On Trial: War Crimes 1971


BBC NEWS

Dr. MA Hasan, a freedom fighter, researcher on the war crimes of 1971 and Convenor of the War Crimes Facts Finding Committee, Bangladesh, talks to ***Kajalie Shehreen Islam*** *about breaking the culture of silence and impunity in order to establish justice.*

How do you view the delay in justice for the war crimes committed in 1971?

Approximately 53 counts of war crimes, genocide and crimes against humanity were committed by the Pakistan Army and its collaborators in 1971. It is very unfortunate that we could not try the perpetrators. It is not a question of vengeance but of restoring the dignity of the nation. The trial is not about punishing a few people for ordinary crimes. These are war crimes, international crimes, crimes against humanity. We must break this culture of impunity in two ways -- through a formal trial through the International Crimes Tribunal Act and through a system of transitional justice.

What do you consider to be the problems with the tribunal as it now stands?

There is an ambiguity in laws and in the rules of procedure which will weaken the cases when they go to court. The investigation and prosecution teams know the law but not how to apply it, how to construct the cases, etc. I have suggested that they should hold mock trials in order to identify the flaws.

How do you respond to the claim that the war crimes trial is politically motivated?

We are not going for political persecution, but it appears that way to people. Only a few members of Jamaat have been arrested and on different charges. But I myself have given them a list of 19 war criminals from different political parties and almost 5,000 pages of documented evidence. Why are they not forming more definitive charges?

What are your suggestions for an effective tribunal?

Tribunals should be formed in every district. Skilled investigators must be employed. Also, the crimes committed by the Pakistanis should be recorded too, otherwise they will claim not to have done anything and this will re-establish impunity. Prosecutors should be properly trained and linked to experts in other countries; they must study the case files of Bosnia, Rwanda, Cambodia.

There should be cameras at the trial, people should watch it. In South Africa, the whole country watched every day the activities of the Truth and Reconciliation Commission -- the confessions, the descriptions. People's hearts went out to the victims; they felt the grief, the pain, the price of liberation.

Do you question the government's commitment to the issue?

I don't find the government very serious. It is saying that it will complete the trial within its tenure but two years have already passed. They may not be able to finish it but they should at least begin; they should at least try to form the charges. If necessary, they can take help from international bodies and experts. Also, there must be a congenial atmosphere for an effective trial and true reconciliation to take place. If there is political instability, if people have grievances regarding shortage of electricity, price spirals, etc., this will not be a major issue on their agenda. This must be made a major issue by bringing other conflicts to the lowest level.

How do you remember 1971?

There were dead bodies littered everywhere, with signs of torture and molestation. My brother was killed; we found his body after six days when the vultures were eating his flesh. I remember a woman who had been violated for nine months and, at the end of it, her legs were amputated. I see mothers even now waiting for their sons to return because no one told them that they are dead. Some of the crimes committed are "unspeakable truths". But they must be talked about, people must know -- through stories, photographs, the media -- what happened, so that it is never repeated. Unless we break the wall of silence, we will fail in our efforts to establish justice.