

SEMINAR
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1971 GENOCIDE IN BANGLADESH

 Bangladesh Institute of International and Strategic Studies (BISS)

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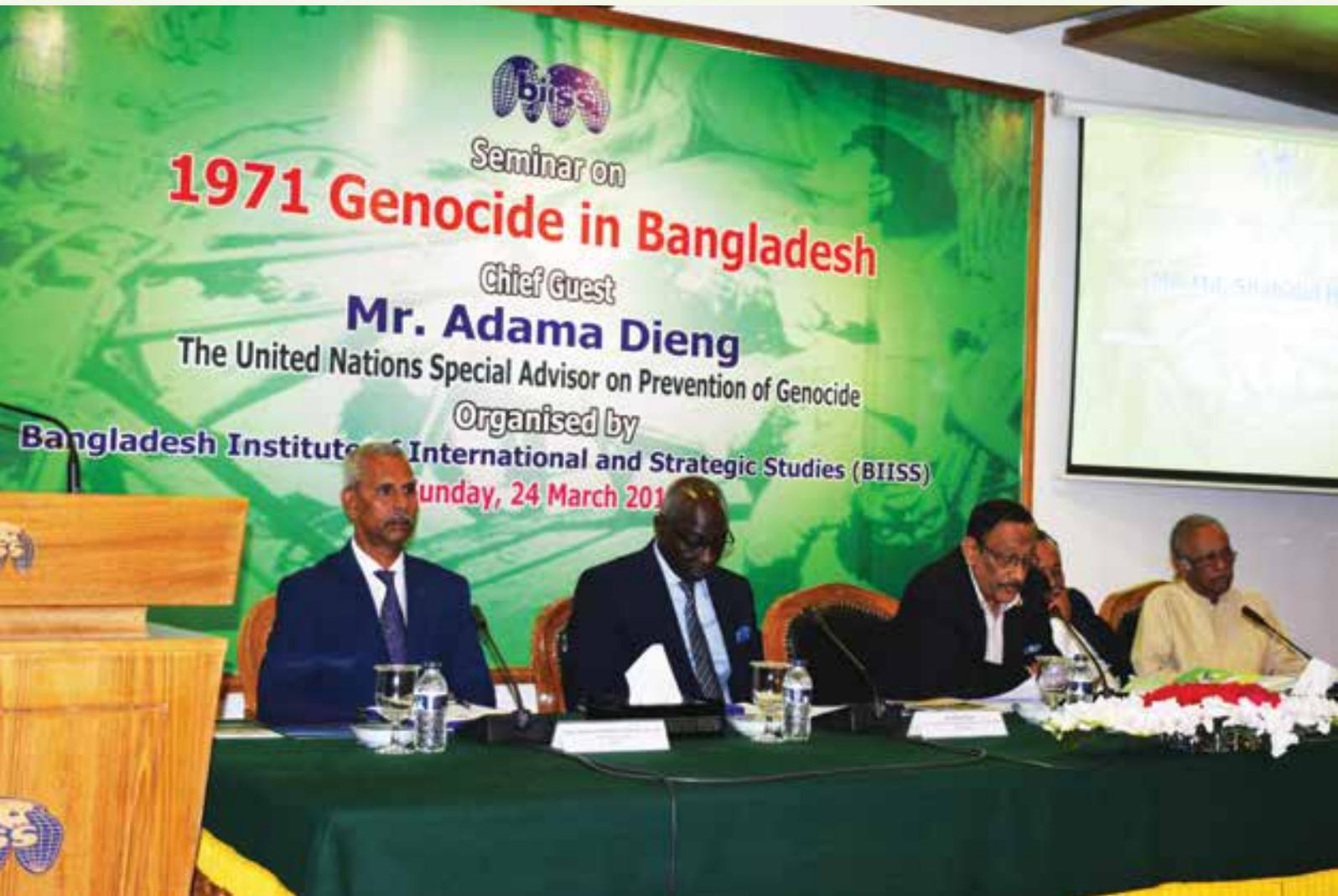
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Introduction

Bangladesh Institute of International and Strategic Studies (BISS) organized a commemorative seminar on “1971 Genocide in Bangladesh” on 24 March 2019 at its auditorium. Mr. Adama Dieng, the United Nations Special Advisor on Prevention of Genocide, was present at the seminar as the Chief Guest. Mr. Md. Shahidul Haque, Foreign Secretary, Ministry of Foreign Affairs, Government of the People’s Republic of Bangladesh chaired the programme. Major General A K M Abdur Rahman, ndc, psc, Director General, BISS, delivered the welcome address at the seminar. Mr. Mofidul Haque, Director, Center for the Study of Genocide and Justice and Member, Advisory Board, Liberation War Museum delivered a speech on the topic. Ambassador Munshi Faiz Ahmad, Chairman, Board of Governors, BISS, delivered the closing remarks in the seminar.



Welcome Address



Major General A K M Abdur Rahman, ndc, psc

Director General, BISS

Major General A K M Abdur Rahman, ndc, psc, Director General of BISS, started his welcome address with paying heartfelt reverence to the Father of the Nation Bangabandhu Sheikh Mujibur Rahman and the 3 million martyrs of the War of Liberation. He paid his heartfelt tribute to those martyrs who were killed on the fateful night of 25th March 1971.

He stated that the price of freedom from West Pakistani yoke was very costly. They unleashed the Operation Searchlight on the night of 25th March 1971 killing about 7,000 people in Dhaka alone, which forced the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, to proclaim independence for Bangladesh in the early hours of 26th March 1971. Acting on the call of the Father of the Nation, the people of Bangladesh rose up in arms against the Pakistani occupation army. The freedom struggle lasted until 16th December 1971. By then, the death toll reached 3 million with 2, 00,000 of the womenfolk losing their dignity to Pakistani brutality and that of their Bangladeshi collaborators known as Al-Badars, Razakars, Al-Shams, etc. Many victims became paralyzed for life, mentally challenged and some even took their own lives. The death toll and destruction inflicted by Pakistani forces, indisputably, are tantamount to that of a full-fledged genocide.

