

## Report on 3<sup>rd</sup> Winter School

### Center for the Study of Genocide and Justice (CSGJ), Liberation War Museum

#### Inaugural Ceremony

The venue of the 3<sup>rd</sup> Winter School on “Genocide, Justice and the Issue of Impunity” organized by Center for the Study of Genocide and Justice and Liberation War Museum is National Institute of Mass Communication. The inaugural ceremony of 3<sup>rd</sup> Winter School was started in 8.30 AM. The guest of honor of inaugural ceremony was Shamsuzzaman Khan, Author and Folklorist while the special guest of the ceremony was Dr. Md. Jahangir Hossain, Director General, National Institute of Mass Communication. Professor Irene Victoria Massimino, University of Buenos Aires and National University of Tres De Febrero, Argentina and Mofidul Haque, Director, Center for the Study of Genocide and Justice were also present in the inaugural session. Naureen Rahim, Coordinator of Winter School anchored the entire inaugural ceremony.



Dr. Sarwar Ali delivered the opening speech of the ceremony. He expressed his hope that this winter school will encourage new generation to learn the comparative study of Genocide throughout the world with reference to national perspective. In his speech Dr. Md. Jahangir Hossain, Director General, National Institute of Mass Communication thanked Center for the Study of Genocide and Justice and Liberation War Museum for selecting National Institute of Mass Communication as venue. He wished all the success of 3<sup>rd</sup> Winter School and expressed the belief that participants will be well aware of study of Genocide that has been occurred in 1971 and idea of justice process which is ongoing in Bangladesh.



Quoting Fidel Castro Professor Irene Victoria Massimino, University of Buenos Aires and National University of Tres De Febrero, who is also a resident mentor of this Winter School said that participants should start their own revolution to think about the Genocide, Justice and the issue of impunity. She expressed that in the days to come participants of winter school would get to learn comparative analysis of Genocide throughout the world with national perspective.

Honorable Guest of Honor Shamsuzzaman Khan, Author and Folklorist congratulated Center for the Study of Genocide and Justice and Liberation War Museum for organizing 3<sup>rd</sup> Winter School after the successful completion of two winter schools. In his speech he stated that Genocide has been perpetrated throughout the world. He requested the participants to learn from this winter school from the academic and practical basis so that they can stand against the ethnic cleansing if it is happening even now in any part of the world.

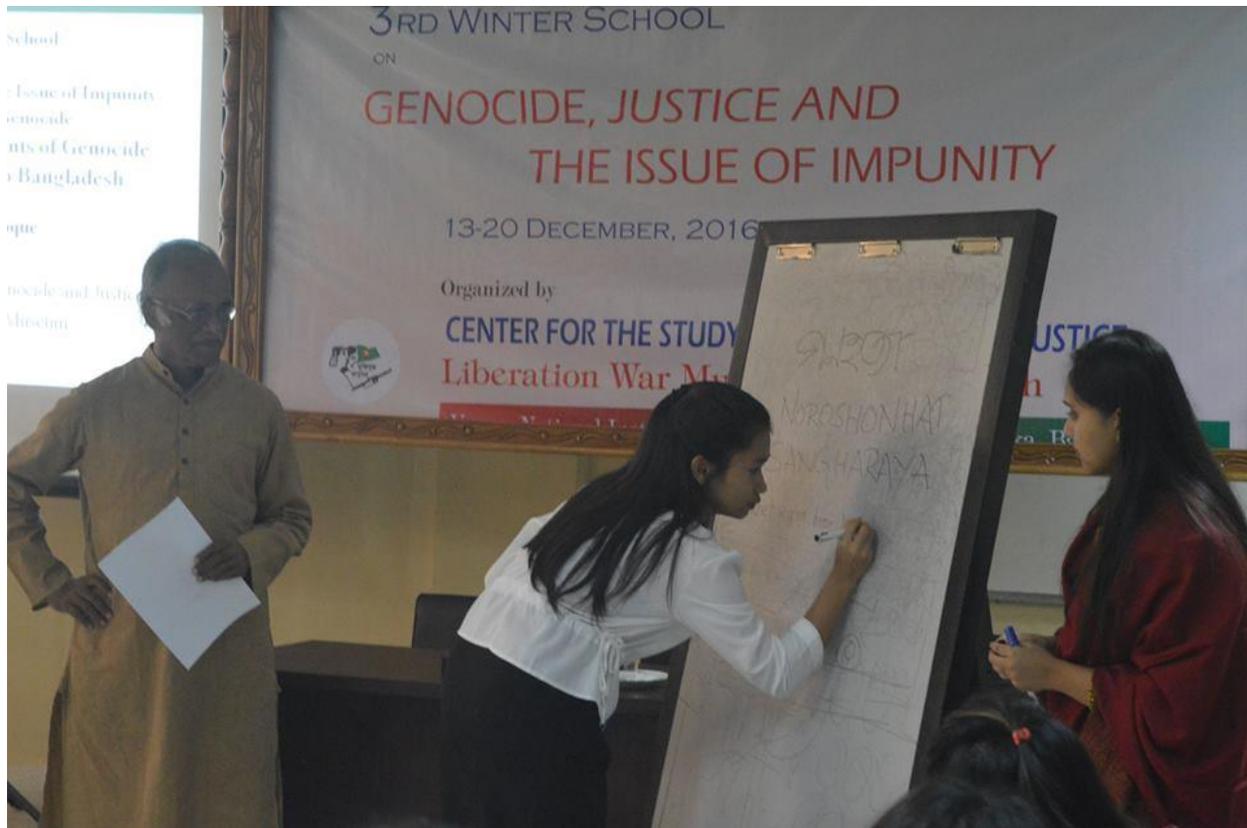
Mofidul Hoque, Director, Center for the Study of Genocide and Justice in his speech thanked all honorable guests for coming. He also thanked international resident mentor Castro Professor Irene Victoria Massimino, University of Buenos Aires and National University of Tres De Febrero and Amy Fagin, Genocide Scholar and Executive Director, Beyond Genocide, USA. He also thanked International participants from Nepal, Cambodia and Sri Lanka. He also expressed the belief that experience sharing from different countries regarding Genocide, Justice Process and survivor would add a new dimension to this year's winter school. He welcomed the young generation to the platform of discussing about Genocide, Justice and the Issue of Impunity and stand against the genocidal act and crime against humanity. He also urged the young generation to learn, move forward and have respect for otherness in this pluralistic society and then closed the session with thanking all.

