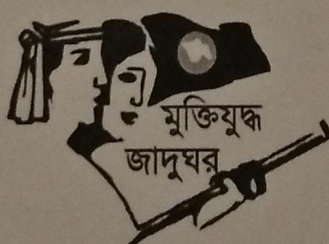


International Conference on Genocide, Truth and Justice

March 1 to March 2, 2008

Organized by
Liberation War Museum, Bangladesh

Proceedings



Liberation War Museum

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The International Conference on Genocide, Truth and Justice, organized by Liberation War Museum, Bangladesh, was held on the 1st and 2nd of March, 2008 at BRAC Center Inn in Dhaka. This was the first ever international conference to be held on the issue of genocide in Bangladesh. The basic objectives of this conference were to study the genocide in Bangladesh as well as to examine the genocide from a global perspective, to create public awareness against genocide and to prevent recurrence of genocide by means of enforcement of the international laws against genocide, crimes against humanity and war crimes. Eminent speakers of Bangladesh and abroad as well as students of various local universities—as representatives of the younger generation, took part in the conference.

There were representatives from Japan, Cambodia, Germany, USA, India, Pakistan and Bangladesh. They shared views about the genocide from the perspective of their respective countries.

Key Aspects of the Conference :

- ❑ The crime of genocide was extensively analysed from a legal and moral viewpoint and was reviewed in the perspective of the Universal Declaration of Human Rights and The Genocide Convention of 1948, which is the most universal document in this regard.
- ❑ Based on the views on war crimes trials of other countries, suggestions were made on how to initiate and prosecute the trial of the accused war criminals in Bangladesh.
- ❑ The obstacles that exist in bringing the perpetrators under trial and the required measures to be taken for the rapid initiation of the War Crimes Trial were discussed and deliberated upon by the eminent speakers through their rich and thought provoking deliberations.

Requirements for initiating trial of perpetrators and preventing genocide:

- ❑ Proper documentation
- ❑ Research on genocide, especially the Genocide in Bangladesh.
- ❑ To gain international recognition of the Genocide in Bangladesh.
- ❑ To involve a broader section of people, especially the young generation in the process as a whole.

Day 1	: March 1, 2008
Opening Session	: 10:00 AM
Moderator	: Dr. Sarwar Ali
Guest of Honor	: Justice Mohammad Habibur Rahman
Address of Welcome	: Mofidul Hoque
Speakers	: A.V.M. (Retd.) A. K. Khandker Ashis Nandy – India Farina So – Cambodia

Dr. Sarwar Ali, Trustee of the Liberation War Museum, welcomed the participants. He expressed regret about the fact that the trial of the perpetrators of the Genocide in Bangladesh could not be held even after 37 years despite its being the largest mass killing in the shortest period. He, in short, narrated the objectives of this conference as well as of the Liberation War Museum. He urged the participants to take the appropriate steps so as to make a final effort to overcome our past failures in being able to place The Bangladesh Genocide in the record-books of international genocide.

Mofidul Hoque, Trustee of the Liberation War Museum and Co-ordinator of the Conference, in his address of welcome, highlighted the objectives of the meeting. He pointed out that the reason of emergence of Bangladesh lies in the deep rooted fact that the struggle of the Bengalee nation was based on democracy, secularism and nationalism, whereas the emergence of Pakistan was based on religious dogmatism. He vividly described the dreadful aspects of the Liberation War and also explained from a global political perspective the reasons due to which the trial of war criminals not could be held and highlighted the following facts:

Objectives of the Liberation War Museum:

- ⇒ Upholding the tradition of the syncretistic and liberal culture and heritage of the Bengalee nation
- ⇒ Collecting mementos and documenting facts for the proper initiation of trial of war criminals
- ⇒ Presenting the history of the country before all, especially the younger generation so that they get imbued with the spirit of patriotism and liberal democratic ideas

Key Contents of the Deliberation:

- ⇒ The fact that no trial of the Bangladesh Genocide was held even after 37 years is a great failure of Bangladesh as well as of the international community. This lapse, to a great extent is responsible for the rise of fundamentalism and communalism in the post liberation period.
- ⇒ The Bangladesh Genocide never got due recognition from the international community as Bangladesh became a victim of the global cold-war conflict of that time. The Pakistan Government was backed by USA and China whereas Bangladesh was supported by India and the former Soviet Union. The same was also the case with Cambodia.
- ⇒ At the end of the Liberation War, the Pakistani soldiers were treated as POWs (Prisoner of War) in Indian Camps. Due to international pressure, India was compelled to sign a peace treaty with Pakistan, releasing all the POW's with a promise from Pakistan that 200 accused officers and soldiers were to be put under trial in Pakistan.

Unfortunately, they were never tried in Pakistan.

- ⇒ In the early nineties, the Rwanda genocide and the one in Yugoslavia were able to draw the attention of the international community resulting in the intervention of the world bodies. With the signing of the Cambodian peace deal in 1997 in Paris, the UN initiated trials of the Cambodian Genocide and The International Criminal Court was formed with the adoption of the Rome Statute.
- ⇒ Reconciliation can be considered as a measure of preventing genocide only when the perpetrators are brought under justice and peace is established thereby.

Addressing the Bangladesh genocide from the point of view of truth and justice has remained an unfulfilled task of history.

Farina So, DC-CAM, Cambodia :

She narrated the genocide that took place in Cambodia during 1975-1979. As part of her speech, there was a comparative discussion on the genocides of both Cambodia and Bangladesh. Furthermore, she also gave description about her organization DC-CAM which collects and preserves evidence of the Genocide of Cambodia.