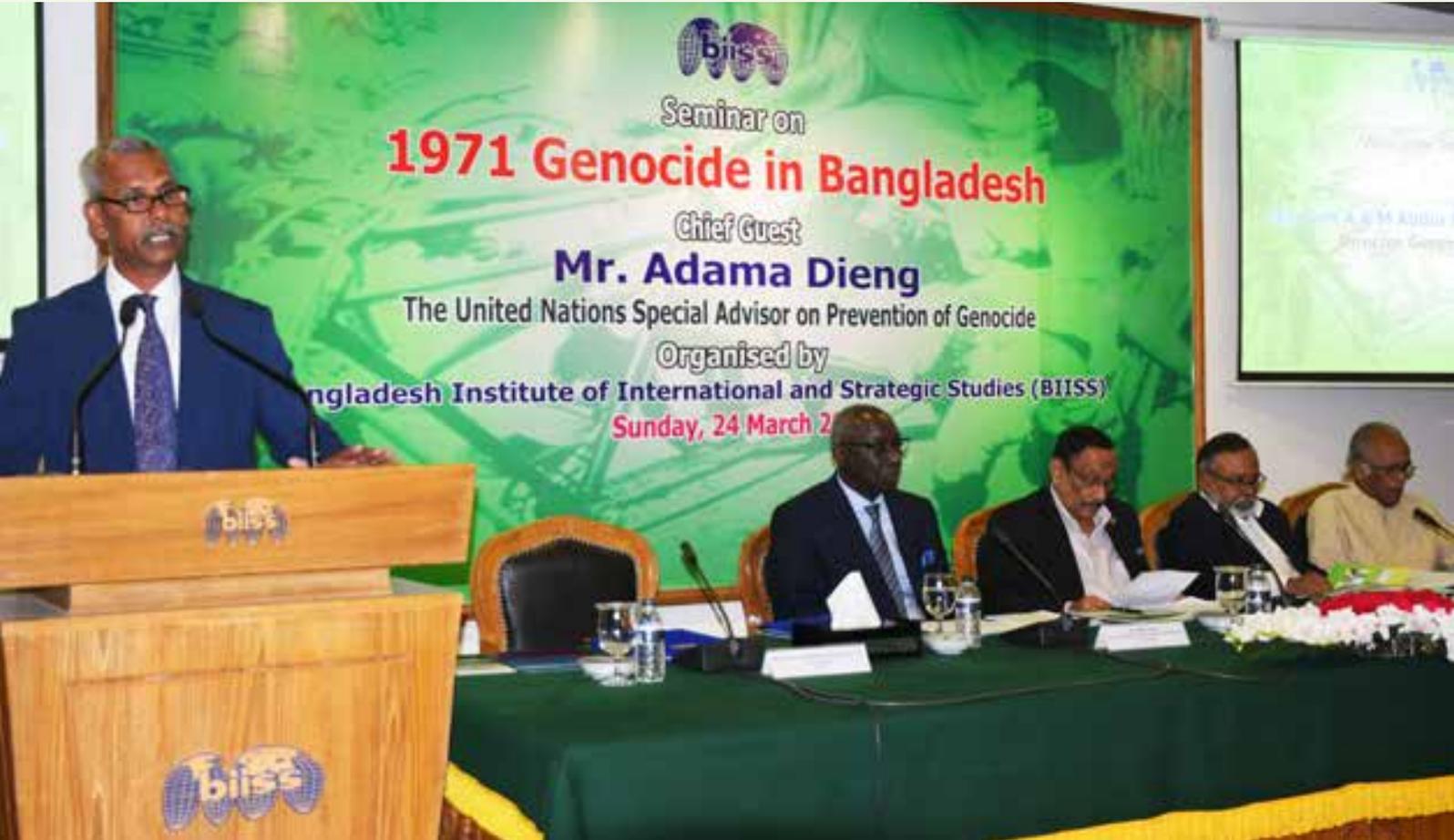
He shared his personal experience of witnessing the War of Liberation. He comes from Old Dhaka where both Hindus and Muslims lived peacefully. On 26th of March, as a boy he saw dead bodies of innocent civilians lying on the road and he passed several days and nights without water and food. He further added that he had to read Holy Quran in front of the Pakistani forces to testify that he was a Muslim. His own father who was a pious businessman had to face brutal torture of the Pakistani forces repeatedly.

While defining Genocide, he referred Article 2 of the UN Convention on the Prevention and Punishment of the Crime of Genocide (1948), "Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on

the group conditions of life calculated to bring about its physical destruction in whole or in part”. There are plenty of evidences suggesting Bangladesh faced a genocide by Pakistani forces, e.g., the words “selective genocide” has been used in the famous **Blood Telegram** sent to the US State Department by the then US Consul General Archer K. Blood in Dhaka, Anthony Mascarenhas in his report for the **Sunday Times**, and recently Professor Gary J. Bass of Princeton University in his book **The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide** are to name a few.

General Rahman noted that Bangladesh is now independent but there have been from time to time, dishonest initiatives to manipulate, revise and erase facts about those crimes. And very sadly, the painful realities of methodical persecution waged against the innocent people did not receive their due concentration, nor wide-scale recognition. However, he praised the effort of the current government of Bangladesh for adopting a resolution on 11 March, 2017 for observing the 25th March as the National Genocide Day for remembering and paying deepest respect to the victims of genocide of 1971. Besides, many non-governmental groups and people have been actively working in creating and raising awareness about these issues at both home and abroad.

He mentioned that genocides committed in many countries have seen criminals punished. Examples include the Nuremberg Trials, Tokyo Trials, Cambodia Khmer Rouge Trials, Yugoslavia, Rwanda, etc. The present Bangladesh government has also undertaken the International Crimes Tribunal (ICT-BD) in March 2010 and several convicts have been brought to justice. The tribunals are continuing with many more people



found guilty and authorities are doing their tasks. Bangladeshi criminals, who worked against their own compatriots and aided Pakistani occupation forces in their heinous acts in 1971, are being punished.

He said that Bangladesh is a state party to the 1948 International Convention on the Prevention and Punishment of the Crime of Genocide. As a UN member country, Bangladesh also observes the International Day of Commemoration and Dignity of the Victims of the Crimes of Genocide on 09 December. He hoped that the observance of the national “Day of Genocide” in Bangladesh on 25th March would provide all of us a valuable opportunity to end the vicious crimes of genocide around the world. He urged the international community to understand the cost of three million lives and officially acknowledge the genocide in Bangladesh by Pakistani forces.

General Rahman concluded his speech by saying that he sincerely believes that the seminar is a well-timed and appropriate endeavour for commemorating the victims of genocide perpetrated by the Pakistan Occupation Forces in 1971. The programme has been arranged to help generate further awareness and understanding about the magnitude of this subject.