## Day 1:13.12.2016

Ice Breaking: After the inaugural session an ice breaking session was conducted by all the resident mentors. Participants were introduced to all in the ice breaking session. Guidelines of Winter School had been given by Umme Wara, Lecturer, Department of Criminology, University of Dhaka and other residential mentors.



After the tea break, from 10.30 AM Mofidul Haque, Director, Center for the Study of Genocide and Justice took a session on Concept of Genocide: Definition and Elements of Genocide with Reference to Bangladesh. Referring to Rafael Lemkin, father of Genocide Studies he discussed the definition of Genocide. He also mentioned the Nuremberg Principles relating to Crime against peace, war crimes and crime against Humanity. Later on he discussed the UN Convention on Prevention and Punishment of the Crime of Genocide or popularly known as Genocide Convention, 1948. He later referred the definition that has been provided by the International Crimes Tribunal on national perspective. He further discussed the definition given by the Professor Adam Jones. He pointed out the various debates over inclusion of political group in the definition of Genocide. After the lecture few questions were taken about the lecture. In the question answer session Mustak Ahmed Shimul from South East University questioned about the Eichman Case. In reply, Mofidul Hoque talked about the universal jurisdiction and explained it to the participants. Major Mohammad Sazzad Hosain Bhuiyan posed a question whether the killing of auxiliary forces would amount to Genocide or not. In reply Mofidul Hoque replied the member of auxiliary forces do not fall within the category of protected group.



Later on Professor Irene Victoria Massimino discussed the definition of Genocide and analysis in the context of Argentina. She discussed the history of conflicts in Argentina and discussed the atrocities committed by the Military Government. Later on, she also shed light to Guatemala and Colombia Genocide briefly. Irene Victoria Massimino pointed out that Genocide in Argentina was committed to impose western Christian views to destroy the identity of national groups. After that, Mofidul Hoque and Professor Irene Victoria Massimino answered the questions of students and presented the comparative analysis of Genocide in Argentina and Bangladesh. Al Farhad Bin Kashem of University of Dhaka asked whether the universal jurisdiction in case of Genocide is given the higher status than the principle of state sovereignty. In reply, Professor Irene said that principle of state sovereignty is a liberal concept and Argentina has given constitutional hierarchy to many treaties which they signed.



After the lunch break Emraan Azad, Lecturer, Department of Law and Human Rights, University of Asia Pacific discussed the ten stages of Genocide as coined by Dr. Gregory H. Stanton. Later a group exercise was given to participants. They were divided in five groups and given a task of identifying the stages of Genocide in Hypothetical case study. Students presented the Group presentation in the flip charts and identified the stages of Genocide and answered the set of questions.





Later Professor Irene Victoria Massimino took a session titled “Argentina and its process of Memory, Truth and Justice 1976 – 2016” with reference to overall situation in Latin America during the 1970’s. She also emphasized on Plan Condor. Professor Irene Victoria Massimino further described the challenges in the process of justice of Genocide.

After Dinner, A documentary film was screened titled “Un Claro Dia de Justicia” ( A clear day of Justice) on the very first trial of the second judicial set of processes which recognized the existence of Genocide. Professor Irene has made some remarks about the film and replied the questions of participants regarding the justice process of Argentina. Participants and resident mentors made some observations about the documentary film by relating the trial of Argentina with the Bangladesh’s ongoing trial process.

At the end, international participant from Nepal, Dewan Rai presented ‘Conflict and Transitional Justice Process in Nepal’ lecture as a part of experience sharing. He talked about Maoist armed struggle, the peace deal and the causes of delay in transitional justice. He stated that two commissions have been set up for investigation. He also pointed the upcoming challenges and what is to be done in the context of current situation of Nepal regarding the Justice process.

## Day 2: 14.12.2016

The day was started with the national anthem and all the participants and resident mentors have wore the black badges as it was intellectual killing Day. On the first session of the day, Samina Luthfa Netra, Associate Professor, Dept. of Sociology, University of Dhaka, gave a lecture on the topic titled 'Sociology of Genocide'. She discussed the sociological aspects of Genocide. Factors that were identified by Bauman which created the scope for Genocide against jews was presented by Samina Luthfa Netra, Associate Professor, Dept. of Sociology, University of Dhaka. She further discussed about the Miligram study and its effect on people. She also pointed out the Psychology of the perpetrators and ethnic minorities and conflict modes.

The next session was taken by Barrister Amir-Ul Islam on the topic of "ICT BD in Global Perspective: Significance of Domestic Trial of International Crimes". He stated the Background of Bangladesh's International Crimes (Tribunals) Act 1973 and its content. He also explained the Murders, Extermination, Widespread and Systematic attack against the civilian population of Bangladesh. He also showed the comparison between the Appeal Chamber of ICTR (Rwanda), ICTY (Yugoslavia), the Trial Chamber of ICTR and International Crimes Tribunal Bangladesh and their legislations.