Key Contents of Presentation :

- ⇒ During 1975-1979, about 1.7 million people were killed due to starvation, diseases, torture, execution etc. in Cambodia.
- ⇒ Documentation Center of Cambodia or DC-CAM is a non-governmental organization established in 1995 with the purpose of preserving documents of the genocide of Cambodia. The organization at present, is working so as to commemorate and seek relief, truth and justice to the Khmer Rouge victims.
- ⇒ A tribunal named Extra-ordinary Chamber in the Court of Cambodia (ECCC) has been set up in order to try the people responsible for committing genocidal crimes during the regime 1975-1979. But holding the trial is not an easy task as the procedure is long-winded and complex. DC-CAM tries to ensure a smooth trial by providing the required evidence

Ashis Nandy, Senior Fellow, Center for the Study of Developing Societies (CSDS) India:

The eminent speaker, in his outstanding deliberation depicted a global picture of genocide of the twentieth century in which, according to him 225 million people were killed. He elaborated on the changes in the nature of genocide.

Key Contents of Presentation:

- ⇒ Although difficult to believe, it is true that secular regimes cannot be considered as a safeguard against genocide. For example, 65 million people were killed in the former Soviet Union, 60 million were killed in China and 1.7 million people were killed in Cambodia when all three nations were under secular regimes.
- ⇒ Long before the last century, genocides occurred mainly due to religious conflicts. From the study of genocides of the last century, it can be found that most of the genocides—at least two-third of them, occurred due to one's own state, such as genocides of Cambodia, China, Bangladesh and former Soviet Union. In fact, the nation state itself is a very dangerous entity and should be monitored and controlled carefully.
- ⇒ In the last century, with the development of technology and advancement of civilization, the character of genocides have undergone a drastic change. It is much easier to kill an enormous number of people by aerial bombing than to kill them directly. In a word, killings have been bureaucratized nowadays.
- ⇒ The most vicious instances of cruelty occurs when the communities are strongly related. Anthropologically speaking, the Hutus and the Tutsis were the closest two communities in the case of the Rwanda Genocide. Similarly, it is found that the communal harmony between the Hindus, the Muslims and the Sikhs was not enough to prevent the genocide during the India-Pakistan partition in 1947.
- ⇒ Genocides cannot be prevented by secular states or by well intentioned declarations, it is the awareness of the common people that can make a difference.

AVM (Retd.) A.K Khandker, Chairman of Sector Commanders' Forum :

He discussed the barbaric acts of the Pakistan Army and their collaborators on the innocent Bangalees in 1971. He stressed on the necessity of war crimes trials in order to establish truth and justice in the society.

Key Contents of Presentation :

- ⇒ After the liberation of Bangladesh, the Bangabandhu government brought an amendment to the constitution for trying 198 Pakistan military personnel. Due to the tri-nation treaty between India, Pakistan and Bangladesh, the alleged criminals were set free. Although they were supposed to face trial in Pakistan, the trial never took place.
- ⇒ In order to put the local collaborators under trial, 'The Collaborator's Act' was enforced on January 24, 1972. Under the provision of the Act, 37,400 were arrested and taken into custody.
- ⇒ On 30th November, 1973, a General Amnesty was declared by the Bangabandhu Government for those who were forced to join the collaboration forces and who committed only petty crimes. As a result, 26,400 accused people were set free. The remaining 11,000 were formally accused with the major crimes of murder, rape, looting, arson etc.
- ⇒ As trials continued, 752 people were sentenced, some of them sentenced to death. But after the tragic killing of Bangabandhu on the 15th August, 1975 all the trial processes came to a grinding halt. On 31st December, the Collaborator's Act was repealed and all prisoners were released.
- ⇒ Continuation of the trial processes was a necessity for the nation to move forward and to prevent recurrence of genocides.
- ⇒ Sector Commanders are traveling around Bangladesh to raise consciousness among the citizens and for establishment of the fact that the trial of war criminals is not a matter of revenge but a requirement to ensure justice in the society and to build a liberal and non-communal society. The International Crimes (Tribunal) Act, 1973 of Bangladesh is the special law still in force to try the war criminals.

Justice Mohammad Habibur Rahman, Former Chief Advisor of the Caretaker Government:

He explained crimes from a social point of view. This eminent speaker gave importance on detecting war crimes as well as bringing them under trial in order to perceive the importance of genocide trials.

Key Contents of Presidential Speech:

- ⇒ Crime is not a secular affair, rather it is a human affair. Crimes can never be completely eliminated from the society. Hence, a crime free world is a rhetoric concept. It is a universal fact that perpetrators of war crimes are found even amongst the most civilized and law-abiding nations. So it is important to detect crimes and bring the perpetrators under trial.
- ⇒ He narrated his own experience of meeting a British bomber pilot who took part in the Dresden bombing in WWII. Although distance makes killing less traumatic for the killer, the effect of killing leaves a scar on the perpetrator's mind. Hence, it is not desirable that we view the trial of perpetrators as a matter of personal hatred, rather it should be considered as a means towards the establishment of peace and justice in the society.
- ⇒ All the previous governments avoided and the present Caretaker Government continues to avoid the initiation of the War Crimes Trial by terming the matter as 'troublesome'. It is hightime to face the reality and initiate the trial to help in the moral and democratic reconstruction efforts of the society.

Mapping Genocide with the Universal Declaration

11:45 A.M

Moderator : Ziauddin Tariq Ali
Panelist : Dr. Mizanur Rahman
Discussant : Barrister Shahdin Malik
Chairperson : Professor Rehman Sobhan

Tariq Ali was optimistic that the Conference would usher a new beginning for the international recognition of the Genocide in Bangladesh.

Mizanur Rahman, Professor of Law, University of Dhaka:

He elaborated how the convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights (UDHR) were enacted and how these two documents established human rights as an inalienable concept. He emphasized on how the UDHR came to represent the concept of Human Rights in the post- Second World War world. He also mentioned that genocide was not given due importance in the UDHR and was viewed differently from the concept of human rights.