Speech by



Mr. Mofidul Haque

Director, Center for the Study of Genocide and Justice and Member, Advisory Board, Liberation War Museum

At the outset, **Mr. Mofidul Haque**, Director, Center for the Study of Genocide and Justice and Member, Advisory Board, Liberation War Museum, stated that he felt honoured and privileged to stand before a very distinguished gathering. The nation is officially observing March 25 as the Genocide Day, for the third year, as Parliament unanimously adopted a resolution on 11 March 2017 to observe the day as Genocide Day. Referring to 'International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime', he informed the audience that UN has been observing it on 09 December since 2015. The resolution was adopted by the United Nations General Assembly (UNGA) at the 103rd plenary meeting of its 69th session on 11 September of the same year. The purpose of the day as mentioned in the UN Resolution is to raise awareness of the Genocide Convention and its role in combating and preventing the crime of genocide, as defined in the Convention and to commemorate and honour its victims. In adopting the resolution, the 193 members Assembly reiterated the responsibility of each individual state to protect its populations from genocide, which entails the prevention of such crime, including incitement to it. The 9th of December is the anniversary of the adoption of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). After that, there was almost 50 years of silence. It shows actually how long the international community has taken to recognize the gravity of genocide. There were no initiatives taken by the international community. But things began to change since the 1990s, he added.

He emphasized on memorialization of the genocide committed in 1971 as it would ensure the prevention of genocide in future. When such mass atrocities happen, everyone should never forget this. The issue of the 1971 genocide in Bangladesh was widely discussed among the international community and in media during Liberation War but it was quickly forgotten. After the independence, Bangabandhu Sheikh Mujibur Rahman returned to Bangladesh from imprisonment in Pakistan on 10 January 1972 and gave a historic speech in Suhrawardy Udyan formerly known as Ramna Race Course ground. He made an appeal to the international community to do justice for the mass atrocities that has been committed in Bangladesh. Mr. Haque informed the audience that there are important UN documents which show that UN had taken some initiatives. The Secretary General of UN was sent to Bangladesh and Pakistan to have negotiation.



Bangladesh had collected specific evidence of genocide against the 195 prisoners of wars (POW). And at one-point Pakistan also gave their consent that the 195 POWs should be tried for committing crimes during the Liberation War in 1971 but was skeptical about the modus operandi. However, Pakistan changed its position and global community also put pressure on Bangladesh not to go for trial. After a long-drawn stressful negotiation over the POWs, Bangladesh finally signed a tripartite agreement in Delhi in April 1974; Bangladesh decided not to proceed with the trials as an act of clemency.

He highlighted the role of the new nation of Bangladesh to try the perpetrators of crimes of genocide and crimes against humanity even in that period of complete inaction of the international community. It was on the basis of such understanding and giving due recognition of the great importance of the trial of the perpetrators of genocide that the then Government of Bangladesh enacted the “International Crimes (Tribunal) Act of 1973,” a landmark act in the domain of international law. The Act provided definitions of a) Crimes against humanity, b) Crimes against Peace, c) Genocide and d) War Crimes. It also provided for the legality of formation of the tribunal and its modalities. The Act was formulated on the basis of the experiences and procedures of the Nuremberg and Tokyo Tribunal, Genocide Convention of 1948 and related developments. There has been a significant contribution made by Bangladesh while defining the Crimes against Humanity. For the first time in the history of international law, rape was recognized as a crime against humanity in the 1973 Act of Bangladesh. The Act rendered great recognition to the role and responsibility of the nation in trying the war criminals. Hence, Bangladesh has made a very important contribution in the international legal system and also to develop the legal instrument for the establishment of justice. Memorialization became a very strong component of Bangladesh’s journey for justice and prevention of genocide. However, nationally the whole scenario changed dramatically with the killing of Bangabandhu Sheikh Mujibur Rahman in August 1975. Bangladesh entered into a long period of darkness with denial and distortion of history. Gradually, the collaborators and perpetrators of genocide became part of the ruling coterie and rehabilitated themselves in the society. Denial of justice became the fate of the

nation and thus began the long impunity for the perpetrators. The issue of genocide became a forgotten topic nationally and internationally.

Forty-eight years have passed since the genocide of Bangladesh, which was a period of inaction by the international community. Bangladesh, the war-ravaged country, embarked on the difficult journey of reconstruction. It had its own problems and complexities reflected in its chequered political development. Bangladesh lost the attention of the world and gradually the Bangladesh genocide became a forgotten genocide to the international community. Even in academic circles, in various research publications there is absence of reflection on the Bangladesh genocide or the crimes against humanity committed during that period. At the most, there is a few passing references, in some cases only as footnotes. Popular works like Geoffrey Robertson's **Crimes against Humanity: The Struggle for Global Justice (1999)** or Samantha Power's **A Problem from Hell: America and the Age of Genocide (2003)** have only noted the fact of Bangladesh genocide but the episode did not get its due attention.

But even in the darkest period of the nation's history, when freedom fighters were persecuted, history was distorted and values of liberation struggle were trampled, the people never lost their hope or gave up their demand for justice. The process of memorialization carried out by various means kept the flame alive. Artistic endeavours were an important component of this process. The memoirs written by all kinds of people, the literary pursuits made through poems, songs, short stories, novels and the theatrical and cinematic renditions, the paintings and sculptures all together made strong contributions in re-creating the past for the present and the new generation. The Liberation War Museum also made a humble contribution in this national effort. The civil society movement for justice launched by Jahanara Imam, in the early 1990s, and the efforts of the bipartisan Sector Commanders Forum in the late 2000s made strong contributions. Most importantly, almost every family suffered in 1971 and the families orally transmitted their experiences from one generation to others. The power of memorialization was enriched over the years and found reflection in the national election held in December, 2008, when the trial of war criminals became a major agenda and the people, especially members of the young generation, overwhelmingly supported the demand for justice.

Meanwhile, a definite shift in perspective occurred among the community of nations following the fact of genocide in the former Yugoslavia and in Rwanda. The collapse of the Socialist empire led to the crisis in Yugoslavia and the post-socialist scenario also made it possible for the world community to address the issue unitedly. The International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were established. The role of the international community became more organized with the Rome Declaration of International Criminal Court (ICC) made in 1998 and the adoption of the Statute of the ICC in 2002. The Government of Bangladesh, under the leadership of Prime Minister Sheikh Hasina became a signatory to the ICC, the only South Asian country to do so to date.

Mr. Haque noted that Bangladesh faced a lot of pressure both at home and abroad not to try the war criminals who committed crimes against humanity but finally it has been made possible by the current government. In 2010, the International Crimes Tribunal was set up in Bangladesh for holding trials of perpetrators of crimes against humanity and the crime of genocide of 1971. So far, 35 cases of the war crimes have been completed. Therefore, Bangladesh has made an important contribution in terms of justice and memorialization. This actually led to the important question of the prevention of genocide.

