

Method in Madness

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as "Operation Searchlight" reflected that attitude. In the plan among the targets, mention has been made of "extremists amongst teaching staff, cultural organizations". Tasks included such missions as, "Dacca University will have to be occupied and searched." As a result the killing spree in the Kalratri targeted annihilation of intellectuals like Professor G. C. Dev, Jyotirmoy Guha Thakurta, Dr. Moniruzzaman and others. But the most brutal and well-organised killing of intellectuals was organised on 14 December, 1971 just hours before the surrender of the Pak Army. The intellectuals were picked up from their home, taken blindfolded to Mohammadpur Physical Training Centre, brutally tortured and subsequently killed and dumped at the Rayer Bazar brickfield in the most barbaric way. Such brutality is difficult to understand but need to be studied deeply.

Daniel Jonah Goldhagen in his book,

individual role. In case of those not ordered from above he found group performance and individual initiative. Such analysis can be of help to us to understand the killing of intellectuals and the 'excess cruelty' as component of the operation.

International Crimes Tribunal of Bangladesh, while adjudicating the cases of individuals accused of crimes of genocide and crimes against humanity, has to deal with the killing of the intellectuals in multiplicity of cases. The observations and verdict in different cases can be studied together to get better understanding of the killing of intellectuals. In the case of Chief Prosecutor vs. Ali Ahsan Mujahid the Tribunal took cognizance of intellectual killing not as 'Murder' but as 'Extermination'. It referred to ICTR Appeal Chamber verdict that, "The Trial Chamber followed Akayesu Trial Judgement in defining extermination as a crime which by its very nature is directed against a group of individuals. Extermination

reflect the intent to destroy a part of the national group which can be categorised as genocidal crime.

Another interesting development in the aforementioned case is the incorporation of the concept of Joint Criminal Enterprise (JCE) which is a later development in the International Criminal Law, not to be found in the statute. It has not been categorised in the statute of Bangladesh Act, nor could this be found in ICTY or ICTR statute but evolved through judicial pronouncements. On the basis of such observation the Tribunal noted that, "Intellectuals' killing was a part of calculated policy. Commission of killing targeting specific class of national groups perceivably was the outcome of common plan and purpose of the perpetrators. Inherent nature and extent of killing and the class of victims belonged to suggest to conclude that the crimes were perpetrated by a collective enterprise or group i.e. Al-Bader."

two bayonet wounds, one through the eye and one in the stomach, and two bullet wounds."

The brutally murdered woman was Selina Parveen and the lone survivor Delwar Hossain became a star witness for the prosecution in ICT-BD after more than 40 years. The Tribunal noted the final hours in Selina Parveen's life and observed: "Selina Parveen begged for her life, appealed to spare her as she had a kid and there was none to take care of him excepting her. But the brutal killers did not spare her. She was instantly killed by charging bayonet. What an impious butchery! What a sacrilegious butchery! What a shame for human civilization! This indescribable brutality shocks human conscience indeed."

Excess cruelty was so shocking that the Tribunal could not contain itself to the legality of language but in their use of words reflected the humanity against whom the crimes have been committed and on behalf



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"Worse than War" has identified the phenomenon of "excess cruelty" in the acts of extermination. Such barbarity is not necessary to kill a person but has become a common feature in the acts of elimination. He highlighted the importance of studying cruelty and wrote, "In eliminationist and exterminationist assaults, 'excess cruelty' is commonplace and it varies widely from one eliminationist assault to the next. Both these aspects, and their sources, are significant and need to be explored if we are to understand our times' mass murders and eliminations."

In his effort to understand the phenomenon he further wrote, "There are different kinds of 'excess cruelty'. A two-dimensional matrix, with one dimension being whether the cruelty is ordered from above and the other being whether it is individually or collectively performed, specifies four kinds of excess cruelty." In case of ordered from above he identified both collective and

differs from murder in that it requires an element of mass destruction, which is not required for murder." Interestingly ICT-BD noted, "It is now settled that in order to give practical meaning to the offence of 'extermination', as distinct from 'murder', there must in fact be a large number of killings, and the attack must be directed against a 'group'. In the case in hand it has been proved that the large number of killing under charge No.6 was aimed to annihilate the 'Bengali intellectual group', a part of the national group."

ICT-BD in its various judgments has elaborated legal concepts based on the fundamentals of law and the context of the crime. The Tribunal rightly considered the intellectuals as part of the 'national group'. This recognises destruction of the nation as the aim of the perpetrators and helps to understand broader context of the crimes. Such exterminationist acts fall under the category of crimes against humanity but also

While in the case of Ali Ahsan Muhammad Mujahid the organisational structure of Al-Badr and its operational planning was addressed in detail in the case of Chief Prosecutor vs Ashrafuzzaman Khan and Chowdhury Mueen Uddin the horrific accounts of torture and killing came to the limelight. A team from International Commission of Jurists visited Bangladesh in early 1972 and published a report where the intellectuals' killing was also highlighted. The report titled "The Events of East Pakistan 1971: A Legal Study" narrated the case of the woman journalist brutally murdered. The report noted that, "The victims were taken in trucks to a deserted brickyard near Mohammadpur. The only survivor, who managed to loosen the rope with which he was tied and escaped, has described how the prisoners were tortured before being taken to be shot. The victims included women, one of whom was an editor who was found with

of whom judgment has been delivered. As the Tribunal is adjudicating the cases of intellectuals' killing the judicial process has proclaimed the victory of justice over horrendous criminality. The nation after a long and lonely struggle has achieved the end of impunity for the perpetrators of genocide. Time has arrived to take a deeper and broader look on the acts of genocide, the role of ideology and the Joint Criminal Enterprise where many individuals joined the bandwagon with their complicity, abetment and incitement. Humanity had to learn its lesson to say no to genocide, to proclaim 'Never Again'. The killing of intellectuals may be an act of madness, but there is a method in such brutality which needs to be exposed and condemned to learn lessons from the past and to build a better future for all.

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