Key Contents of Presentation:

- ⇒ 2008 marks the sixtieth anniversary of the Convention on Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights. But massive violation of Human Rights in the past century proves that the need for the Genocide Convention cannot be underestimated.
- ⇒ Despite the fact that the UDHR and the Genocide Convention were drafted at the same time – the Genocide Convention preceding the UDHR by 24 hours – the latter document does not mention the word 'Genocide' even once. It appears that genocide was looked at differently from core idea of Human Rights. A careful reading of UDHR is sufficient to alleviate any such doubt of the UDHR not attaching due importance to genocide. Article 1 of UDHR declares, "All human beings are born free and equal in dignity and rights....."
- ⇒ Real life conditions of life of millions of people in different corners of the globe led to various occurrences of genocide, but the UDHR failed to point fingers to this crime by mentioning it by name. Eighteen years later, the word 'genocide' resurfaced in the International Covenant on Civil and Political Rights (ICCPR).
- ⇒ In 1971, only five years after adaption of the ICCPR, the world witnessed the Genocide in Bangladesh which was clearly and without a shade of doubt, an international crime.
- ⇒ Despite having preceded the UDHR, the Genocide Convention failed to adopt crystal-clear provisions as standard setting for states in their treatment of their nationals. While the UDHR has a clear bias in favour of the State's obligation with regards to right of its nationals, the obligations under the Genocide Convention are inherently transboundary in nature.

Shahdin Malik : Barrister and HR activist

He pinpointed the basic difference between the Law of Genocide and the ordinary Criminal Law. On this perspective, a few important points were noted by him about how trial of war crimes could be rapidly initiated.

Key Contents of Presentation:

- ⇒ According to UDHR, the international community is legally bound to prevent genocide and punish war criminals. All international conventions or treaties that are undertaken should be translated into a national law i.e. it should have a similar national law. But in Bangladesh, we have not put this into practice.
- ⇒ The only exception is the International Crimes (Tribunal) Act of 1973, which reproduced many important clauses of the International Convention of Genocide and made further elaboration. To enact this as a Law, the Constitution was amended.
- ⇒ Any trial of crime has a long list of safeguards i.e. has criteria of all reasonable doubts. The Genocide Law permits deviation from such safeguards. In War Crimes Tribunal, one can be compelled to be a witness against himself. Moreover, newspaper reports cannot be considered as evidence in ordinary law, whereas newspaper reports can be treated as evidence in case of War Crimes Tribunal.

ZULFIQAR ALI HALEPOTO :

He explained the term "genocide" in a much broader sense. According to him, genocides do not refer to mass killings only. Impositions on culture, language, religion and national feelings should be treated as part of genocide. In a word, any step taken to destroy the essential foundations of a society can be considered as genocide.

Observations from the Open Discussion :

- ⇒ Although the Collaborator's Act was repealed in 1975, the 1973 International Crimes Act could not be repealed as there is a safeguard in the Constitution i.e. no amendment can be made to this Act.
- ⇒ The trial of war criminals could not be held due to political change in 1975 and due to self-interest and political motivation.
- ⇒ To set up a Special Tribunal, a Gazette Notification of the setting up of the Tribunal should be submitted on behalf of the State and prosecutors should be appointed for investigation.
- ⇒ The major obstacle in setting up the Tribunal is the lack of commitment from those in state power.
- ⇒ Newspaper reports, photographs can be considered as documents in trial of war criminals.
- ⇒ The young generation wants the trial to be rapidly initiated, instead of rigorous discussions.
- ⇒ It is difficult to protect the right of the convict and continue the trial simultaneously and the new generation should play a strong role to assist a smooth trial.
- ⇒ Genocide should be dealt with in a broader sense; such as to include not only mass killings but impositions on culture, language, etc.
- ⇒ Cases filed against war criminals should not be filed on behalf of State, rather it should be on behalf of the People of Bangladesh i.e. (People of Bangladesh Vs the Accused).

Rehman Sobhan, Economist :

The respected economist stated that genocide is a universal crime and that the search for some sort of universal jurisprudence to protect victims' rights continues. The core values of the Liberation struggle of Bangladesh has gradually become the universal value of the nation. It is necessary to turn the demand of the trial of perpetrators of Genocide in Bangladesh into a universal demand and that is very much possible now.

Key Contents of chairperson's speech:

- ⇒ There exists a concept called 'Justice for Victims,' the principles were laid down and argued against by the Tribunals at Nuremberg and the Japanese War Crimes.
- ⇒ Due to rehabilitation of relations with Pakistan, it was considered politically and diplomatically inconvenient to identify them as perpetrators and seek trial. As a result, crimes faded from international recognition.
- ⇒ It is the duty of the next elected government to complete the unfinished task of holding the Trial of War Criminals.
- ⇒ In absence of proper government effort, the people themselves, have to be custodians of the universal demand of trying the war criminals. It must not be allowed to become a third generational failure of not holding trials of War Criminals.

Plenary Session : 2

Documenting and Archiving Genocide

3:00 P.M

Moderator	: Aly Zaker
Panelists	: Farina So, DC-CAM, Cambodia Professor Masaaki Ohashi, Japan
Discussants	: Professor Rounaq Jahan Professor Muntassir Mamun
Film presentation	: (LWM Oral History Project)
Chairperson	: Shamsuzzaman Khan

Farina So (DC-CAM, Cambodia) :

She described in detail the documentation process of her organization DC-CAM.