After the tea break, Professor Irene Victoria Massimino took a session titled 'A comparative study of the justice processes occurring in Bangladesh and Argentina: Similarities, Contributions and challenges'. In discussing it she mentioned about the first set of trials and talked about the National Commission for Disappeared Persons in Argentina. She also showed the statistics of opening of judicial cases. She also

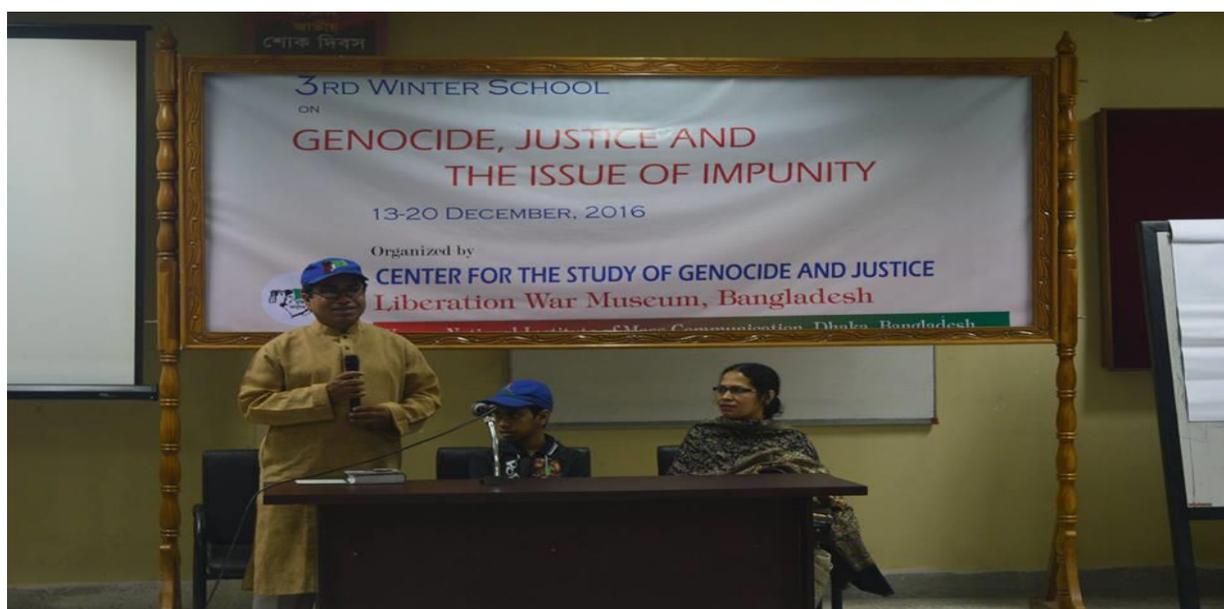
talked about the challenges that Argentina has been facing in determining the applicable law and jurisdiction, the issues of retroactivity and appointing judges in case of federal jurisdiction. She also talked about witness protection system in reply to one question.

After the lunch break, 'Stop Genocide' by Zahir Raihan was showed to the participants. After seeing it Participants shared the stories which they have heard from the survivors of 1971. They shared stories of murder, rape, torture. The sufferings of people who became refugee were also discussed by the participants. Later on, intellectual martyr Selina Parveen was introduced to the participants to the participants by Md. Pizuar Hossain, Research Intern, ICT BD.

Later Professor Irene Victoria Massimino showed the participants a short documentary named "Madres de Plaza de Mayo" (Grandmothers of Plaza De Mayo). Dewan Rai from Nepal shared that Nepal has established the same type of mother centre for the children as well. Followed by this documentary Professor Irene gave a lecture on "Social Movements in the Memory, Truth and Justice Process". A Professor Irene talked about the government law on this and informed that around 500 children abducted and given to adoptive families. She also discussed about the public campaign about recovering the children.

At 7.30 PM, resident mentors took an informal discussion on Genocide. Mentors had cleared the confusion regarding the definition of Genocide in the context of National and International perspective. They have also pointed out which act can be called Genocide and which acts do not fall within the category of genocide.

After the dinner, as it was Intellectual killing day the victim's family came to share the struggle in searching the justice. Sumon Zahid son of Intellectual Martyr journalist Selina Parveen came and talked about her mother. He was only eight years old when Collaborators took away her mother on 13 December, 1971. He presented the pictures of her mother and showed the pictures of stamps, poster etc. He also informed that a road in Dhaka and Feni was named after her mother and a library is established for the memory of her mother as well.



Tanvir Haidar Chaudhury, son of Intellectual Martyr Mofazzal Haidar Chaudhury also shared the struggle in the process of justice. He was only four years old when he lost his father. He stated that his father was taken away with the famous writer Munir Chowdhury. The collaborators who took away his father is still live in United Kingdom. He expressed his grief that due justice has not been ensured yet as that very particular collaborator is still at large cause no extradition has been made between Bangladesh and United Kingdom.

### Day 3: 15.12.2016

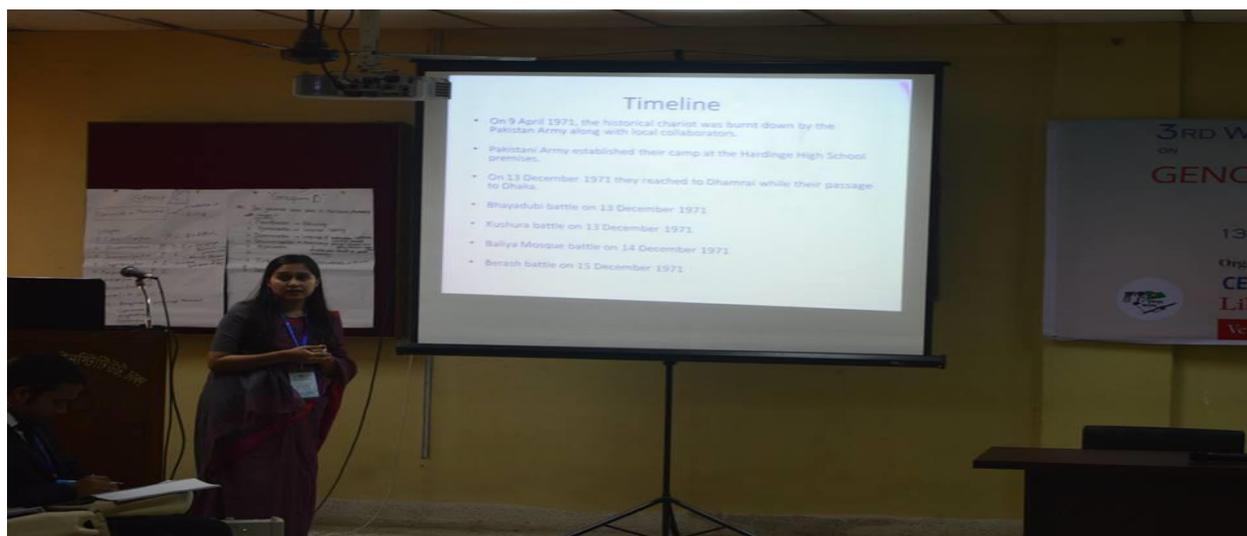
The day was started with the national anthem. In the first session of the day Emraan Azad, Lecturer, Department of Law and Human Rights, University of Asia Pacific lectured on the topic of “Issue of Impunity and 195 Pakistani POW’s. He gave the lecture on the basis of few questions of which he put try the answers with legal and realistic point of view. He put emphasis on the question why the culture of impunity is to be ended and whether it is possible to hold the trials of POW’s under present international law or not.



