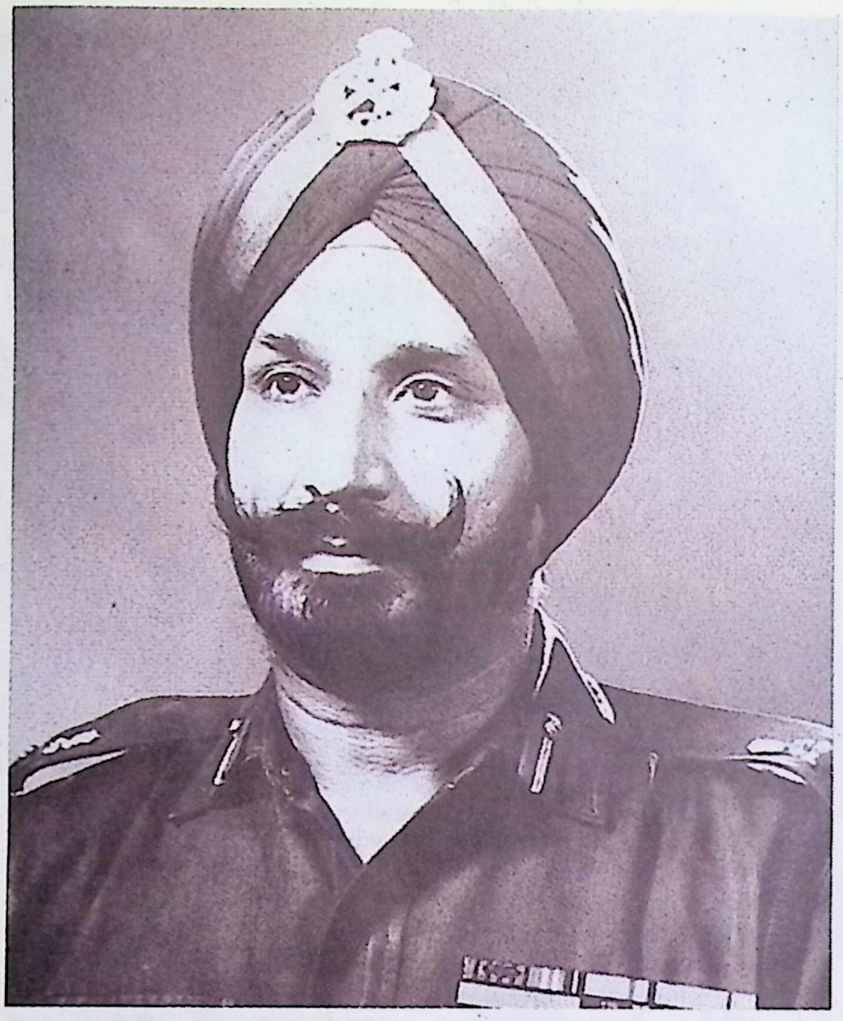
INA soldiers were patriots and heroes. There was a rare unity of views between the Congress and the Muslim League on the joint court martial of INA commanders Shahnawaz, Sehgal and Dhillon at the Red Fort. All three were found guilty, but the sentence of deportation for life was never carried out. In the waning phase of the Raj, such a sentence was neither feasible nor politic. Many believe that the INA trials, and its political effects, contributed significantly to a shift in British colonial policy in respect of India.

War crimes trials for massive human rights abuses during the Liberation War in 1971 are not simply an academic or emotive issue for Bangladesh. The secretary general of Amnesty International, during her last visit to Bangladesh, expressed the view, in course of a talk, that such trials would be a vindication of human rights. The foreign affairs adviser, in a meeting with the UN secretary general earlier this year, broached the subject of war crimes trials.

On December 16, 1971, the Pakistan Eastern Command surrendered unconditionally to Lt. Gen. J.S. Arora (right), the GOC of the joint Indian and Bangladesh forces in the Eastern theatre. Of the 93,000 Pakistani POWs, following thorough investigation, 195 were identified for trial on charges of war crimes and crimes against humanity. The India-Pakistan Agreement of August 28, 1973, which addressed the humanitarian issue of repatriation of POWs, civilian internees and stranded persons, provided for the question of the 195 POWs to be discussed and settled at a tripartite meeting between Bangladesh, India and Pakistan. A foreign minister level tripartite agreement between India, Bangladesh and Pakistan was concluded on April 9, 1974.

The salient points of the agreement were:



(1) The Bangladesh foreign minister affirmed that the "excesses and manifold crimes" committed by the 195 POWs constituted "war crimes, crimes against humanity and genocide," that there was universal consensus for persons charged with such crimes to "be held to account and subjected to the due process of law."

(2) The Pakistani foreign minister said that his government "condemned and deeply regretted any crimes that may have been committed."

(3) The ministers noted that the prime minister of Pakistan had accepted an invitation to visit Bangladesh, and had declared that he would "appeal to the people of Bangladesh to forgive and forget the mistakes of the past, in order to promote reconciliation."

(4) The ministers recalled the declaration of the prime minister of Bangladesh that "he wanted the people to ... make a fresh start ... that the people of Bangladesh knew how to forgive."

(5) In the context of the foregoing, in particular the appeal of the prime minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Bangladesh foreign minister conveyed the decision of his government "not to proceed with the trials as an act of clemency." It was agreed that the 195 POWs could be repatriated to Pakistan with other POWs who were being repatriated under the Delhi Agreement.

(6) The ministers reaffirmed that the people of the three countries