Key Contents of Presentation :

- ⇒ DC-CAM is helping potential witnesses from around the country and abroad to file complaints in the court. It is also making an equally important contribution to justice through its collection of documentary evidence. While eye-witness accounts may be disputed at the Tribunal, the more than 600,000 documents, which the DC-CAM has amassed since 1995, are hard evidences of the former Democratic Kampuchea (DK) regime's internal involvement in the genocide.
- ⇒ The collection has been divided into two main categories – primary documents, which are from the period Democratic Kampuchea, and secondary documents, which were produced after the regime fell in 1979. The documents within these categories are of five types which are paper documents, physical information, for example mass graves, interviews, photographs and films.
- ⇒ Primary documents consist of confessional transcripts, Communist Party of Kampuchea (CPK) correspondence, committee minutes and reports, biographies, diaries and notebooks, media materials, forged documents etc.
- ⇒ Secondary documents consist of survivor petitions, 1979 trial documents, transcripts of interviews, mapping reports etc.

Professor Masaaki Ohashi, Japan :

The panelist from Japan, through his Powerpoint presentation, revealed the censorship that is imposed on school textbooks in Japan. The participants of the conference came to learn a lot about the Okinawa mass suicide myth in 1945 by watching the documentary film about the battle of Okinawa.

Key Contents of the Presentation:

- ⇒ Description in history textbooks often become causes of disputes within and beyond a country. This is a global problem. Such is the case in Japan where a group of nationalistic academicians along with some other groups and individuals have been campaigning to change works of or totally erase points in history textbooks for years. Their opponents are jeeringly referred to as masochistic viewers of history.
- ⇒ All textbooks used in Primary, Junior-High and High Schools, published by several private companies following

the government guideline of teaching, must be checked by Ministry of Education in Japan, despite the Right to Freedom of Expression recognised in the Japanese Constitution.

- ⇒ Local government selects textbooks for each subject from among several choices for its public schools.
- ⇒ During the battle of Okinawa in 1945, many people were killed either by US or by the Japanese military. Many were forced to kill themselves and their family members to avoid shame of being a US prisoner. Censorship was imposed on this topic and descriptions of atrocities were changed.
- ⇒ Gradually, people in Okinawa and other parts of Japan started a campaign against this change. As a result, the Ministry of Education accepted voluntary requests for rewriting the descriptions submitted by publishers. The descriptions came in somewhere between the actual and the censored, leaving the censorship system unharmed. Thus the Okinawa people could not attain complete victory.

Observations from the open discussion :

- ⇒ Learning from this Japanese experience, participants felt that evidence can be collected from genocidal museums, individuals, the Ministry of Interior etc.
- ⇒ For proper documentation, funds can be raised from national and international organizations and also from individuals.
- ⇒ The evidence collected for the trial of genocide should be classified and checked for accuracy carefully.
- ⇒ The trial of war criminals is a very long process. So it is not always possible to bring them under trial in their lifetime. But unfortunately, the trial cannot be prosecuted after the death of the convicted person.

Film Presentation- Liberation War Museum, Oral History Project :

The participants enjoyed a documentary film about the major programmes of the Liberation War Museum which include outreach programme, mobile museum etc. This outreach programme covers a large area in Bangladesh. Students are encouraged to interview the senior members of their family or from their neighbourhood and submit those eye-witness accounts to the museum. LWM so far has received about 8000 such oral history accounts. An accompanying paper has been submitted by Mofidul Hoque, Director of the programme.

Professor Rounaq Jahan, University of Columbia, USA :

The eminent political scientist pointed out the reasons of the unfamiliarity of the genocide of Bangladesh worldwide. She made some useful suggestions to overcome the problem.

Key Contents of the Presentation:

- ⇒ In comparison with other genocides in history, the Bangladesh genocide is less familiar to the western world. This is due to lack of documentation in English.
- ⇒ For holding the trial of war criminals, proper documentation is required which is a task yet to be fulfilled. This criterion has not been fulfilled due to the lack of government interest.
- ⇒ To preserve history, a number of measures have to be taken. For example the names of the martyrs can be placed on walls at each Shahid Minar at the upazilla and the district levels.

Professor Muntassir Mamun :

He pointed out the reason behind unavailability of primary documents and that is the absence of a central documentation center. He was also skeptic whether trials could be continued with only secondary evidence in store.

Key Contents of the Presentation :

- ⇒ Bangladesh genocide was not discussed extensively worldwide as it became victim of the cold war. US and China were indirectly involved with it.
- ⇒ After the Liberation War of 1971, for various political reasons the trial could not be carried on.
- ⇒ One of the main problems to initiate the trial is the lack of documentation as archiving and documentation is an alien idea which is not a strong component of Bengali culture.

- ⇒ As there is existence of secondary documentations and evidences such as paper cuttings, mass graves, oral histories etc, a central research center should be formed to preserve them so that when the Tribunal starts working, strong evidences can be put before the court.
- ⇒ LWM started the process of documentation in its humble way and along with them some individuals are also working on it.

Comments from Foreign Guests :

- ⇒ The process of healing and reconciliation is very complex. Healing requires a long time. Reconciliation can be achieved only when justice is established.
- ⇒ For collecting secondary documents, the survivors of war should be approached and interviewed. The proper technique of conducting interviews should be adopted.

Shamsuzzaman Khan, Former Director-General, National Museum :

He congratulated the speakers and hoped that the experience shared by the foreign speakers will help to remodel the existing way of collecting information and preserving documentation in Bangladesh.

Key Contents of the Chairperson's Speech:

- ⇒ Nowadays, some of the young scholars are doing research on the Liberation War and are writing books full of evidence and photographs. These are expected to make a positive impact on the process of documentation.
- ⇒ During the past regimes, history textbooks have been distorted and documents and TV footages have been willfully destroyed. These are serious obstacles to find real evidence.
- ⇒ If the elected government possesses political commitment, then and only then the much desired goal of war crimes trial can be achieved.