After the session, Mahboob Sobhani, Special Metropolitan Magistrate, CMM Court, Dhaka took a session on ‘Genocide Prevention & the Role of New Generation.’ He talked about causes and effect of Genocide, recent development of Genocide prevention tools, new generation role in preventing Genocide, about new generation success story in the prevention of Genocide. He pointed out two reasons why genocide is still committed in world. As there is no international institution to prevent genocide and lack of political will

of world's leader, the genocides are still committed throughout the world. He further discussed the risk factors of Genocide and instigators of Genocide to aware the participants for preventing it. Talking about the prevention of Genocide he stated that genocide is not something that happens overnight and without warning. He further stated that in order to prevent genocide we must understand it and study to develop a working theory. He discussed that study of genocide is not enough and an international institution and political will are necessary to prevent it. Later on, he focused on why an individual is important to prevent Genocide. In this context he shared a success story of Sentinel project which was founded in 2008 by Taneem Talukdar and Christopher Tuckwood. In 2009, this Sentinel project was selected as a finalist in Google's 10 to the 100<sup>th</sup> competition for innovative social application of technology. Lastly he urged the participant to believe in can do spirit and work for the prevention of Genocide.

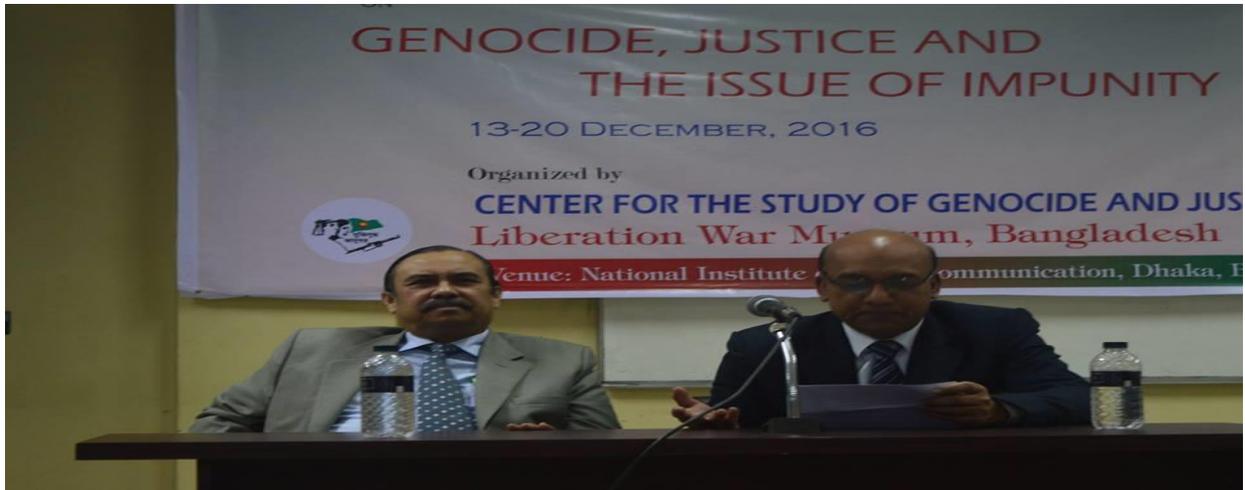
After lunch, a research presentation on Dhamrai During 1971 was presented by Naureen Rahim, Coordinator, WS Alumnus. It was a research conducted in Dhamrai by the 2<sup>nd</sup> winter school participants and under the supervision of Umme Wara and Mofidul Hoque. The presenter covered the topic of pattern of atrocities, legal aspects and subsequent survival in Dhamrai During and post 1971. A team of 8 researchers selected by the CSGJ-LWM participated in the research. The duration of research was February-June, 2016. The objectives of research was to find the history of liberation war in Dhamrai, any evidences of committed crimes in Dhamrai during 1971, incidents of cultural property destruction. The research focused on case studies regarding the victims and survivors of Genocide. It's another objective was to find out the possible recommendations for reparation and rehabilitation in the society. The presenter gave idea about the literature review, data collection technique, sources of data, and data analysis. The presenter discussed about the respondents from whom researcher collected information. The presenter discussed about the atrocities of mass killing of 19 persons in Kalampur, the destruction of cultural property of Rath and Madhav temple. The legal aspects of these crimes were also discussed as per the national and international law. The limitations of the research team were stated as most of them were doing research for the first time. After the presentation, Mofidul Hoque, Director, Center for the Study of Genocide and Justice thanked all researchers for their efforts. He talked about the cultural significance of Dhamrai and expressed that another research can be conducted on Keraniganj as well after the fruitful field trip of 3<sup>rd</sup> Winter School participants.



Later another session was conducted by Sheikh Hafizur Rahman Karzon, Associate Professor, Department of Law, University of Dhaka on the topic of 'ICT BD and Beyond.' He talked about the trials of international crimes in Bangladesh, salient features of Bangladeshi trials and its limitations, achievements of ICT, significance of Bangladeshi trials of international crimes for international criminal law. He discussed the background of ICT BD act and formation of the tribunals and stated the outcome of trials. He presented the list of conviction of two tribunals. He analyzed the reaction of Pakistan after the hanging of collaborators. He then talked about the misconceptions regarding the ICT tribunals. He also pointed out some recommendations as there should be a co ordination between the foreign ministry and tribunal. Lack of international campaign on behalf of Bangladeshi trials of International crimes and a media cell and IT cell should have created for the smooth functioning of tribunals. Later on he showed that trials of Nuremberg, Tokyo, Cambodia, ICC had faced criticism as well and there can be no such thing called international standard. Compared to other trials of international crimes, ICT BD is maintaining due process of law and fairness is ensured in each and every steps. He concluded by saying that Bangladesh has established a domestic model before the whole world.