He emphasized on looking deeper into what had happened in 1971 as well as why it had happened. The ideological premise was very important in that regard. The prime reason was the distortion of religion or identifying others as the enemy of the religion. The Pakistani generals have made many statements that

the Bengalis were not proper Muslims and inferior while the Hindus were the pollutants of the society. As a result of that ideological premise created by the two-nation theory, the Pakistan army could launch such attack which was targeted against the Bengali nationals. The intellectuals were specifically targeted as a part of the plan to destroy the nation. The destruction of the nation was one of the main agendas of the genocide. So, the genocide led to a process of learning not only for Bangladesh but also for the global community on how to establish a society of harmony and peace. Nevertheless, the world continues to be confronted with extreme acts of violence against individuals and communities simply because of their national, racial, religious or ethnic identity. That was something that the world witnessed in Syria, Afghanistan, Iraq and many other places. It showed that the world has still not learned how to accommodate the diversity and establish an inclusive society. Thus, there is a need to study Bangladesh's genocide not only as an incident of the past but also very much relevant for the present which is significant to build a better future for the global community.

While talking about the Rohingya refugee crisis, he commented that the influx of the Rohingya gave another important lesson. Bangladesh is hosting 1 million Rohingya refugees and provided them with food, water and sanitation, shelter and other basic aid. While the major countries of the world were closing their doors for the refugees, Bangladesh did a unique job by taking humanitarian stance under the leadership of Sheikh Hasina. And the back of the role is Bangladesh's experience in the 1971 when the people of the country were refugees in India. The presence of Rohingya refugee camps brought back painful memories of many survivors of the Liberation War in 1971, when millions of Bangladeshis became refugees and took shelter in India. According to UN and Indian government statistics, more than 10 million people crossed into the neighbouring Indian states of West Bengal, Meghalaya, Tripura and Assam during the nine-month conflict.

Mr. Mofidul Haque concluded his speech by saying that everyone should try to take lessons from the past. Bangladesh genocide should be recognized by the global community as one of the major genocides ever happened in world history from which lessons could be learnt.



Address by the Chief Guest



Mr. Adama Dieng

The United Nations Special Advisor on the Prevention of Genocide

Mr. Adama Dieng, the United Nations Special Advisor on the Prevention of Genocide, began his speech by commemorating all the victims of the mass killing which took place in 1971 and recognized the pain and courage of those who survived. He mentioned that coming to Bangladesh for the third time was not due to the duty at this land, but because of the concern his office has. There was concern about the Rohingya population for a long time. He stated that for so many years his office had been calling on the international community to pay attention to the situation in Myanmar in vein. He said that Bangladesh government demonstrated its strong commitment to implement the responsibility to protect its population whenever they were facing the risk of genocide, crimes against humanity, war crime and ethnic cleansing. The responsibility to protect, as we know, was accepted as a principle by the world leaders when they met in 2005 in New York.

To address why the General Assembly decided to adopt the principle, he mentioned that it was because of the failure of the international community to prevent the genocide of the Tutsis in Rwanda in 1994 and the genocide in Srebrenica in 1995. As a matter of fact, ten years after the genocide of the Tutsis, we are commemorating the 25th anniversary of that genocide this year. He stated that Secretary-General Kofi Annan in 2004 decided to establish his mandate, the mandate of the Special Advisor on the Prevention of Genocide. Addressing the Bangladesh Institute of International and Strategic Studies, he said that he was looking forward to hearing about its work and discussing any focus the organization might have on issues related to his mandate on the prevention of genocide and atrocity crimes. He clarified that when he said atrocity crimes, he meant by that the notions of genocide, crimes against humanity and war crime. He stressed that prevention starts with educating ourselves about the causes and consequences of these crimes to understand why these events have taken place so that we can prevent those crimes from happening again. It is only through learning the lessons of history, we can stop history from repeating itself.

Mr. Adama Dieng mentioned that dealing with the past is dealing with the present and dealing with the future. He said that he thought the institute would be interested to hear more about his mandate as the United Nations Special Advisor on the Prevention of Genocide and how his office was addressing early



warning signs of atrocity crimes as well as the responsibility to protect. He began by sharing one of the main lessons he had learned in his office by looking into past and current cases where atrocity crimes have been committed. The commission of the crimes can happen fairly rapidly, as happened in the case of Rwanda. We may certainly remember that the time of genocide of the Tutsis in Rwanda. There was already a peace agreement which was signed. Nobody thought that within 100 days between 8,00,000 and 10,00,000 people would have been killed simply because of who they were, because of their ethnic identity.

Mr. Adama Dieng went on by saying that when his office was studying the cases and the processes which lead to the commission of genocide, they realized that it takes time, requires planning, resources, support and environment. Genocides or atrocity crimes are not usually single or random events. They do not develop overnight. Instead, they tend to develop as part of a timely process. To be able to engage in the level of violence associated with atrocity crimes, perpetrators need time to develop their capacity. To do so, they need time to mobilize their resources, to carry out their plans and take various steps that will help them achieve their objectives. These processes take years and even decades. So, if we accept that atrocity crimes are processes, it is therefore possible to identify the warning signs that they might occur. That is particularly true in the case of genocide and crimes against humanity. If we understand the root causes and precursors of these crimes and can identify the risk factors that can lead to enable their commission. And we can also identify measures that can be taken by states and international community to prevent them. He emphasized that the earlier we could identify the risk factors, the greater the opportunities for taking action to address them.

He remarked that as time goes, preventive action becomes more difficult and costlier. If, for example, the motivation behind increased violence against a particular group is recognized at an early stage, it would be

possible for the state or the international community to develop strategies and acts addressing and diffusing that motivation. However, if atrocity crimes occur, the options available to respond would be very limited and much more complicated. We wrongly assumed that we would struggle to get support for preventive action at an early stage, particularly, at the United Nations. He was pleased that the Permanent Mission of Bangladesh decided to organize for the first time an event in New York in 25th March focusing on the prevention of genocide. He supported the initiative by adding his opinion that we need to educate people everywhere about the prevention of genocide. He mentioned that recently the Secretary-General tasked him to work with the Director General of the UNESCO and the Executive Director of the UNICEF on how they could promote education on holocaust and the prevention of genocide.

Mr. Dieng opined that genocide appeared as the most horrendous crime. It therefore, was not a surprise that after the end of the World War II, when we witnessed the killing of 6 million of Jews, the world cried never again. That 'never again' became time and again, time and again. For that reason we need to strengthen mobilisation of education. He explained that one of the reasons of his presence in Dhaka was to support the initiative aimed towards the implementation of the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes. He highlighted the importance of that issue and saluted the presence of the UNDP representatives and his colleagues for the initiative regarding education to foster inclusive societies. He added that everyone could recollect the memory of the tragic events which took place in New Zealand. He sympathized the audience as 5 Bengali people were killed in that incident. This demonstrates that in these days, there is no region which is immune to this form of violence. This was not just about religion, it was also about supremacism. It was about the discourse we hear in Europe, in countries like Hungary. It was the same kind of discourses we hear in places like the United States, in Brazil. He observed that today the world has to face a climate where the issue of identity needs to be looked very closely.