Field Visits :

5:00 PM

Jalladkhana Killing Field, Mirpur :

The delegates paid a visit to the Jalladkhana killing field at Mirpur in the outskirts of Dhaka city. Jalladkhana was an abandoned water pump-house where innocent people were killed and dumped in a pit by the collaborators of the Pakistan army in 1971. For the last few years, Liberation War Museum has been preserving the Jalladkhana Killing Field and last year in June built it as a Memorial Site.

7:00 PM

Liberation War Museum :

The delegates visited the Liberation War Museum, which was established in 1996 to commemorate the heroic struggle of the Bengali nation for democracy and national rights.

Day : 2, March 2, 2008

Plenary Session : 3

Trauma and Tribulation of Victims

10:00 AM

Moderator : Sara Zaker

Panelists : Professor Sonia Nishat Amin

Dr. M. A. Hasan

Ashis Nandy

Chairperson : Syed Shamsul Huq

Dr. M. A. Hasan, Convener of War Crimes Fact Finding Committee :

Recalling the days back in 1971, Dr. Hasan narrated a moving description of the agony and sufferings of the common people through his own experience. After the end of the war, the trauma of the victims continued, due to non-recognition by the government or international community. Dr. Hasan also presented a well documented study of the occurrence of abuse and violence against women, irrespective of their religion. Citing examples from war victims, Dr. Hasan was successful in drawing an authentic and horrific picture of the physical and psychological trauma of the war victims.

Key Contents of the Presentation :

- ⇒ Trauma and the sufferings of war victims was overpowering and intensified strife and discontent in the society in post-liberation Bangladesh. As there was no remorse from the side of perpetrators and there was no justice. Self-esteem of the victims, especially the women, was at a very low ebb.
- ⇒ As no remedy was provided to the victims, restoration of a normal social life for them was impossible. At the same time, opportunity for moral and democratic reconstruction of the society was also lost. In this way, by not delivering justice, the society has been plunged into disarray. When our conscience is traumatized, a defeatist attitude tends to dominate the psyche of the nation.
- ⇒ A process of reconciliation is workable only when the perpetrators open their hearts and they are remorseful of their guilt. When there is no confession and remorse, reconciliation becomes a matter of academic exercise only.
- ⇒ Justice must not be part of a political motivation nor should it be integral component of an economic equation. For individuals, justice means relief and an assertion of their dignity and rights in the society, it is a methodology of keeping order and stopping the repetition of crimes.
- ⇒ Justice and punishment for crimes are imperatives by themselves for assuring the continuity of the morality in social life and restoring the dignity of victims. But to prevent repetition of such crime, education and

dissemination of information is a must. Constructive exposure and engagement with the society can provide the victims an opportunity for a meaningful life.

Dr. Sonia Nishat Amin, Professor of History, Dhaka University

She tried to reconstruct the struggle of poet, journalist Selina Parveen and her tragic torture and death at the hands of Pakistani army and the local collaborators. The speaker highlighted on Selina Parveen's life and the struggle of women in a male dominated society, from the start of her career to the last moments of her brutal death in the killing fields of Rayer Bazar.

Key Contents of the Presentation :

- ⇒ The trauma of the victims can be perceived through imagination, through photographs, being a victim and in reality before eyes.
- ⇒ 'Budhijibi Nidhon' the pre-planned decimation of intellectuals is the Bengali term used for the brutal and horrible 'finishing touches' that the Pakistani army carried out in collusion with their Bangladeshi collaborators, the militant groups of Al-Badar and Al-Shams. They set out to realize their well laid-out blue print of destroying the intellectual, professional and cultural backbone of this land.
- ⇒ The victims came from the lower to middle and upper middle class. Some were young, some were not directly freedom fighters, some were political leaders. But all of them were opposed to the Pakistani military rule.
- ⇒ Being born in the thirties, Selina Parveen was an exceptional woman, liberal, self-taught and self-motivated to achieve her goals.
- ⇒ She is one of the few martyred intellectual woman.

Ashis Nandy :

He tried to extend his views to the deep rooted reasons behind mass killings.

Key Contents of the Presentation:

- ⇒ Though the trauma and agonies of the genocide can be directly perceived, there also remains an indirect aspect of victimization. War criminals can be identified as another set of unrecognized victims in the sense that they were devoid of their fundamental human quality at that point of their lives.
- ⇒ Human beings are not naturally inclined to killing; it takes elaborate rituals to transform an ordinary human being into a killing instrument. This was the important view expressed by the eminent speaker.
- ⇒ The truth and reconciliation commission could be thought of as a measure to prevent recurrence of genocide without denying justice.

Observation from the Open Discussion:

- ⇒ The convicted criminals of the Bangladesh genocide should be duly punished instead of extending too far the theory of psychological trauma of the perpetrator himself.
- ⇒ Justice should not be retributinal.
- ⇒ Political or idealistic motivations behind genocides should be identified.
- ⇒ Bangladeshi intellectuals should appeal to the Pakistan People's Party and Muslim League so that they apologize for their crimes in 1971.
- ⇒ Reconciliation should be considered but it is not possible in Bangladesh at the moment without addressing the question of trial.

Syed Shamsul Haque, Author and Activist :

The eminent writer shared his experience about the universalism of the demand of justice. He appreciated the friendly debate on reconciliation between the participants and explained reconciliation from his own point of view.

Key Contents of the Chairperson's Speech :

- ⇒ With most of the perpetrators absent, reconciliation perhaps, is not possible in Bangladesh under the present circumstances.
- ⇒ For reconciliation to have its desired effect in the society, the accused must have a strong sense of remorse, which the perpetrators of Bangladesh genocide lack. But in spite of this, reconciliation is the first step that should be attempted for achieving a better world.
- ⇒ The sufferings and agonies of the people in 1971 should be narrated to people in Pakistan so that they have the true picture of what happened in Bangladesh in 1971. In the same way, the writings by the military personnel of Pakistan, who were responsible for genocide in 1971 and feel remorse should be circulated in Bangladesh. In a word, there should be access of information between Bangladesh and Pakistan.

