

# Crimes against humanity that were never addressed



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**O**N 25th March, 1971 when the Pakistan army attacked the sleeping city of Dhaka, its suburb and the country, I, then 22, stood behind a barricade at Tejgaon, trying to defend my motherland. I was almost mute and motionless while the rumbling tanks ploughed through the city. I could hear moans of dying people shattering the starry night; I could see thousands of people falling on streets, alleys and dorms like boards facing the tempest.

The next two nights, I was almost paralyzed imagining plight of people eaten up by devil's fire. I could see love, beauty and all dreams fallen to dust. On 27th March, I personally witnessed the horrendous atrocities. Throughout the nine months of the liberation war of Bangladesh, civilians became prey of a brutal army and their collaborators. They were killed and tortured and thus were put in an iron cage; the whole country became a prison.

The war that was initiated by the Pakistani army in the soil of Bangladesh in 1971 was not a civil war; it was a preplanned act of genocide. There may be debate regarding the definition of genocide. But there is no doubt that nearly 1.8 million people were eliminated during the war of 1971. Three million was the official figure of death. At that time, nearly 10 million people were displaced due to the preplanned pogrom conducted by the Pakistani army and their collaborators. There were many incidents of enforced disappearance and violence on women.

Unfortunately, the perpetrators of these gruesome war crimes, genocide and crime against humanity have not been brought to book.

More unfortunate and regrettable is that the perpetrator Pakistani army and their ally could successfully bury that act of horrendous crimes for sometime. They portrayed those events as matter of internal conflicts, civil war, rightful reprisal actions, 'little bit excess in brotherly quarrels' etc. As a result the hue and cry about the atrocities raised by the human rights activists in 1971 died in the vicious political row and ugly interna-

tional diplomacy. Following that, the brutal episode of preplanned pogrom and violence against women got lost in the layers of dark chapter of history of the civilization.

Those victims of crimes against humanity ultimately failed to register their pain, grievances and serious allegations in the right place. Hundreds of raped women had to accept a wretched life under boots of perpetrators.

In essence, it was the failure of whole international community, claimed to be torchbearer of humanity, who could not prevent that gruesome genocide and crimes against humanity in 1971 and again failed to answer the call to register those past crimes.

Again and again, they have succumbed to the perilous strife to protect human dignity for which the human race struggled for centuries.

Those who wrote the fundamental laws of human rights, failed to address the issue rightfully and say unequivocally that IHRL is applicable in times of armed conflict, whether international or non-international. International conflicts are wars involving two or more states, and wars of liberation, regardless of whether a declaration of war has been made or whether the parties involved recognize that there is a state of war. Non-international armed conflicts are those in which government forces are fighting against armed insurgents, or rebel groups are fighting among themselves. Because IHRL deals with an exceptional situation armed conflict, no derogations whatsoever from its provisions are permitted. In principle, IHRL applies at all times, i.e. both in peacetime and in situations of armed conflict. ... Certain human rights are never derogated. Among them are the right to life, prohibition of torture or cruel, inhuman or degrading treatment or punishment, prohibition of slavery and servitude and the prohibition of retroactive criminal laws.

Victims had to walk in head bowed position. In the heart of the heart they were like withered leaves, fallen on ground, lifeless everyone could walk on them. Self-pity and self-persecution have haunted all of them. They do not clearly understand why

out of all they had been targeted; what was their fault? Common people do not understand why some pay the price of freedom. Nobody understands the tragedy that extinguished the free air of life. They only understand that they are in an endless abyss.

Stories of sexual violence in Rwanda, Bosnia or Bangladesh are almost same. Susan Brownmiller likened the 1971 events in Bangladesh to the Japanese rapes in Nanjing and German rapes in Russia during World War II. "... 200,000, 300,000 or possibly 400,000 women (three sets of statistics have been variously quoted) were raped. Eighty percent of the raped women were Moslems, reflecting the population of Bangladesh, but Hindu and Christian women were not exempt. ...Hit-and-run rape of large numbers of Bengali women was brutally simple in terms of logistics as the Pakistani regulars swept through and occupied the tiny, populous land.

