Trial of War Criminals

On December 24, 1971, Bangladesh's Home Minister A.H.M. Kamaruzzaman announced that Bengali authorities had already arrested 30 top Pakistani civilian officials and would soon put them on trial for genocide.

On December 26, widows of seven Bangladeshi officers killed by the Pakistanis asked India to help Bangladesh try the Pakistani soldiers for their crimes. In response, Indian envoy Durga Prasad Dhar, with an apparent reluctance, said: "India is examining its responsibilities [towards the POWs] under international law."[7]

The leader of the liberation movement Sheikh Mujibur Rahman -- soon after his return from captivity -- initiated a formal process of war crimes trial.

On March 29, 1972, Bangladesh government announced a formal plan to try some 1,100 Pakistani military prisoners -- including A.A.K. Niazi and Rao Forman Ali Khan -- for war crimes.[8]

Pakistan government even placed a bounty of 1,000 rupees on each Bangladeshi seized while trying to leave Pakistan.

The government offered a two-tier trial process -- national and international jurists for some major war criminals (probably for the high command of Pakistan army); and all-Bangladeshi court for the rest of the war criminals.[9]

Initially, India agreed to hand over all military prisoners against whom Bangladesh presented "prima facie cases" (essentially, presenting evidence) of atrocities.[10]

On June 14, 1972, India agreed to initially deliver 150 POWs, including Niazi against whom Bangladesh gathered evidence of atrocities, to Bangladesh for the trial.[11]

On June 19, 1972 -- ten days before the meeting between Zulfikar Ali Bhutto and Indira Gandhi -- Sheikh Mujibur Rahman reaffirmed his commitment to try the Pakistanis.

It is important to note here that, contrary to popular belief, the India-Pakistan Simla Agreement signed on July 3, 1972 had nothing to do with the Pakistani POWs that Bangladesh wanted to prosecute.[12]

Pakistan Takes Bangladeshis Hostage

Many of the 400,000 Bangladeshis who lived in West Pakistan essentially became hostages at the hands of Pakistan government, who wanted to use them as bargaining chips to free the accused Pakistani war criminals. 16,000 Bangladeshi civil servants were discharged from Pakistan and were barred from leaving the country. Bangladesh alleged that many of its army officers were put in "concentration camps."[13]

The International Rescue Committee (IRC) also reported that many Bangladeshis were arrested in Pakistan just for their "alleged intent to leave Pakistan," and thousands were jailed without any charge. It also reported that the civilian Bangladeshis in Pakistan were facing serious discrimination and harassment and were being treated as "niggers."[14]

Facing widespread torture, hundreds of Bangladeshis began to escape Pakistan through the inaccessible "lawless tribal territory of Afghanistan."[15] However, Pakistan government even placed a bounty of 1,000 rupees on each Bangladeshi seized while trying to leave Pakistan.[16]

The China Card

In a press conference on August 10, 1972, Bhutto said that Bangladesh believed "it had a kind of veto over the release of our prisoners," but "there is a veto in our hands also."[17] Later on he confirmed that Pakistan had formally requested China to use its veto power to bar Bangladesh from becoming a member of the United Nations.[18]

Bhutto knew how critical it was for the war-torn Bangladesh to get the membership of United Nations and he used his friendship with China over this. When Bangladesh applied to the United Nations, China cast its veto on August 25, 1972 for the first time in the Security Council to bar Bangladesh's membership.[19] Bangladesh was refused United Nations membership for wanting to try the war criminals.