

AWAKENING

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Journal 47 Views:



Dedicated to the memory of the 3 million martyrs who sacrificed their lives in 1971
for the freedom of Bangladesh

Oil Painting: Quamrul Hassan

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Bangladesh can heal from the 1971 war

Pritilata Devi and Ansar Ahmed Ullah*

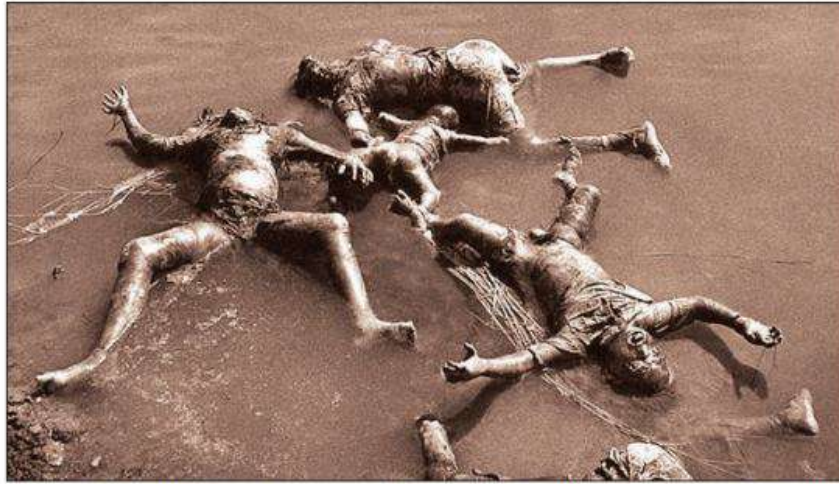
In the darkest hours of 1971, Bangladesh, newly formed, faced horrific violence perpetrated by the Pakistan army. Bangladesh, a newly proclaimed independent country, was unfortunately not free because it was occupied by Pakistan. The Pakistani army was joined by its local agents, who were labelled collaborators. So started a nine-month-long guerrilla war to liberate Bangladesh. This would become an inflection point of the Cold War era.

This ordeal went beyond typical warfare. A genocide on the ethnic Bengalis took place. This left deep scars on the Bengali people. This article examines the documented war crimes of that time. The violence didn't just occur on battlefields. It affected all aspects of Bengali life, with innocent civilians, especially women, falling prey to Pakistan's crackdown.

The shockwave

Bangladesh's liberation war started in March of 1971. From the end of March, the Pakistani military targeted university campuses across Bangladesh, turning them into killing fields. Violence also hit impoverished neighbourhoods, like Dhaka's old town, where homes were demolished by the army. The army soon faced a Bengali guerrilla resistance.

The violence accelerated, with widespread killings, arson and sexual violence against Bengali women. Over 250,000 women were raped. This turned out to be a 270-day war. And its toll on the Bengali people was staggering. Daily, 11,538 were killed, 1,153 women were raped or tortured and 38,000 became refugees in India.



Dead bodies of Bangalee victims of Pakistan's brutality are seen in this undated photo of 1971. Not even an infant could escape this viciousness

Courtesy: Raghu Rai / Magnum Photos

The war destroyed Bangladesh's infrastructure, hindering its growth. Communication networks, financial institutions and essential services were destroyed to prevent resurgence. The war culminated in the collective killing of Bengali thought-leaders, crippling the nation's intellectual

base.

The half done

After the war, Bangladesh sought justice through special tribunals. In 1972, a presidential decree, the Collaborators (Special Tribunals) Order, was sanctioned to prosecute local war criminals.

Additionally, the country's new constitution was amended to speed up trials for war crimes.¹

In 1973, the International Crimes (Tribunals) Act was introduced, to prosecute Pakistani war criminals. Bangladesh introduced a dual-tier system for trials, which would assign national and international jurists to handle high-profile cases. Parallely, a panel of only Bangladeshi jurists would deal with the remaining cases. About 2,884 case verdicts were given under this law till October 1973. In 1973, a general amnesty was declared, backed by political complexities.² However, the pardon did not extend to the prisoners charged with wartime murder, rape or arson.