After the tea break, Justice Obaidul Hasan and Justice Jahangir Hossain shared their experience while they were acting as judges of Tribunal. They said that it was their responsibility to do justice to the victims of 1971. Questions were asked if they faced any pressure or threat from the accused, in reply they told that where justice is due, no other threat or pressure should be taken into consideration. They have stated that two Tribunals had discharged their responsibility with due fairness of law. The accused were given due protection of law and the judgments were confirmed in High Court Division as well as in the Appellate Division.



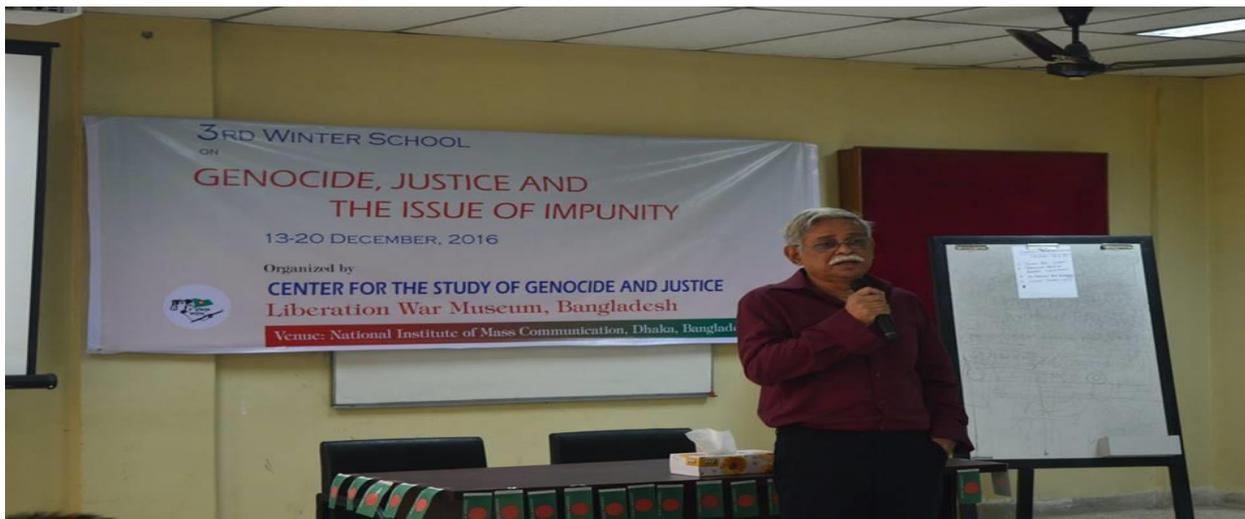
After the dinner, an evening with Professor Irene Victoria Massimino took place. Participants asked Irene about justice process in Argentina and Bangladesh. Irene shared Argentina experience and appreciated the ongoing trials of international crimes in Bangladesh. Participants and Resident Mentors thanked Professor Irene for coming in Bangladesh and sharing experience of Argentina.

#### **Day 4: 16.12.2016**

The day was started with the national anthem and the classroom was decorated with national flags by the volunteers as it was the victory day of Bangladesh. The first session of the day was taken by Md. Pizar Hossain, Research Intern, ICT BD and Graduate Teaching Assistant, Department of Law, East West University on the title of 'Socio-Legal Significance of Judgments of ICT BD in the process of Justice'. The presenter talked about the historical perspective of ICT BD and stated the formation of ICT BD. He informed the participants that 27 judgments have been passed as of 5 December, 2016. He also presented the comparative study of trial in absentia with the other trials throughout the world. In regarding the legal significance of the tribunal the presenter discussed the sentencing consideration of tribunal mentioning the provision of ICT act and other case studies. The presenter also described that right of bail and right of appeal is also ensured as per ICT BD act and Rules of Procedure of ICT act. He mentioned the instances where bail was granted to accused persons. Review provision is not ousted as per the constitutional safeguards to the accused persons in case of judgments of ICT tribunal. The presenter mentioned that issue of reparation came up in ATM Azharul Islam case and the issue of compensation and rehabilitation were also addressed in this case. Testimony of a war baby and recognition of Beerangona was reiterated in Qaiser case. These are all the socio-legal significance that tribunal bears. The tribunal is working remarkably to end the culture of impunity and brought justice to the victims.



Then Dr. Mohammad Zafar Iqbal, Professor of Electrical & Electronic Engineering, Shahjalal University of Science & Technology took a session on 'Role of Young Generation in Promoting Justice'. He started with sharing his personal experience of 1971. Thereafter he talked how their family survived in 1971 and post 1971 and the struggle. Thereafter he talked about the role that Young Generation needs to play in promoting research on 1971 Genocide. To provide more authentic and true reading materials to outside world is important in this time. He urged participants to come forward and give reply to Sharmila Basu with reference and logical answers. He talked about Arif Rahman who did a research on the total number of martyr of our country. He pointed that this type of role that young generation needs to play in promoting justice. He urged participants to come forward in clearing the confusions regarding trial amongst mass people. Later he talked about education system of our country, position of minority people and problems of indigenous community. He emphasized on that as social indicator factor pointed by Amartya Sen, minority of a country should be able to live in peace, otherwise there are no good governance in this country. He urged all to come forward to do constructive work together to take this country forward as the freedom fighters had sacrificed their most for this country.