Mr. Adama Dieng stated that if the global community want to be able to prevent genocide and atrocity crimes, it is important to identify the early signs. When we look at the Brenton Tarrant's case, which is the rise of racism, xenophobia, all sorts of intolerance in some parts of the world, all need to be careful. In Europe, the signs of the 1930s which led to the commission of holocaust are resurfacing today. Because when we have migrants and refugees who are being dehumanised, humiliated, accused for the reason of failure of some countries to address their economic situation, that is very serious. He opined that we need to pay attention. He mentioned that to understand the processes that lead to the atrocity crimes and the factors that increase the risk of their commission, his office has developed a methodology which is the framework of analysis to guide the systematic gathering and analysis of information. He added that the framework that they use, for instance to analyze the situation in Myanmar, led them on various occasions to sound the alarms to call on the international community to take action on Myanmar before it is late. He mentioned that they were not heard and now we see the result. He emphasized that no one is in better place than the people of Bangladesh to witness and to testify it. He continued by saying that it is an opportunity for him to salute the generosity of the people of Bangladesh who welcomed such a large number of people. At the same time, he stated that they also need to continue to call on the international community to put pressure on the Government of Myanmar to fulfil its commitment.

He mentioned that the Government of Myanmar has signed an agreement with Bangladesh but they did not fulfill their commitment. Because, what is needed is to make sure that the conditions of a safe,



dignified return of the Rohingya population are in place. But it did not happen. And we should also look about the situation of some of the minorities in that country. He mentioned that the framework, which he mentioned earlier, was the result of an extensive research on past and current cases. He added that they did also consult in that process different partners within and outside the United Nations system. Since its completion, the framework has been endorsed by the Secretary-General and it is now an official United Nations document. He mentioned that this framework is now being used within the United Nations system. Moreover, it is now being used by the European Commission which has developed a toolkit for prevention. When people think about prevention, they often look at the prevention of conflict without having an atrocity prevention lens into their policies. He said that he was glad for the development of a toolkit which has included the atrocity prevention dimension. But 8 risk factors are common to the 3 categories of atrocity crimes. Each of those categories have two specific risk factors. For instance, it is only with the crime of genocide the risk factor relates to the intent to terminate in whole or in part a particular group. Other risk factors include the situation of armed conflicts, records of serious human rights violation and humanitarian law violation, especially where there has been no real accountability for these crimes. In other words, when no one has been held responsible for and punished. This is the case of Myanmar. Myanmar has committed serious violations and yet no one was called responsible for those crimes.

He added that there are also the weak state factor, the motives and the incentives to commit the atrocity crimes. What is imperative is to look into the specific risk factors as the result of each crime has elements and precursors that are not common to all three crimes. For example, one of the elements regarding genocide is the intent to destroy. This is very important. He expressed wish that every government around the world makes use of their framework of analysis. He indicated his pleasure by saying that the

government of Slovenia translated the framework of analysis into the Slovenian official language because this country escaped the war in the western Balkan. They know what genocide means. They know that not a single country is immune to the crime of genocide. It can happen everywhere. No one would have believed that in the mid-90s there would be a genocide in the heart of Europe. As a matter of fact, people thought that Europe would never face a war after the terrible World War II but it happened.

Mr. Adama Dieng highlighted that no one could have thought Africa in 1994 would witness the genocide of the Tutsis in Rwanda, but it happened. He added that he is sure many people present in the room did not think that the case of the Rohingya will be tested before a court of justice and he spoke for himself that he thinks the case will certainly be determined as a genocide. This is something which could have been prevented. It was preventable because we see all the signs that we did not take action on time. To sound the alarm, we must be prepared to take action when the alarm is heard. We must move from reactive to preventive approach. If we are serious about prevention, we must be prepared earlier when we see the first sign of concern. Prevention is much less costly in all senses, particularly in terms of human lives. If we prevent, we can save human lives. He explained that he was not speaking in monetary terms. Although, 3 years ago a study has shown that in the last 10 years, the international community has spent 233 billion dollars to provide humanitarian assistance, refugee assistance, to provide military peacekeeping operations on the ground. He stressed that if even one-tenth portion of that amount was spent to strengthen and improve prevention activities, we could have used that money to implement the sustainable development goals. He said that anybody can ask who is responsible for preventing atrocity crimes? First of all, the prevention of genocide is legal obligation for states under international law. These obligations are found in the Genocide Convention of 1948. It can also be found them in the Geneva Conventions of 1949 and in international human rights laws.

Mr. Adama Dieng added to the previous statement that, the 2005 R2P principle provides a framework for the protection of the population at risk of atrocity crimes. This principle has 3 pillars. The 1st pillar reaffirms the fundamental principle that the states have the primary responsibility to protect their population from these crimes and they must therefore take full responsibility for the protection of those residing within their borders. It applies not only to own citizens, but also to each and every human being living within a territory. So that means the refugee population are also beneficiary of that protection. He mentioned that it is why he reminds some of his friends from the Global North that when we speak about the responsibility to protect, we should not only look into it from foreign policy perspective, but we have to look into it from domestic perspective. Because when we have migrant population, like in some European countries, we have to protect those people from being a victim of a crime perpetrated by anyone within the territory.

He furthered his point by saying that the 2nd pillar, which is also very important, recognizes that some states are willing but may lack the capacity to protect their population. This has happened in some circumstances. That was the case of Côte d'Ivoire for instance where the government did not have the capacity and did call on the international community to provide support. In the case of Kenya, following the violent outcomes of the elections at the end of 2007 and 2008, the international community provided help for the 2013 election. Most important is the role played by the Kenyan government itself. The civil society also played a crucial role. He emphasized that showing humility and when there are good results, sometimes less thanked are those people on the ground who made it happen. It was first and foremost the determination of the people in Kenya who said that they no longer wanted to see such crimes happening in the country. The transparency of the government was there to make this commitment.



Mr. Adama Dieng then mentioned the 3rd pillar of the responsibility to protect which recognizes the grim reality that there are some states which may deliberately refuse to protect all or part of their population and they in fact act as perpetrators of atrocity crimes. In these circumstances, the international community has accepted that it has a responsibility to step into protect population at risk, acting collectively and in accordance with the United Nations Charter. One of the most important points is that the implication of the 3rd pillar need not necessarily lead to the use of force. He stated that we need to recognize we have entered into an era in which the prevention of genocide constitutes defining elements of how responses to crises are made around the world.