Plenary Session : 4

Bangladesh Genocide and Trial of the Perpetrators

11:45 AM

Moderator : Rabiul Hussain
Panelists : Dr. Shah Alam, Chittagong University
Humayun Reza
Helmut Scholz, Germany
Chairperson : National Professor Kabir Chowdhury

Helmut Scholz-Germany :

Through his speech, he reflected on the genocide committed by the Nazis in Germany. He also narrated how in the sixties of the last century the young generation of the European society became aware of the misdeeds that occurred during the Second World War. He also cited the example of debate now going on in Germany regarding the role of railway in the holocaust. He made some important suggestions on preventing genocide.

Key Contents of the Presentation :

- To prevent recurrence of genocides, intervention from international community is required such as setting up tribunals of war crimes by UN.
- The composition of society must learn to tolerate and respect the dignity of others; be it in terms of religion, cast and gender. This is another step required to prevent genocide.
- Finally, assurance of fulfilling the basic needs of life is also a requirement to prevent recurrence of genocides.

Dr. Shah Alam, Professor of Law, Chittagong University :

The scholarly speaker threw light on the aspects of international laws that were existed to prevent genocide, the reasons behind the trials of war criminals (of 1971) not being held because of international political reasons and the measures that will be required for a rapid initiation of war crimes trial now. As the trial of war criminals is a crying need, the speaker opined that the most effective way for the trial would be to set up a commission and invoke the 1973 International Crimes Act.

Key Contents of the Presentation :

- Provisions for punishment of the war crimes are the core of international criminal law, substantial part of which is now strongly enshrined in the Statutes of the International Criminal Court. Mankind's endeavor and drive to fight and prosecute the crimes are part of its collective efforts to establish international rule of law as well as rule of law in individual countries. It is the obligation of both international communities and of the nations themselves to bring the perpetrators of these crimes to justice.
- Sufficient information is not available on the Bangladesh Genocide to conduct research both domestically and for the international communities.
- The government can form a special investigation commission to elicit complaints from both victims as well as the general public and collect evidence of these crimes to prepare for the prosecution. If the facts and evidences are clearly on record, law and procedures would not pose an impediment to providing justice for

the victims. There may be practical difficulties in apprehending the accused living outside the territory of Bangladesh, but there are many who are living inside and the trials can be initiated with them.

- There is a great need for networking and co-ordination, accompanied by more research and investigation, amongst various national and international groups who are mobilizing all possible forces to intensify the demand for trial of war crimes.

Humayun Reza (Journalist and Researcher) :

In his discussion, he elaborated the reasons of the liberation war in 1971, the atrocities of the war and how Collaborator's Act, 1972 was enforced. He also analyzed why the war criminals were never tried. His well documented presentation provided an exposure of the characters of the regime of 1971 to 1975 and of the subsequent regimes.

Observations from Open Discussion :

- It is very unfortunate that nowadays the anti-liberation forces are parading everywhere, with some collaborators even acquiring certificates as freedom fighters. Some measures should be taken to stop this.
- The collaborators have not apologized till now. So, the question of reconciliation cannot arise.
- Election Commission can not debar the registration of Jamaat-e-Islami, Bangladesh because secularism, which was a pillar of the constitution, has been removed.

Kabir Chowdhury, National Professor, Chairperson :

The eminent speaker expressed his views about reconciliation. He outlined the measure to be taken for holding the trial of war criminals.

Key Contents of the Chairperson's Speech :

- Reconciliation is not possible unless the war victims forgive the criminals as reconciliation without consent of victims would be an act of great injustice to them.
- For the purpose of holding a fair war crimes trial, proper documentation and preservation of history is a must.
- There is no provision of holding war crimes trials under the existing laws. That requires special kind of documents and evidences. Hence, war criminals should be tried under special tribunal that should be set up by the government.
- Self-confession of the criminals can be obtained from statements of the criminals in the newspapers.

Roundtable Discussion :

3:00 P.M

Building an Alliance : Addressing Genocide, Preventing Genocide

Moderator : Mofidul Hoque

Discussants : Barrister Sara Hossain

Dr. Imtiaz Ahmed

Chairperson: Professor Anisuzzaman

Zafar Sobhan, on behalf of Barrister Sara Hossain:

Through the paper that he read out, he emphasized on how an alliance can be built within and beyond Bangladesh so as to bring about recognition of the nature and extent of war crimes in 1971 and to demand redress and reparations.

Key Contents of the Presentation:

- ◆ Creating allies nationally:
 - o Over the last 37 years, there have been efforts to keep alive memories of the events that took place in 1971 by organizations like 'Projonmo 71', ASK, LWM etc. But due to lack of coordination and a unified effort, the voices of the families of the victims were not raised. Therefore, alliances should be created nationally by building a network among the victims' families.
 - o The young generation, unaware of the story of the long and painful struggle, should be apprised with information collected in an organised manner.
- ◆ Seeking International Allies:
 - o Bangladesh, as a country, suffered gross violation of Human Rights and war crimes in 1971- which has been forgotten by the world community. International discourse and debates on these issues should be re-initiated through academia and international human rights organisations.
 - o There should be focus on the war criminals in the then Pakistan Army and Government as well as their local collaborators. There was a commitment as noted in the Hamoodur Rahman Commission Report very clearly that Pakistan would conduct its own trials. This fact should be focused through the Pakistan media and the Human Rights communities there.
 - o Technical assistance should be sought from the UN legal office for setting up an International Commission on War Crimes in Bangladesh.
- ◆ Collecting the Evidence:
 - o For the sake of accountability, proper documentation is required. Alliances have to be created among the professionals of the society such as journalists, lawyers, researchers and students. Individual experiences should be recorded not only at the national level, but also at the local and the district levels. In addition, survivors should be interviewed.
 - o It is necessary to interview these people who were involved in the prosecutions and in framing laws, so as to identify where the difficulties were faced and why the attempts at justice failed. The constraints, both internal and external, that barred effective investigations and prosecutions should be understood.