The Bangladesh Documents published by the Indian Foreign Ministry reveals that from March till August 1971, a total of 6971,000 Hindus reg-

istered as refugees in India. Families that went to India after April had suffered at the hands of the Pakistan Army and their local collaborators.

It is necessary to mention here that most of the villages in different districts in Bangladesh witnessed widespread rape and torture. The shocking stories of rape in Barguna jail spread by word of mouth throughout the district. Raiding houses in Jhalokati town and the villages in the district and the extensive guava gardens where many were hiding, in order to pick up women and rape them was a regular activity of the Pakistan Army in 1971.

In Greater Faridpur, the Pakistanis ravaged even far-flung villages and then terrorized the women. The stadium was turned into a center for persecuting women. It is of course true that after thirty years information may become distorted. On the other hand, it is also easy for information to disappear with the lapse of time.

The genocide campaign of the Pakistani force and their collaborators spread to the remote villages as well. They killed the innocent villagers who were not at all associated with the war. Rajihar of Agailjhara thana of the riverine Barisal district is one such village, far away from the capital, which bears the brunt of Pakistan atrocities. Nine family members of Kamalini Halder were butchered mercilessly.

Bipul Halder is one of a shaheed family whose seven members were all killed together in this village in 1971. He said, "In 1971 I was home when Pak army seized and took away nine of my family members. They were taken away before my eyes. I heard two loud gunshots after they were taken away."

Pak troops captured Barguna town on 14 May of 1971. On that day the Pak army entered the town and detaining chairman Siddiqui Rahman of Sadar, sent him to Patuakhali. On 15 May they launched mass killing on the bank of the Bishkhali river. The mass killing in Barguna was undertaken under the leadership of DMLA Major Nader Pervez and Captain Shafayet. The two largest mass killings in Barguna were carried out on 29 and 30 May.

On 28 May DMLA Major Nader Pervez came to Barguna. At his orders Pak army carried out the cruelest and most barbaric jail killings on 29 and 30 May. That day when the first bells sounded for classes in Barguna Zilla School the town of Barguna shook up at the sound of shootings in the jail.

People wherever they were in the streets and around suddenly stopped, calling out "Allah! Allah!" The raiders left after shooting quite a number of times like this.

After the terrified screams and death moans faded away, people of the Peace Committee came and buried the people half-dead from gunshots in the mass grave dug on the southwestern side of the jail. That way on the first day 55 persons, and next day 36 persons were shot dead.

In 1971, approximately 34 counts of major type war crimes, genocide and crimes against humanity were conducted by the Pakistan Army and their collaborators. Of them, 17 were war crimes, 13 were crimes against humanity. They got involved in four counts of genocide, which were never addressed.

Crimes against humanity that could be accounted were crimes against humanity of (murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, severe deprivation of physical liberty, torture, rape, sexual slavery, enforced prostitution, sexual violence, persecution, enforced disappearance of persons, other inhumane acts) etc.

Today, those are drawing attention of the international community. Virtually there is no time limit regarding trial of those crimes. In this context, the perpetrator and their ally again may try to draw a veil over those events of crimes; denial would be another response from their end. Seeking unconditional amnesty and demand for sort of national amnesia would be other ironical option. But can the nation forget that past and offer an amnesty without a trial?

"The Nuremberg Declaration" passed on June 2008, has endorsed that "the most serious crimes of concern to the international community, notably genocide, war crimes, and crimes against humanity, must not go unpunished and their effective prosecution must be ensured.... Each State has the primary responsibility to protect its population from these crimes. This responsibility entails the prevention, investigation and prosecution of such crimes."

The entire nation is longing to witness the trial and transitions to be realized. People must sense a relief and the world should know the truth of the matter.

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