In conclusion, Mr. Adama Dieng said that in his efforts to prevent and halt genocide, to halt crimes against humanity and to halt war crimes, he is determined by the ability to identify and respond to the potential risks before they turn into a full-fledged atrocity crime. Acting early not only increases the likelihood of being able to address the risk factors but it is effective as well. Ultimately, if we are to prevent atrocity crimes, we must build the resilience of individual states to these crimes so that the assistance or intervention of the international community is no more required. He mentioned that he is extremely pleased to note the resilience that has been demonstrated by the Government of Bangladesh. Because, after undergoing terrible events like the mass killings in 1971, rebuilding the country is a great achievement. He added that this country still needs to continue to invest in fostering inclusive societies to make sure that no one is left behind, no one is discriminated because of his/her identity. He also expressed that he is glad as the Prime Minister has renewed her commitment to fight for an inclusive society and to make sure that regardless of being a Hindu, Buddhist or Muslim, anybody is simply first and foremost a citizen of Bangladesh.

Open Discussion



Syed Nazibul Bashar Maizbhandari, Member of Parliament, said that more than three million people were killed in 1971 and it was not possible without the help of anti-liberation force. He believes that unless the roots of anti-liberation forces are uprooted socially and politically from the country, the ideology of the historic liberation war cannot be established. He informed the audience that his party Bangladesh Tariqat Federation filed a writ petition against Jamaat-e-Islami challenging the legality of their registration as a political party in 2009. In the petition, they said Jamaat-e-Islami was a religion-based political party and it did not believe in independence and sovereignty of Bangladesh. The International Crimes

Tribunal issued arrest warrants against Jamaat-e-Islami leaders on charges of committing genocide and crimes against humanity and peace during the Liberation War. It was the first ever arrest in the country's history for committing offences under the section 3(2) of the International Crimes Tribunal Act, 1973. Subsequently, in 2013, the High Court declared the registration of Jamaat-e-Islami with the Election Commission illegal as its constitution goes against the basic structure of Bangladesh's constitution.

Barrister M. Amir-ul Islam, Former president of Supreme Court Bar Association, began his speech by sharing how honoured he felt to have the presence of Mr. Adama Dieng in the seminar. He stated that he considers the presence of Mr. Adama Dieng to be an acknowledgement of the genocide that occurred in Bangladesh in 25th March 1971. He also expressed that Mr. Adama Dieng's presence is perhaps the first recognition from the United Nations on this issue. He brought up the issue regarding the 195 prisoners who committed war crimes but could not be tried due to pressure for repatriation from different bodies including the UN. He opined that as far as war crimes and the crimes against humanity are concerned, the problem is more in the impunity of the law rather than its enforcement. He also shared his gratitude towards Mr. Adama Dieng for addressing the issue of Myanmar. Based on his study as a student of international law, Barrister Islam firmly believed that it was a clear case of genocide but he remorseful that no actions have been taken on this regard except the travel ban on the Myanmar military officers in the USA. He saw these as deficits in the enforcement of international law. Considering Mr. Adama Dieng to be a very appropriate officer for prevention of these crimes against humanity, Barrister Islam brought this issue to the Chief Guest's attention. Barrister Islam affirmed that he completely endorsed Mr. Adama Dieng's views but



desired to see some evidence of it. In his discussion, Barrister Amir-ul Islam used the reference of the Polish Jurist Ralph Lemkin's 5 stages of genocide definition and opined that if it is applied with regard to Myanmar, it would be a clear case of genocide. He also referred to the article 7 (2) (g) and article 13 (b) and (c) of Rome Statute which have the instruments of trial and condign of the crime. But expressed his disappointment as nothing has happened in this regard. Barrister Islam concluded by hoping that if possible, Mr. Adama Dieng would visit the Rohingya refugee camps.

Ambassador Shamsheer M. Chowdhury, BB stated that he takes the floor not as a Former Secretary, but as a witness to and victim of genocide. He mentioned that he fought the war of independence for Bangladesh in 1971 with a gun in his hand. He said that while fighting in Chattogram, he was wounded in



action and captured by the Pakistanis. He added that he is narrating what he saw first-hand. Close to the scene of the battle was a cluster of mud huts whose occupants had provided the freedom fighters support and encouragement. He mentioned that he was already a captive. He went on by saying that from his position as a captive, he saw first-hand the members of the Pakistan Army dragged out the male members of the huts, lined them up, tied them up with their hands behind their backs facing away from each other and proceeded to shoot each one of them on their head one by one. Their heads rolled to a side in death as each bullet hit its desired target, blood spreading out of each shattered skull. What was even more cruel was that just before carrying

this act of collective execution, the Pakistani soldiers asked the women folks - wives, mothers, sisters and daughters to stand and watch the whole gruesome act, not even allowing them to shed tears. This was genocide in full display. It was carried out with precision and in cold blood. Such acts were repeated all over Bangladesh in 1971. He asked Mr. Adama Dieng that as an Advisor to the United Nations Secretary-General on the Prevention of Genocide, would it be possible for him to narrate this incident as a case in point and identify the commanding officers of the 25th frontier force regiment of the Pakistan Army who carried out this particular act of genocide and have that declared as a symbolic act of genocide by the Pakistan Army?

Ambassador M. Shafiullah raised a question that while the members of the UN Security Council are selling weapons around the world and particularly to the Middle Eastern countries, how the UN is going to prevent the genocide. He commented that some members of the UN Security Council are inciting Xenophobia and Islamophobia in their countries and it is influencing white people to become opponent of Islam which is seen in the recent incident of New Zealand. He added that the issue of Rohingya refugee crisis was raised but some of the members of the UN Security Council vetoed on the decision and tried to protect the masters of genocide. In this scenario he questioned, how much the efforts of Adama Dieng would be effective in stopping the genocide?





Ambassador A T M Nazrul Islam wanted to know what actions Mr. Adama Dieng has taken to highlight the genocide in Bangladesh and other countries including Myanmar. He noted that he has not seen any publicity in this issue around the world in recent times. So, he hoped that the UN and its offices in Bangladesh would take more initiative to highlight the 1971 genocide in Bangladesh and in other countries. He also placed a request to Mr. Adama Dieng regarding the possibility of placing a fund for the Bangladesh mission in New York for organizing activities like rally for 25th March.

Ambassador Ashraf ud Doula, mentioned that in Mr. Adama Dieng's address, he mentioned a few times about the prevention of genocide and stated that it takes planning and resources and there are signals. He asked that when a government whose duty is to prevent such events from taking place is a part of that process, like in Myanmar, how does Mr. Dieng prevent these things from happening as the UN Special Advisor? He also wanted to know the mechanism available to prevent such events.



