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AS soon as the trial of war criminals began, questions were raised from different quarters as to how and why the 195 Pakistani soldiers were released in 1974 without any trial. It has also been argued that those 195 Pakistanis were the main war criminals and their release questions the merit of the current trial process.[1]

This article investigates the news reports that were published in international media from December 16, 1971 to April 15, 1974 to understand how and why those 195 Pakistanis were accused and released. It also explores the avenues the post-1971 Bangladesh government pursued to put Pakistani and local war criminals on trial.

To remain true to the fact, the article mostly cites news reports and avoids opinion pieces. Also, to remain consistent, the article mainly cites the *New York Times*, though similar news was published in other newspapers.

Relocation of POWs to India

Saving the Pakistani soldiers from the resentment of the Bangladeshis, who endured the most horrific genocide of that time,[2] became a major challenge once Pakistan's defeat was imminent. Though it was argued that "given a few more months the Bangladesh guerrillas might well have won on their own,"[3] India's direct involvement not only reduced Bangladesh's sufferings, but also came as a saviour for the failing Pakistanis. India being a signatory of the Geneva Convention had an obligation to treat the Pakistani POWs lawfully.

Hence, in the second week of December, Lt. Gen. A.A.K. Niazi sent a request to the Indian high command for ceasefire. On December 15, 1971 Gen. Sam Manekshaw, Indian chief of staff, rejected Niazi's call and asked him to surrender by the next day. He however assured that safety of Pakistan's military and para-military forces would be guaranteed.[4]

When the Pakistani force made the rare public surrender to the Joint Command of India and Bangladesh on December 16, 1971, the "Instrument of Surrender" particularly highlighted this issue:

Lieutenant-General Jagjit Singh Aurora gives a solemn assurance that personnel who surrender will be treated with dignity and respect that soldiers are entitled to in accordance with the provisions of the Geneva Convention and guarantees the safety and well-being of all Pakistan military and para-military forces who surrender.[5]

Hence, when sporadic post-war clashes erupted in different parts of Bangladesh, India became concerned about the safety of the 90,000 POWs. Indian Maj. Gen. Dalbir Singh, who accepted the surrender of some 8,000 Pakistanis in Khulna, mentioned that their main concern at that time was to move the POWs to Indian camps and withdrawal of Indian troops. He also added that, since the collaborators were not covered by the Geneva Convention on POWs, "they will be the responsibility of the Bangladesh government."[6]