthcoming Inter-Parliamentary Union (IPU) conference 2017 in Dhaka can be a good platform to engage the international community with the issue of the 1971 genocide.

Prepared by:

Dr. Shaheen Afroze (Research Director)
ASM Tarek Hassan Semul (Research Officer)
Md. Nazmul Islam (Research Officer)
Sultana Jareen (Research Officer)
Roksana Islam Sujana (Research Officer)
Labib Murshed (Intern)

The Bangladesh Institute of International and Strategic Studies (BISS) is a statutory institution established in 1978 under the administrative control of the Ministry of Foreign Affairs, Government of Bangladesh, for undertaking and promoting research and deliberation on international affairs, security and developmental issues.

The priority areas of the Institute's research activities are: foreign policy, security and strategic issues with specific relevance for Bangladesh; regional, inter-regional and international cooperation, sustainable development with focus on resource management and environmental issues; conflict studies, peace keeping, disarmament, non-proliferation and area studies.

Contemporary issues of South Asian politics, security and development are the focus of research activities of the Institute. Ethno-religious issues, regional and sub-regional cooperation, globalisation and environmental issues are of special research interests. Problems of institutionalisation of democracy, economic liberalisation, trade and investment links, challenges of governance and strengthening the civil society receive significant scholarly attention.

The general guidance and superintendence of the Institute affairs are vested upon the Board of Governors, headed by a Chairman and consisting of representatives of ministries, armed forces, academics and professionals. The Director General is the Member-Secretary of the Board and Chief Executive of the Institute. The main activities of the Institute are carried out by the Research Faculty consisting of a team of full-time researchers with varied social sciences background.



Bangladesh Institute of International and Strategic Studies (BISS)

1/46, Old Elephant Road, Eskaton, Dhaka-1000