Following the assassination of the popular head of government Sheikh Mujibur Rahman, the Bangabandhu, in 1975 a fresh presidential decree suspended the war crime trial process. Shortly after, the law itself was revoked.³ This repeal gave legal immunity to collaborators who had aided Pakistanis to commit war crimes. This was a travesty of justice.

This regressive step fuelled frustration in Bangladesh, derailing national reconciliation.

The pursuit of justice

The quest for justice for Bangladesh's liberation wartime atrocities has remained incomplete since 1975. In the 1990s Bangladesh saw a reawakening, led by rights activist Jahanara Imam (popularly known as 'mother of martyrs') and politically supported by the then-liberal opposition leader Sheikh Hasina.

This sparked a movement to hold the war crime perpetrators accountable. Since the government of the time was not supportive of the cause, the activists had to get creative. They held a symbolic public trial against the infamous perpetrator Golam Azam, known for wartime atrocities. This was the public's demand for official legal action.

Fast-forward to Bangladeshi politics of 2008, election season. As part of the campaign, the liberal-progressive political coalition led by the Awami League party incorporated war crime trials into their pledge. This energised the country's activist and liberal base. It laid the groundwork for the soon-to-be International Crimes Tribunal. The Awami League won the election.

In 2009, the new liberal government decided to prosecute war criminals under the 1973 International Crimes (Tribunals) Act. The strategy was to update the law to meet 21st century standards. For this, the law was reviewed by an independent Law Commission, which included legal experts.

Following its recommendations, Bangladesh's Parliament amended the law, in July 2009. These amendments made it possible to try political groups that had opposed Bangladesh's liberation. It also enabled the government to appeal acquittals. The International Bar Association, the prestigious platform of law professionals, recognised that the whole war crime trial legislation of 2009 met international standards. It was a litmus test for justice-seekers.

Meanwhile, the right-wing political camp of genocide-denial Islamists (the Jamaat-e-Islami party) and the conservative Bangladesh Nationalist Party opposed the trial system. Unsurprisingly, many of those accused of war crimes were high-ranking politicians from these parties.

Lessons from the world

The Nuremberg Trials, conducted post-World War II by the Allied powers, were instrumental in shaping international justice. These trials not only convicted Nazi leaders but also documented and redefined their atrocities as 'crimes against humanity.'

Inspired by this precedent, the International Crimes Tribunal in Bangladesh expanded the definition to include rape and forced religious conversion. It adopted capital punishment for severe war crimes. There were criticisms and controversies regarding the war crime trials. However, Bangladesh remained committed to justice, successfully prosecuting the perpetrators of the 1971 war crimes. By addressing



July 7, 2021, human chain in front of the European Headquarters of the United Nations in Geneva, in collaboration with the 'Forum for Secular Bangladesh' (Nirmul Committee), the All European chapter of the Forum and the Switzerland chapter of the Forum demanding international recognition of the Bangladesh genocide of 1971 and the repatriation of the Rohingya refugees to Myanmar who took refuge in Bangladesh