Dr. Imtiaz Ahmed, Professor, International Relations Dept, Dhaka University

Key Contents of the Presentation :

- ⇒ From December to April every year, a number of programmes and events take place in our country, which reflect the secular spirit of the nation. Steps should be taken so that this secular atmosphere prevails throughout the year. Secular atmosphere can act as a safeguard against the misdeeds of the anti-liberation forces.
- ⇒ A Center of Genocide studies should be established at Dhaka University which itself is the witness of many events of 1971. In addition, Dhaka University has become the center for all of our national festivities nowadays.
- ⇒ Topics related to genocide should be included in the curricula of different department of the Universities to make students well aware of not only the genocide of 1971, but also the ill effects of genocide, as a whole.
- ⇒ The history of the 1971 genocide can be internationalised by establishing Bangladesh Cultural Center which will present the history, culture and heritage of Bangladesh abroad.

Comments from the Participants :

- ⇒ Alliances to be built worldwide. The Liberation War Museum has links with other centres like South Asia Study Centre of North Carolina University. There are also many initiatives undertaken like at Kean University, NJ and expatriate Bangladesh youth are active in this issue.
- ⇒ The sources of documentation of centres should be authentic, reliable and must be verified accurately. The documents should be translated into English and other languages.
- ⇒ Documentation organizations like Liberation War Museum, should be independent.
- ⇒ It takes a generation and a half to produce good works on genocide. Which is unfortunately absent in Bangladesh. This is due to silence not only of the collaborators but also of the victims.
- ⇒ Liberation War Museum can work jointly with human rights organizations such as "Ain O Salish Kendra (ASK)" to study the national war crimes laws as well as the international ones.
- ⇒ International assistance can be sought to deal with forensic evidences.
- ⇒ Public awareness.
- ⇒ Center of Genocide Studies to be established.

International Conference on Genocide, Truth and Justice

1-2 March, 2008

Organized by
Liberation War Museum, Bangladesh

Venue : Brac Centre Inn
75 Mohakhali, Dhaka 1212

1 March, 2008

- 10-00 AM : Opening Session
Guest of Honour : Justice Mohammad Habibur Rahman
Address of Welcome : Mofidul Hoque
Speakers : AVM (Retd.) A.K. Khandker
Ashis Nandy – India
Farina So - Cambodia
Moderator : Dr. Sarwar Ali
- 11-30 AM : Tea Break
- 11-45 AM : Plenary Session : 1
Mapping Genocide with the Universal Declaration
Chair : Professor Rehman Sobhan
Panelist : Dr. Mizanur Rahman
Discussant : Shahdin Malik
Moderator : Tariq Ali
- 1-30 PM : Lunch Break
- 3-00 PM : Plenary Session : 2
Documenting and Archiving Genocide
Chair : Shamsuzzaman Khan
Panelists : Farina So, DC-CAM, Cambodia (The Value of Documents in the Khmer Rouge Tribunal and Beyond)
Professor Masaaki Ohashi – Japan
(Testimonies of the Battle of Okinawa)
Film Presentation : (LWM Oral History Project)
Discussants : Professor Rounaq Jahan
Professor Muntassir Mamun,
Moderator : Aly Zaker
- 5-00 PM : Visit Jalladkhana Killing Field, Mirpur
- 7-00 PM : Visit LWM

2 March, 2008

- 10-00 AM : Plenary Session : 3
Trauma and Tribulation of Victims
Chair : Syed Shamsul Huq
Panelists : Professor Sonia Nishat Amin
Dr. M.A. Hasan
Ashis Nandy – India
Moderator : Sara Zaker
- 11-30 AM : Tea-break
- 11-45 AM : Plenary Session : 4
Bangladesh Genocide and Trial of the Perpetrators
Chair : National Professor Kabir Chowdhury
Panelists : Dr. Shah Alam, Chittagong University
Humayun Reza
Helmut Scholz, Germany
Moderator : Rabiul Hussain
- 1-30 PM : Lunch Break
- 3-00 PM : Roundtable Discussion
Building an Alliance : **Addressing Genocide, Preventing Genocide**
Chair : Professor Anisuzzaman
Discussants : Barrister Sara Hossain, Dr. Imtiaz Ahmed
Moderator : Mofidul Hoque
- 4-30 PM : Closing Session
Adaptation of the Declaration and Programme
Chair : Dr. Syed Anwar Hossain
Moderator : Mofidul Hoque
- 7-00 PM : Dhaka Theatre presents **Selim Al Deen's "Nimajjon"**- a play
based on Genocide in History
Venue : Experimental Theatre Hall, Shilpakala Academy, Dhaka