Later on Amy Fagin, Genocide scholar and Executive Director, Beyond Genocide, USA took a session on 'Chronology and Geography of Genocide'. First she discussed about the Dr. Raphael Lemkin who coined the term Genocide. Later on she gave a brief idea about the international courts that have been set up for trial of Genocide. Thereafter she presented the brief facts about the Genocide committed in various part of the world. She talked about the 416 BC Melos: Athenian Siege and destruction of Melos, Afganistan Genocide in 13<sup>th</sup> Century, indigenous community genocide in America in 15<sup>th</sup> -20<sup>th</sup> Century, Australia and Tasmania indigenous population in 19<sup>th</sup> century, Congo Genocide, Namibia Genocide in 1904, China, Armenian Genocide, Ukraine, Holocaust by Nazi Germany, Indonesian genocide by military junta, Biafra in Nigeria, Bangladesh Liberation War in 1971, Burundi and Rwanda Genocide, Cambodia Genocide, Iraq Genocide, former Yugoslavia, Sudan Genocide in 2003.

Another session was taken by Amy Fagin on 'Genocide: Definitions, Detection, Deterrence and Prevention'. There she discussed the definitions of Genocide from the definitions of Raphael Lemkin to the definitions as enshrined in the international instruments. She discussed the debates over definition regarding the protected group as well. She also shed light on crimes of aggression and definition of ethnic cleansing. She stated the definition of war crimes and crimes against humanity and showed the differences between those two. Thereafter she talked about identifying risk factors for the detection of Genocide. The presenter showed how Governance, conflict history, economic conditions and social fragmentation are considered as risk factor for genocidal conflict. In deterring Genocide, she talked about the preventative tools to slow, limit, stop continuation or escalation of violence against civilians. Later on she showed how economic preventative responses tools, legal preventative responses tools, military preventative response tools, downstream prevention strategies may be applied to prevent Genocide. Amy further showed that ensuring the right to truth is the best collective process and she gave a brief idea of truth commission, solving the fate of missing persons, education reform, memorialization in the process of preventing genocide.

After the tea break, Umme Wara, Lecturer, Department of Criminology, University of Dhaka took a session titled 'Ashrafuzzaman and Choudhury Moinuddin Case: Issue of Absconding and Legal Challenges etc. Firstly the presenter talked about who can be called within the category of intellectuals. Later on she showed why the intellectual killing is considered as a tool of war. She showed statistics as well to show how the number of intellectual is decreased after a war. In 1971 Nizami, Muzahid, Moinuddin took part in intellectual killing and court has found them guilty. They made list of targeted people and took Pakistani army to their houses and identified them. The presenter showed two short documentaries how the intellectual killing took place in 1971. Ashrafuzzaman and Choudhury Moinuddin are now absconding and no extradition treaty has been made between UK and Bangladesh. In this justice is now trapped. In the question answer session the presenter focused on why it is so important to prove the charges of Genocide in the tribunal.



Thereafter Documentary film 'Janmo Sathi-Born Together' Shabnam Ferdousi was shown to participants. It was a story of several war babies and their life struggles. Participants were touched to see the struggle and sufferings of war babies in the movie. They expressed their emotions and pledge that they will work to ensure that no war baby or their children would face this social stigma anymore.

After the dinner, the night was scheduled for Victory Day Celebration & Cultural Programme. The foreign participants and resident mentors were greeted with Bangladeshi Flags by the volunteer and resident mentors. Then the cultural program began with the performance of dances, songs, poem recitations, chorus songs by the volunteers and participants from home and abroad.



## **Day 5: 17.12.2016**

After the breakfast, Participants were grouped in four groups for the field visit trip to Keraniganj. One residential mentor and volunteer were assigned to each group. Then they were given guidelines about the field trip for the last time. After that the participants, residential Mentors and volunteers reached in Taranagar Union Parishad through micro-bus. There the Chairman of Taranagar Union Parishad greeted them and freedom fighters had come to assist the participants to find the historic places of 1971. They shared the stories of 1971 to the participants and accompanied them to find the historic places of 1971.

The four groups of Participants went to various places, spots were divided for the groups to cover. First group Group A went to Ghatarchar, just beside the Keraniganj. They went to school field where in 25<sup>th</sup> November a mass killing of approximate 52 persons has been made and they also visited the mass graveyard. They interviewed the freedom fighters in front of the memorial. They have collected information from martyrs family and stories of 1971. They interviewed the respondents as many as they could in the given time frame. They searched for memorialisation in the name of martyr but not many were found. They faced some social pressure as the respondents were not co operated with them in all the questions. Female participation was very low in number in the entire field visit.

Group B with another transport they went to Ati Bhawal and Rishi Para. Among their findings they got the information of killing 11 members among those killing, 7 persons were from the one family. The group also stated that the number of registered freedom fighters is 48. They found the freedom fighter camp which was situated in Rashid Sarkar's house. They found out a letter signed by Bangabandhu Sheikh Mujibur Rahman of giving 2000 taka to martyr family. After the presentation, Mofidul Hoque told the team to collect a copy of this letter, so that this copy can be preserved in Liberation War Museum.

Group C went to Amrigachtola and Khan Bari as a part of field visit. They found the victim number of 1971 is 25 in Khan Bari area. In Khan Bari, 21 freedom fighters were resided in Khan Bari during the liberation war time.

Group D went Kolatiya on their field visit. They found the information two camps of freedom fighters were in Kolatiya and a training centre in Madhupur Primary School in 1971. They collected the information that 11 martyrs died while crossing the border. They have found a female freedom fighter Shorifan Nesa who used to carry arms to freedom fighters and her mother also received training. She took part in Tulsikhali fight. They have found the memorialization in Kolatiya Shaheed Abul Hossain Badol Room and monument in the memory of 11 freedom fighters. Mofidul Hoque along with Professor Irene Victoria Massimino and Amy Fagin accompanied the team during the field visit.

After Dinner, Julian Francis, Friend of Bangladesh took a session regarding his experience in 1971. He shared the experience of working as an aid-worker of OXFAM. He told that he has seen horrific scenes in the refugee camps in the borders. He also stated that many women went for abortion of getting rid of war babies with the help of doctors. He further shared his personal experience of meeting Bangabandhu and Tajuddin Ahmed.

After the session of Julian Francis, the fact sheet was given to participants and group was distributed for non judicial hearing. Resident Mentor Emraan Azad and Md. Pizuar Hossain briefed the participant about

Non judicial Hearing. Later on the participants were briefed about presentation of Declaration of intent and a group of participants was selected as well.