Towhidul Alam, Journalist, Boishakhi Television, asked why the United Nations (UN) is not officially recognizing the genocide of Bangladesh despite having concrete evidences?



Tasmiah Nuhiya Ahmed, Advocate, Bangladesh Supreme Court, questioned why Bangladesh is still not getting international recognition despite the widely recognized fact that one of the most intense genocide took place in

1971 in Bangladesh. She shared few reasons which she considered to be the factors behind it, like lack of research among academicians, journalists and writers and politics abroad. Since Bangladesh has already given the issue national recognition, Ms. Ahmed inquired what could be done now to get recognition from the international forums.



Response by the Speaker



Mr. Adama Dieng

The United Nations Special Advisor on the Prevention of Genocide

While responding the questions from the audience, **Mr. Adama Dieng** noted that he will give a combined answer without giving question specific answer as most of the questions are centered on the 1971 event. On the onset, he made it very clear that his presence is not a recognition that what happened in 1971 is a genocide. He noted that it is not his mandate to recognize the genocide, rather, his mandate is to look forward to prevent the genocide. For the United Nations, those are genocide which are recognized as such and those which have been brought before the court of justice and are legally determined according to those tribunals. That is the case with the genocide of Rwanda and the case with the genocide of Srebrenica. Even someone can take into consideration of the Armenian event, the massacre took place in 1950 is not something that the United Nations call it as a genocide. But Armenia consider it as a genocide committed by the Ottoman Turkey army against the Armenian. And now even there is a date to commemorate the Armenian genocide. He added that the United Nations is sympathized with the victims of the crimes against humanity but it is not a rule of the UN to provide recognition. However, the UN has devoted one day to all the victims of the crimes of genocide and their dignity. That was passed by a resolution promoted by countries like Armenia and supported by many other states like Turkey. He also appreciated Bangladesh's effort as it is working in prevention of genocide. He stated that we cannot stop the war but we can humanize it. We are celebrating the 70 years of the Geneva Convention to make sure that if a soldier is wounded, one cannot shoot him dead, if there are any hospital then make sure someone is not bombing in hospitals. And when it comes to genocide, there is the Arms Trade Treaty and we have a provision Article 6 which is very clear: Those who ratify that treaty should not sell arms to a state which they suspect may use it to commit genocide, crimes against humanity and war crime.

Drawing the example of Myanmar, Mr. Dieng remembered engaging some states to not provide military support and as a result, those states made it very clear that they have stopped supporting the military and providing training. Mr. Adama Dieng reflected on the Code of Conduct. He shared that France and Mexico as elected members of the Security Council tabled a project which was aimed to make the P5 countries refrain from using its veto to prevent the protection of people who are facing the risk of genocide.

However, the idea did not get adopted by the Security Council. It was later taken by Liechtenstein and other countries to the General Assembly and as of today, there are only 101 states which have signed that letter. He opined that the world needs more countries to sign the letter to challenge those who have the veto in order to refrain them from using that veto to stop an intervention aimed to protect and save lives. He believed that the use of this tool could have prevented what had happened in Myanmar or Rwanda.

In response to the questions regarding Xenophobia and Islamophobia, Mr. Adama Dieng recognized the strong leadership of the young New Zealand Prime minister, Jacinda Ardern. He mentioned that there are three women in this world today who have demonstrated such kind of strong leadership. Along with Jacinda Ardern, he also recognized the contribution of Angela Merkel for standing up for the humanity. Mr. Adama Dieng also referred to the Prime Minister of Bangladesh as one of the three women leaders. He recognized the role of Bangladesh Prime Minister in welcoming the Rohingya community when crisis erupted. He also acknowledged the generous hospitality provided by the people of Bangladesh. He felt that was very important.

Mr. Adama Dieng again referred to the New Zealand Prime Minister's determination to protect only 1.5 per cent minority people in a time when exclusion was becoming traits in many parts of the world. He mentioned that Bangladesh has a minority of 5 per cent, and it needs to be ensured that such thing do not happen here. The minority in this country have to be protected. Mr. Dieng also mentioned that it needs to be ensured that the women in the country are empowered. He shared his disappointment of incidents where religious leaders said that women should not go higher in the study. He stated that Islam considers education to be one of the most important. It needs to be ensured that religious leaders play a role in the process because it is a collective responsibility.

Towards the end of the response, Mr. Adama Dieng thanked Bangladesh Institute of International and Strategic Studies and told that he will make sure to continue with the commitment to make this world a better place and to invest further in prevention. He mentioned that accountability is another aspect of prevention and he saluted the position taken by Bangladesh regarding the issue. It was in Dhaka that the Islamic conference took the historic decision to address the issue of accountability by putting an ad-hoc ministerial committee. But he also said that he was a bit disappointed at certain Islamic countries which are reluctant, which do not like the ICC and may be afraid of themselves being indicted for international crimes they have committed but that is not a reason to backward on such a historic decision taken in Dhaka. However, he was glad that Bangladesh remained very committed regarding accountability and assured that he will continue working with Bangladesh hand in hand.

Remarks by the Chair



Mr. Md. Shahidul Haque

Foreign Secretary, the Government of Bangladesh

Mr. Md. Shahidul Haque, Foreign Secretary, the Government of Bangladesh, commenced by bringing to attention the purpose and significance of the gathering. He highlighted that the seminar was arranged to recall, remember and pay respect to those who sacrificed their lives for Bangladesh's freedom, and reflect on the 1971 genocide in Bangladesh, an issue which is extremely important for our nation. He added it was Mr. Adama Dieng's third visit to Bangladesh and that he has developed attachment towards Bangladesh and the Bengalee people.

Following the introductory words, Mr. Md. Shahidul Haque read out the message of Honourable Prime Minister Sheikh Hasina to give a sense of how she is looking at the topic in discussion.

"The genocide committed in Bangladesh in 1971 is one of the world's worst genocides. In the general elections held in December 1970, the Awami League earned absolute majority winning 167 out of the 169 seats of East Pakistan. But Pakistani rulers refused to transfer power to the Bangalees. A non-cooperation movement enforced at the call of Bangabandhu Sheikh Mujibur Rahman. On the 7th March, at the then Racecourse Maidan, the Father of the Nation declared the independence of Bangladesh saying, "The struggle this time is a struggle for our emancipation; the struggle this time is a struggle for independence, Joi Bangla".