File photo



On December 08, 2022, All European chapter of 'Forum for Secular Bangladesh and Trial of War Criminals of 1971' organized a human chain in front of the European Commission, Brussels, Belgium, demanding International Recognition of Bangladesh Genocide of 1971 and resisting ongoing Rohingya Genocide in Myanmar, Afghanistan and other parts of the world. Presided over by Justice Shamsuddin Chowdhury Manik, President of the 'South Asian People's Conference against Fundamentalism and Communalism', the human chain was attended by former MEP Frank Schwalbe-Hoth from Germany; General Secretary of the World Sindhi Congress of the United Kingdom, Human Rights Defender Dr. Lakumal Luhana; Author Filmmaker Ferhat Atik, President of the 21st Century Forum for Humanity Turkey; Executive President of the Baloch Human Rights Council, UK human rights leader Writer Dr. Nasir Dashti; President of Poland's Never Again, Sociologist Dr. Rafael Pankowski; Member of Poland's Never Again, Human Rights Defender Natalia Sineaeva-Pankowska; Afghan human rights activist Arya Sooriya exiled in Germany; Belgian Human Rights Defender Andy Vermaut; Uzbekistan's Human Rights Defender Bekjodjon Yulchiev; Uzbekistan's Human Rights Defender Fayzullo Nematov; Burundi's Social Worker Amissa Ntakirutimana; Rwandan Human Rights Defender Andrew Rubanzangabo; Human Rights Activist Asif Munier Tonmoy, President of Projonmo (Generation) '71, son of Professor Munier Chowdhury, Martyr of Bangladesh Liberation War of 1971; Professor Dr. Nuzhat Choudhury, daughter of Dr. Alim Choudhury, Martyr of Bangladesh Liberation War of 1971; Shilpi Chowdhury from Sweden, Granddaughter of Philanthropic Nutan Chandra Singha, Martyr of Bangladesh Liberation war of 1971; Writer Journalist Shahriar Kabir; President of the 'Forum for Secular Bangladesh' and Kazi Mukul, General Secretary of the 'Forum for Secular Bangladesh', along with more than 100 leaders of All European chapters and organizations of the Forum

File photo

its past, Bangladesh initiated a reconciliation process though the rule of law.

The untold

In 1971, Pakistan used rape as a weapon of war. The systematic abuse of Bengali women aimed to destabilise society, leaving a legacy of pain and trauma. Amid tales of war lies the untold story of the war heroines and war children. War heroines were the target of rape and war children the result. War heroine translates as Birangana. This was a term given by Sheikh Mujibur Rahman, Bangladesh's leader of the time, to counter the social stigma these women faced. The Birangana women suffered unimaginable atrocities during the war. An Australian doctor named Geoffrey Davies arrived in Bangladesh in 1972 right after the war ended.

Geoffrey assisted rape victims and shed light on the scale of the crisis. His accounts revealed that an estimated 200,000 women were affected by unwanted pregnancies resulting from rape. In response, the government initiated a response, named the Bangladesh Women's Rehabilitation Programme, to provide medical support, with abortions as a key aspect of care. Stories of resilience also emerged, as many of these women found solace in family or companionship with fellow freedom fighters. Although the exact number is unknown, international observers estimate around 10,000 war children were born in 1972, underscoring the extent of the atrocities. As Bangladesh moves forward towards reconciliation, it must remember the forgotten survivors, the war heroines and war children. Without their stories, justice will be unserved.

Compensation for war victims

Globally, approaches to compensating war rape victims vary. Croatia, for instance, passed legislation in 2016 offering victims of rape during the 1991–1995 war a one-time payment of 100,000 kuna (USD 14,504) along with a monthly allowance. In Kosovo, measures are being developed to grant benefits to rape victims. In Bosnia, convicted perpetrators have to compensate victims of wartime rape, marking a step forward.

In Bangladesh, many victims are unidentified. Only 416 Birangana women were recognised as Muktiyoddhas (meaning freedom fighters) as late as December 2020. Even this acknowledgement was achieved only through relentless activism. Moving forward, Bangladeshi activists have to fight for comprehensive legal frameworks for financial compensation schemes. Recognising the unknown victims is also crucial for justice. Ultimately, holistic recognition of these victims is vital for a ‘never again’ dialogue.

Beyond recognition

Bangladesh can explore a range of policy tools to right the wartime wrong. By implementing these tools, Bangladesh can effectively recognise the sacrifices made during its liberation war.

Granting recognition to war children: Bangladesh’s prime organisation for the welfare of the 1971 war’s freedom fighters is the National Freedom Fighters Council (acronym JAMUCA). In 2022, JAMUCA decided to officially recognise war children. This is a big deal because it means these children’s struggles will be acknowledged. If this decision is adopted as a government policy, then the children can enjoy certain welfare benefits regardless of

their fathers’ identity.