#### **Day 6: 18.12.2016**

The day was started with the national anthem and the session 1 of the day was taken by Advocate Zead-Al-Malum, Prosecutor (Admin), (Addl. Attorney General) and M. Sanaul Huq, Coordinator, Investigation Agency, International Crimes Tribunal. The session was jointly taken by both of them on the topic of “Experiences of ICT-BD”. Advocate Zead-Al-Malum described the procedure how a complain can be filed before the ICT-BD. He also stated challenges that prosecution has faced at the time prosecuting a war criminal. M. Sanaul Huq has discussed about the investigation process of a war criminal. He explained how the investigation is running after so many years of liberation war and challenges were also mentioned by him.

After the first session, the second session was taken by Zayed Hossain, Coordinator, Shamajik Sahayota Uddyog on the topic of “Recognition, Reparation and Rehabilitation of victims of Sexual Violence”. Zayed Hossain introduced the organization SSU which is working with the rape victims of 1971 to the participants. He also described how SSU is working with the Beerangona to make them self-independent by providing them support. Mir Afsana Haque Brishty posed a question before the lecturer what is to be done to change the mentality of common people to rape victims. Zayed Hossain urged all to come forward and work with SSU and change the adverse mentality towards rape victims.

Then a session was taken by Experience of Hearing of Sexual Violence and Victims Experience by Monowara Begum, Investigator, International Crimes Tribunal-Bangladesh. As an investigator she shared the stories of rape victims throughout the country. She talked about her personal experience of dealing with Beerangona. She described the horrific torture stories of rape victims to the participants. She stated the sufferings and mental trauma of Beerangona to the participants. She talked about the process how she dealt with Beerangona with sympathy and care.

After lunch, Amy Fagin took a session titled ‘Memory, Mass Atrocity and Memorialization.’ She talked about How individuals, families, and nations remember their past. Later on, she discussed how the memories individuals and communities hold shape their identity and determine their individual and collective action. Discussing the cultural memory and communicative memory Amy focused on the forms in which memories are conserved. The presenter also discussed the risks and benefits of the cultural memory derived from traumatic events. Later part, she stated how to memorialize and challenges regarding ordering the memory. At last she mentioned the case study of Guatemala about competing claims to memory and history.



Then Professor Muntasir Mamoon, Department of History, University of Dhaka took a session titled 'Research Materials on Bangladesh Genocide: Sources and Works.' First he talked about how narrative plays a significant role in the mindset of people. Then he talked about importance of documents in preserving genocide history as denial is often found. Politics influences the narrative as well, so proper documentation through research is essential regarding Genocide. He invited students as well to come forward to do research on particular area where Genocide was committed. He further discussed the process in which research on genocide history should be made and way for sources to be used in research process.

Then foreign participant Kasun Pathiraja from Institute for Ethnic Studies, Sri Lanka presented the Sri Lankan experience of Genocide. He presented the how tamil youth groups emerged and moved for military means for discriminations. Violence against Tamils and Emergence of LTTE were also presented by presenter. The presenter pointed out the genocidal elements in 1983 Black July, JVP insurgency and in final stages of war. He talked about the transitional process justice process in the Sri Lankan context. The presenter further stated the similarities and differences compared to Bangladesh conflict.

Later on a Stage play "Ami Beerangona Bolchi" by Lucky Enam was staged. A story of Beerangona in 1971 and her struggle, her trauma were shown through this play. After that a short face to face session with the performer Lucky Enam took place. Participants shared the feeling after watching the play and appreciated the stage play.

After Dinner, in the session of An Evening with Amy Fagin 'Granito' a movie was shown to Participants. This movie was based on Guatemala Trial context. After the movie Amy Fagin discussed about the conflicts of Guatemala and the movie as well.

## **Day 7: 19.12.2016**

The day started with the national anthem like all other days. Then a one hour examination was taken on the lectures of past few days. All the participants appeared in the exam. Resident Mentors and volunteers were the invigilator of the exam. Through this examination, the award of Academic excellence will be given.

After the examination Amy Fagin, Genocide Scholar and Executive Director, Beyond Genocide took the session on “Thinking Through Art: Pedagogy in Genocide Studies and an introduction to visual thinking Strategies. She gave the four groups four pictures which were drawn on the theme of Genocide occurred in various parts of the world. The groups were given a task based on some questions about interpreting the picture. Source quotes were also given to the groups for the better understanding the picture. The groups in group exercise discussed and noticed over all composition, color, details, symbolism, patterns, relationship between images, language depictions of the picture. Then they made a presentation of five minutes from each group. The members explained the pictures relating to Genocide committed in many parts of the world and they made their own interpretation in their own way. Resident mentors appreciated the presentation highly.

After the Tea break, Dr. Rafiqul Islam, Professor of International Law, Macquarie University, Australia took a session regarding Domestic Trial of International Crime with reference to International law. He explained the justification of domestic trial of international crimes. He presented a comparative analysis of other trials with the domestic trial. He showed that failures of other trials while the UN is involved Geopolitical effects exist. He referred the East Timor as example of failure. He stated that going for international trial is time consuming and geo political effects will put barrier in justice which is not the wisest thing to do.

From Legal point of view as well as theoretical and practical views, Bangladesh has primary jurisdiction to try those offences. The 1973 act is a comprehensive act which is a conduit in his words. This act can do what international law can't do. This act established an inseparable law in case of domestic trial of international law. He also stated that this act also contributes to international legislation. He showed the ICC double standards by referring examples throughout the world.

Resident Amy Fagin posed a question to Dr. Rafiqul Islam what is the future of ICC as per his view. In reply he stated that no powerful countries have come here and in it's striking position there are certain limitations. Given ICC's performance it is frustrating that he mentioned. Professor Dr. Rafiqul Islam also said that he is not against the international court, but as there are no real enforcements and performance is nowhere near the satisfactory, there domestic court will play an effective role than the international court.