The President of Pakistan, Yahya Khan, began to waste time in the name of negotiations and troops were being amassed in East Bengal. On the 25th March, Yahya Khan went to Pakistan secretly giving the order of genocide in the name of Operation Searchlight. From that night members of the Pakistani army and their local collaborators- Rajakar, Al-Badar and Al-Shams killed 3 million people all over the country in the next 9 months. 2 lakhs mother and sisters were dishonoured. Millions of homes were set fire and looted. Nearly 10 million people were driven out of their homes.

The Bangladesh Awami League government has decided to observe the 25th March as 'Genocide Day'. The Cabinet approved a proposal to observe the 25th March as a Genocide Day on the 20th March

2017. Earlier, on the 11th March of the same year, the national parliament unanimously passed a proposal to observe the day.

The government of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman framed the International Crimes (Tribunals) Act, 1973 for the trials of war criminals. Under the law, trials of many offenders were held. But Ziaur Rahman assuming power illegally released the war criminals and stopped the trial. Not only that, he made the war criminals partner of the state power. Khaleda Zia also made Nizami-Mujahid, the two notorious collaborators of genocide, cabinet members allowing them to hoist national flag in their vehicles. BNP is still doing politics with them.

The Awami League government has been conducting the trials of war criminals. The verdicts of the trial are being executed. The trial of the war criminals will continue. We have taken all-out initiatives to achieve international recognition of genocide of 1971 in Bangladesh.

On the Day of Genocide, I pay homage to the greatest Bengalee of all times, Father of the Nation Bangabandhu Sheikh Mujibur Rahman. I remember four national leaders. I pay respect to the martyred freedom fighters of the Liberation War and the dishonoured women. I also extend my sympathy to the wounded freedom fighters and the members of the martyrs' family. I pray for the forgiveness and peace of the departed souls of all martyrs.

The observance of the 25th March as 'Genocide Day' will be marked as nation's eternal memorial to the sacrifice of the martyrs in the war of liberation and considered as a testimony of the gruesome massacre committed by the Pakistani occupation forces.

I wish all the programs undertaken on the occasion of Genocide Day all out success. Joi Bangla. Joi Bangabandhu. May Bangladesh Live Forever."

After reading out the message of honourable Prime Minister, Mr. Md. Shahidul Haque thanked the audience and concluded his remarks.

Closing Remarks



Munshi Faiz Ahmad,
Chairman, Board of Governors, BISS

Ambassador Munshi Faiz Ahmad, Chairman, Board of Governors, BISS, greeted the audience and reflected on the purpose of the event, which was to remember and honour the victims of the 1971 genocide. The victims not only included the common people but also the valiant freedom fighters who gave their lives. All three million people are considered to be martyrs, some of them actually fought but most of them were unarmed civilians. Ambassador Ahmad remembered all of them on this day. He noted that the purpose of the event was not only for the Bangladeshis to remember, but to help the people throughout the world to remember the day and recognize genocide as genocide and recognize the atrocities as they were.

Ambassador Ahmad referred to the speech of The United Nations Special Advisor on Prevention of Genocide Mr. Adama Dieng where he mentioned three kinds of crimes i.e. genocide, crimes against humanity, war crimes and atrocity crimes. But Ambassador Ahmad pointed out that there is another word which is often used by many people i.e. ethnic cleansing. He believed it to be another term of genocide. He felt that this should be taken care of as many people try to hide behind it because the word does not have legal acceptance. He demanded the word to be included and explained as a worst form of genocide.

Again, referring to Mr. Adama Dieng, he explained that the crime of genocide is different from other crimes because it takes into consideration the intent to eliminate fully or partially a group of people. Ethnic cleansing is just that. So, he hoped that the international community and the office of the special advisor would do something in this regard.

On the next point, Ambassador Ahmad clarified to the audience that Bangladesh commemorates two separate days. One is the 25th March, the national genocide day. Genocide against Bangladesh started on this day in 1971. The government and parliament declared it as national day of genocide. Another day which is commemorated is the 9th December. It was agreed in the UN that 9th December would be observed as International Day of Prevention of Genocide. Bangladesh is a partner in this decision. While Bangladesh respects that decision, it also highlights the special day 25th March because it wants that everybody in Bangladesh and the rest of the people of the world to remember this day and why this remembrance is important.

Ambassador Ahmad noted that although the special advisor's office is charged with prevention, prevention is only possible when what has happened in the past is recognized and lessons are taken from them. Unless we are quick and active in recognizing it, we will be lacking in our efforts. Ambassador Ahmad hoped that the office of the special advisor and the officials of the related organisations in the UN will do something about speeding up recognition of all events of genocide that have been recorded, not only in Bangladesh but also others that have not yet been formally recognized as such. He believed this will add to the strength of prevention.

Ambassador Ahmad reflected on the atrocity of the 25th March 1971. The Operation Search Light was pre-planned and carried out to a blueprint. It started on 25th March and continued till the end of the war. It started by targeting the best sons of Bangladesh, the intellectuals and the professionals and it ended with targeting them as well. In the last few days of the war, the Pakistani occupation forces and their cohorts in Bangladesh picked up important intellectuals and professionals of Bangladesh and killed them. In the rest of the months, they targeted general unarmed people of Bangladesh. It was an indiscriminate atrocity which included mass killing, looting, arsons and rape.

Ambassador Ahmad referred to the discussion of Barrister Amir-ul Islam and Ambassador Shamsheer Mubin Chowdhury regarding the 195 listed war criminals who were handed over to Pakistan under the tripartite agreement among Bangladesh, India and Pakistan on the understanding that they would be tried by Pakistan. But they did not do it. The case and evidence against them are available.



Ambassador Ahmad hoped that the international community would find a way of identifying these people, shaming them and if possible, bring them to justice and try them. Most importantly, these crimes need to be recorded and responsibility needs to be assigned to those responsible for these crimes.

Then Ambassador Ahmad brought up the topic of genocide against Rohingyas and observed that even today, many people find it difficult to use the word genocide in this case. He hoped that the special advisor's office and the others concerned will be able to officially declare it as a genocide and take necessary steps to bring to accountability the perpetrators. Also, ensure that the people who have suffered under this genocide are able to go back to their normal lives with full dignity and rights.

On this note Ambassador Ahmad thanked the Chief Guest Mr. Adama Dieng, the Foreign Secretary Mr. Md. Shahidul Haque, Mr. Mofidul Haque, members of parliament, senior jurists, former ambassadors, former generals, senior officials of the government of Bangladesh, friends from the media and everybody else present in the seminar for making this event a success. He concluded by reminding that Bangladesh Institute of International and Strategic Studies (BISS) had previously organized a big conference on 29th March 2017 to commemorate the beginning of the day of commemoration of 25th March as genocide day in Bangladesh and thanked the guests who were present on that day.

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