International Conference on Genocide, Truth and Justice

Participants Name & Organization

1-2 March, 2008

Sl.	Name	Organization
1.	Scholz Helmut (Germany)	Member of Executive Board & Head of International Department, Die Linke, Berlin
2.	Ohashi Masaaki (Japan)	Professor, Keisen University, Tokyo
3.	Farina So (Cambodia)	Researcher, Documentation Centre of Cambodia, (DC-CAM)
4.	Ashis Nandy (India)	ICSSR National Fellow, Delhi, India
5.	Zulfiqar Ali Halepoto (Pakistan)	Sindh Democratic Forum (SDF) Hyderabad, Pakistan
6.	Dr. Zillur R. Khan (U.S.A)	Rosebush Professor Emeritus University of Wisconsin, U.S.A
7.	Professor Rounaq Jahan (USA)	Senior Research Fellow and Adjunct Professor Columbia University, NY, USA
8.	Dr. Ahrar Ahmed (USA)	Professor of Political Science Black Hills State University, South Dakota, USA
9.	Muhammad Habibur Rahman (Bangladesh)	Former Chief Justice and Chief Advisor of the Caretaker Govt. of Bangladesh
10.	AVM (Retd.) A.K. Khandker	Chairman, Sector Commanders Forum
11.	Kabir Chowdhury	National Professor
12.	Anisuzzaman	Professor (Dept of Bangla), Dhaka University
13.	Dr. Syed Anwar Hossain	Professor (Dept of History), Dhaka University
14.	Professor Rehman Sobhan	Chairperson, CPD
15.	Syed Shamsul Hoque	Writer
16.	Shamsuzzaman Khan	Former Director General, Bangladesh National Museum
17.	Anwara Syed Hoque	Writer and Psychiatrist
18.	Shahdin Malik	Lawyer and Barrister
19.	Dr. M.A. Hasan	Convener, War Crimes Facts Finding Committee
20.	Dr. Mizanur Rahman	Professor (Dept of Law), Dhaka University
21.	Dr. Md. Rahmat Ullah	Asstt. Professor (Dept of Law), Dhaka University
22.	Dr. Shah Alam	Professor (Dept of Law), University of Chittagong
23.	Dr. Sonia Nishat Amin	Professor (Dept of History), Dhaka University
24.	Muntassir Mamoon	Professor (Dept of History), Dhaka University
25.	Dr. A.M.Delwar Hossain	Associate Professor (Dept of History), Dhaka University
26.	Mrs. Sawkat Ara Hossain	Professor (Dept of Political Science), Dhaka University
27.	Hameeda Hossain	ASK (Bangladesh)
28.	Shaheen Akhter	Author, Editor (ASK)
29.	Shah Afroditi Panna	Assistant Researcher (ASK)
30.	Dr. A.K.M Golam Rabbani	Associate Professor Dept of Islamic History & Culture, Dhaka University
31.	Dr. Mahmudur Rahman	Professor (Dept of Clinical Psychology), Dhaka University
32.	Dr. Imtiaz Ahmed	Professor (Dept of International Relations), Dhaka University
33.	Rumana Monzur	Lecturer (Dept of International Relations), Dhaka University
34.	Md. Selim Toha	Associate Professor of Law, Islamic University, Kushtia

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| 35. Iqbalur R. Rokon | Proctor, North South University |
| 36. Rakib Ahmed | Office, North South University |
| 37. Bushra Tawfiq Chowdhury | Lecturer (CSE Dept), Brac University |
| 38. Sahana Bajpaie | Lecturer (Dept of English & Humanities), Brac University |
| 39. Sara Hossain | Lawyer, Dr. Kamal Hossain & Associates |
| 40. Tanim Hussain Shawon | Advocate, Barrister (Associate)
Dr. Kamal Hossain & Associates |
| 41. Jebunnessa | Lecturer (Gono Bishwabidyalay), Mirzanagar, Savar, Dhaka – 1344 |
| 42. Humayun Reza | Feature Editor, The Daily Bhorer Kagoj |
| 43. Rashid Haider | Writer |
| 44. Mitali Hossain | Writer |
| 45. A.Z.M Abdul Ali | Columnist and Author |
| 46. Major (Retd.) A.S.M Shamsul Arefin | Chairman, Bangladesh Research and Publications |
| 47. Abul Maal A. Muhith | Author and Researcher |
| 48. Md. Abdul Quddus Sikder | Assistant Project Director
Directorate of Secondary & Higher Education |
| 49. Noazesh Ahmed | Author & Photographer |
| 50. Tamanna Rahman | Dance Director (Nrityam) |
| 51. Yasmine Kabir | Independent Film Maker |
| 52. Fauzia Khan | Film Maker (President), Bangladesh Documentary Council |
| 53. Khijir Hayat Khan | Creative Director (Sufia Pictures) |
| 54. Babul Biswas | Film Maker (CEO), Water Flower (3rd Flr) |
| 55. Rifat Hasan | Visualizer (Studio FX) |
| 56. Kamal Pasha Chowdhury | Asist. Secretary
(Artists Association of Bangladesh), Bangladesh Charu Shilpi Sangsad |
| 57. Jebunnessa Shaker | Charter Member (LWM) |
| 58. Muhammad Rizuoanul Islam | Programme Officer (Ashar Alo Society) |
| 59. Md. Harun-Or-Rashid | Postal Operator
Bangladesh Post Office |
| 60. Kaimul Hoque | Staff Reporter (The Daily Janakantha) |
| 61. Sujoy Mohajan | Staff Reporter (Diner Sheshey) |
| 62. Monjur Alam Angur | Sub Editor (The Daily Bangla Bazar) |
| 63. Neaz Morshed | Reporter (Daily Prothom Alo) |
| 64. Ishtiaq Husain | Staff Reporter (Daily Samakal) |
| 65. Dr. Sarwar Ali | Trustee & Member-Secretary
Liberation War Museum |
| 66. Mofidul Hoque | Trustee (Liberation War Museum) |
| 67. Aly Zaker | Trustee (Liberation War Museum) |
| 68. Sara Zaker | Trustee (Liberation War Museum) |
| 69. Asaduzzaman Noor | Trustee (Liberation War Museum) |
| 70. Rabiul Hussain | Trustee (Liberation War Museum) |
| 71. Ziauddin Tariq Ali | Trustee (Liberation War Museum) |