After that interactive session of Dr. Rafiqul Islam, the groups which were divided for presenting declaration of intent presented their declaration of Intent. The four groups presented their ideas to disseminate their learning from winter school. Resident mentors put questions for the clarifications regarding the implementations of their ideas. Resident Mentors also gave fruitful suggestions for making the declaration of intent more effective. Groups have presented the idea of disseminating the knowledge of winter school in collaboration with Liberation War Museum. Some innovative ideas also came up like using national icons for the promotion of disseminating the knowledge about Genocide, justice and issue of impunity. Groups had put emphasis on doing more research on the study of Genocide and Justice. They

had also put focus on clearing the confusions amongst the mass people about the trials of war criminals and memorialization. Finally the group that had been assigned to make the final presentation was given instruction to make a comprehensive declaration of intent.

After the group presentation, the seats were arranged to hold the Non Judicial hearing on a hypothetical case. Resident mentors Md. Pizuar Hossain, Emraan Azad, Umme Wara, Tureen Afroz, Amy Fagin instructed the participants about the whole process. The case was a hypothetical one whether the perpetrator has committed Genocide on a particular group of transgender community. The prosecution team consists of Esrat Jahan Siddiki and Saima Sultana advanced the arguments first showing that perpetrator should be liable for the crimes committed under the purview of ICC statute. Judges panel has posed several questions to prosecution team for the clarifications from the factsheet regarding the committed crimes. Then Defense team consists of Kasun Patthiraja and Ehsan Mazid Mustafa presented the lacuna of the factsheet and demand that their client is an insane person. They had presented arguments why the perpetrator shouldn't be liable of any criminal liability. Then the Victim's Representative Al Farhad Bin Kashem and Orny Chowdhury stated their horrific experience of torture and degradation for being transgender people. They demanded the highest punishment of the perpetrator to the Judges panel. Thereafter Journalist role player Now Serey Vathna discussed about this horrific incident and what the reporters have collected information from the victim and about the details of the perpetrator. Later on, Human Rights Worker Zerine Akter Anni stated before the judges these horrible crimes should not get away and the due justice should be ensured. After a brief and concise rebuttal from every side, Chairman of the Judges panel Dewan Rai along with his colleague took some time for declaring a decision. Judges had discussed about the verdict of this matter and on behalf of the Judges Mohammed Aminul Islam declared the verdict in favour of prosecution and found the perpetrator liable for the crimes against humanity and war crimes and genocide charges brought by the prosecution couldn't be proved.



### **Closing Ceremony**

After the Non Judicial Hearing, participants were taken to the Liberation War Museum in Agargaon for the Closing Ceremony of 3<sup>rd</sup> Winter School. The guest of honor for the Closing Ceremony was Beerangona-Freedom Fighter Ferdousi Priyabhasini. Dr. Md. Jahangir Hossain, Director General, National Institute of Mass Communication, Tariq Ali, Trustee of Liberation War Museum, Mofidul

Haque, Director, Center for the Study of Genocide and Justice were also present. The Closing Ceremony was anchored by Umme Wara, Lecturer, Department of Criminology, University of Dhaka and Md. Pizar Hossain, Research Intern, ICT BD and Graduate Teaching Assistant, Department of Law, East West University.



Mahboob Sobhani, Special Metropolitan Magistrate, CMM Court, Dhaka and Emraan Azad, Lecturer, Dept of Law and Human Rights, University of Asia Pacific was invited to give the speech on behalf of Resident Mentors. Iftekhar Sahariar, Student of LLM, University of Rajshahi gave speech on behalf of Volunteers. Kasun Patthiraja from Sri Lanka, Dewan Rai of Nepal, Now Serey Vathna of Cambodia and Jerin Akter Anni of Bangladesh had expressed their experience and future plans to do more work in the arena of study of Genocide and Justice. Foreign participants showed they have learned new things about the justice process which will definitely help them in their future work. Then the final Declaration of Intent of 3<sup>rd</sup> Winter School Participants was presented by the assigned group before the audience with the changes made from the draft declaration. The presenters made a pledge of implementing these ideas with the collaboration of Liberation War Museum. The declaration of intent was highly appreciated by all the guests and audience.

Certificates were given to the participants, resident mentors, volunteer by Beerangona-Freedom Fighter Ferdousi Priyabhasini and other guests. The award of overall Best Performance was won by Dewan Rai, NEFAD, Nepal. The award of Academic excellence for the examination was given to Esrat Jahan Siddiki

of East West University. The award for the performance in Non Judicial Hearing was won jointly by Zerín Ahter Anni of University of Dhaka and Jannatul Shareat Disha of East West University.



Then Freedom Fighter Tariq Ali, Trustee of Liberation War Museum congratulated all the participants of 3<sup>rd</sup> Winter School. He welcomed all the participants to the newly built Liberation War Museum with all the facilities that it offers for the research and preservation of memories. Beerangona-Freedom Fighter Ferdousi Priyabhasini expressed her solidarity to the Liberation War Museum and congratulated all the participants. In his closing speech, Dr. Md. Jahangir Hossain, Director General, National Institute of Mass Communication expressed his thanks to Liberation War Museum for selecting NIMCO as venue of this glorious event. In the closing speech Mofidul Haque, Director, Center for the Study of Genocide and Justice thanked all the participants, resident mentors, volunteers and staffs of Liberation War Museum. He expressed his hope that participants of 3<sup>rd</sup> Winter School will engage into this process and they will implement the ideas as they have enshrined in their declaration of Intent. He gave special thanks to Participants who came from Nepal, Sri Lanka and Cambodia. He urged that these countries have been the sufferer of Genocide and now is time to work jointly for seeking the truth and justice process as well as continue the work for the memorialization. He expressed his hope Liberation War Museum will become a hub of South Asia in terms of the study of Genocide and Justice.

The Closing Ceremony was concluded by a cultural function anchored by Naureen Rahim. Participants and volunteers of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> Winter school and resident mentor took part in this event. Foreign participants had also take part in the cultural event with their own songs. The cultural function was ended with a poem recitation in memory of victims of Gulshan tragedy from the Honorable Minister

Asaduzzaman Noor. With the gala dinner this closing ceremony was concluded and participants were taken back to NIMCO.



**Day 08: 20.12.2016**

The breakfast was served at 8.00 AM to the participants. Then participants, resident mentors, volunteers left the National Institute of Mass Communication around 9.00 AM.