Honouring the Biranganas: Since 1971, Bangladeshi society has come a long way in acknowledging the sacrifices made by war rape victims, known as Biranganas. Most of the Birangana women are old. Bangladeshi policy-makers should officiate a recognition process, while they’re still alive.

The first crucial step is to identify these women. Some local efforts have shown promise. A comprehensive publicly funded programme for identification is needed. This should be designed taking into account the emotional complexities involved and prioritise strategies to avoid prolonged insensitive verifications. The strategy should include establishing dedicated support facilities.

Prosecuting Pakistani war criminals: Ensuring accountability for the crimes of the 1971 war remains vital. Bangladesh has already identified 195 individuals suspected of war crimes. Pursuing legal and diplomatic avenues to hold these individuals accountable would uphold justice.

Abolishing copyright on documentation from the 1971 war: The invaluable photos and documents

capturing the brutality of the war have helped generate awareness of the nation’s struggle. These materials, currently copyrighted by international media outlets, should be accessible to all researchers. Bangladesh should explore strategies to remove the copyright restrictions on these historical records.

Archiving the ‘last few stories’ of the 1971 war: Preserving the personal narratives of those affected by Bangladesh’s liberation war is essential for future generations. There are countless untold stories. Global lessons of similar cases show that, without large-scale archiving, both knowledge and justice fade away. Bangladesh needs to initiate a



July 7, 2021, a human rights activist from Germany Ms. Daniela displaying a placard at the rally in front of the European Headquarters of the United Nations in Geneva depicting atrocities of the Pakistani Army and their abettors during the liberation war of Bangladesh in 1971

File photo



An iceberg of brutal women repression by the Pakistani occupation forces, which became a regular phenomenon during nine months of Bangladesh Liberation War *File photo*

comprehensive nationwide project to digitally archive the narratives of martyred families, freedom fighters and war-affected people. This is essential for the country's national identity.

Integrating the Biranganas into national education: Most students in Bangladesh go through the public schooling system. Policy-makers shape the curriculum. Incorporating accounts of wartime sexual violence will be important at all levels of schooling. This way, students can get a full picture of the war. It would also foster respect for the Birangana women's resilience.

Bangladeshi institutions can grant more research funding and scholarships to studying women and war. This will mobilise more people towards pro-liberation narrative advocacy.

Amplifying the voices of women: Bangladesh's liberation war narrative has been shaped predominantly by male perspectives. The contributions of Bangladeshi women remain largely unrecognised. Cultural representations often portray them solely as victims or passive figures. This overlooks their diverse roles in the war effort. To rectify this historical imbalance, Bangladesh should incentivise representations that accurately portray women during the war. This means earmarked funding of documentaries, films and educational resources. This strategy should incentivise open platforms to discuss the gender bias.

Conclusion

The scars of Bangladesh's liberation war continue to shape the nation's psyche. While war heroes are fairly celebrated, war heroines and war children are not. Meanwhile, the international community has failed to hold Pakistani perpetrators to justice. Bangladesh can still forge a path towards an inclusive just future. Implementing fresh policies – like granting recognition to war children, honouring the Biranganas, diplomacy to bring in war criminals and wholesale archiving – will be a powerful testament to the sacrifices made.

References:

1. A new provision, Article 47(3), was added to Bangladesh's constitution to fast-track war crime trials.
2. The amnesty was granted mainly to the volunteers charged with supporting the Pakistani army but didn't partake directly in war crimes.
3. In December 1975, a new Bangladeshi president, Mohammad Sayem, revoked the International Crimes (Tribunals) Act of 1973.

Courtesy: WhiteBoard Magazine, March 17, 2024

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The wailing parents at a refugee camp in Indian state of West Bengal, who lost their children during the liberation war of Bangladesh in 1971 *File photo*