

## Report on 4<sup>th</sup> Winter School

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

#### Opening Ceremony

The 4<sup>th</sup> Winter School organized by Center for the Study of Genocide and Justice (CSGJ), Liberation War Museum (LWM) started its day with the registration process of the participants at 8.30 AM in Liberation War Museum. After completing the registration process, the participants were taken to the galleries.



Having an opening session at 11.30, all the participants along with the resident mentors and resident instructors departed from LWM to the venue named Sheikh Hasina National Youth Center situated in Savar.



### Day 1: (13.01.2018)

Ice breaking: After lunch, an ice breaking session was taken by all the resident mentors and a guideline and basic instructions were delivered to the participants by Naureen Rahim, research associate of CSGJ, Liberation War Museum and other mentors.



The first session of the first day was taken by Mofidul Hoque, Director of CSGJ, Liberation War Museum on 'Understanding Genocide: Historical and Legal Perspective'. He at first elaborated the idea of genocide to the participants quoting Rafael Lemkin. Then he discussed the Nuremberg principles, the Genocide Convention Act, 1948, and the International Crimes Tribunal Act, 1973. After that he described the definition of genocide in the context of Bangladesh referring the International Crimes Tribunal, Bangladesh. He also talked about various debate relating to this issue.

The next session of the day was delivered by Prosecutor Barrister Tureen Afroz, International Crimes Tribunal, Bangladesh. First, she showed the difference between genocide and other crimes including war crimes, crime against humanity, mass killing. Then, she described the elements of genocide and talked about the debate relating to the punishment for committing genocide. She criticized the Benglali word 'Ganahatya' for genocide. She also mentioned various cases trialed under ICT and ICT-BD.



The participants then had to sit for a short exam based on the lessons they had taken that day. After completing the dinner, two documentary films were screened before the participants named 'Stop Genocide' and 'Amnesia'



### **Day 2: 14.01,2018**

The day was started with the national anthem. On the topic of ‘National Trial of International Crime: Evaluating the Experience of Bangladesh’ Hafizur Rahman Karzon, associate professor of Law, University of Dhaka delivered the first session of the day. He gave a brief idea on international crimes first. Then he discussed about the post independent situation related to the collaborators and the war criminals. In discussing it, he added the difficulties that had been arrived trialing the collaborators under the Collaborators Order, 1972. He further discussed the background of enacting the International Crimes Tribunal Act of Bangladesh. He emphasized on prosecuting all the identified and alive collaborators as soon as possible to make them understand that no crime would go unpunished. Mentioning some leading cases trialed under ICT-BD including the case of Kader Molla, Gulam Azam, Salauddin Kader Chowdhury, he showed the outcome of the Act. Lastly, he gave his observation on the limitations and drawbacks of the Act. In reply of a question from one of the participants, he said the trials under the Act is not political but judicial in nature.



The next session was taken by prosecutor barrister Tureen Afroz, International Crimes Tribunal, Bangladesh on 'ICT-BD Judgment: The Social-Legal Significance'. She at first talked about the then complex situation regarding the issue of perpetrators of the war of 1971 and the nationalization of international law. She then discussed about different kinds of domestic tribunals of different countries including ICC, Ad hoc International Tribunal, ICTY/ICTR, Ad hoc Hybrid Tribunal, ECCC, ICT-BD. Later on she explained different issues related to the ICT-BD including right to bail, witness cooperation, sentencing consideration, right to appeal, review proceedings etc. At last she mentioned some cases trialed under ICT-BD.

After tea break, advocate Mahdia Bushra, volunteer of Samajik Sahayata Udyog and Farzana Bobby, an independent film maker took their session on the issue of sexual violence. Referring to American Journalist Susan Brown Millar, Advocate Mahdia Bushra in her session talked about the purpose and types of sexual violence occurred in 1971. Then she showed some difficulties that she faced working on this issue and gave her idea how the new generation can be involved helping the victims of sexual violence. Later, Farzana Bobby expressed her feelings and thoughts on making her short film on the 'Biranganas' named 'Bishkanta'. She then showed the 10-minute-long trailer of the film. Watching the film, participants couldn't help crying.

At 2.00 PM, Md Abdul Hannan Khan, Chief Investigator, ICT-BD took the 4<sup>th</sup> session of the day on his experience of witness/victims protection. He started with international perspective and then came to Bangladesh chapter. He then serially clarified who the witnesses are, how to tackle the witnesses and the

victims, the rules for witnesses and victims protection. He shared his experience about the reasons of lack of evidence and document, the problems of exchanging the criminals etc. He added that the measures taken by government for the safety, security and protection are not enough. In his session, he mentioned some cases to show how investigators tackle the witnesses and the victims.



After having a tea break, a group presentation was taken by Naureen Rahim, research associate, CSGJ, Liberation War Museum. The participants were divided into 5 groups and were given a fact along with some questions. Each group wrote their key words onto a flipchart. Two participants from each group presented their group presentation



After the dinner, Emran Azad, lecturer of dept. of Law, Bangladesh University of Professionals, a mentor of winter school hosted an informal Adda with two international resource persons- Barbara Thimm from Cambodia and Ram Bhandari from Nepal.

**Day 3: 15.01.2018**

Like the other day, the day was started with the national anthem. The first session was delivered on a topic titled 'Remembering the Own Crimes? : Two German Stories' by Barbara Thimm, Germany who is currently working as an advisor at Toul Sleng Genocide Museum, Phnom Penh, Cambodia. At first she showed the brief history of Germany. Then she talked about the activities that had been done in the then Germany in concentration camps and extermination camps. In her session, she said that before the 2<sup>nd</sup> world war, the European society had tend to remember only of the glory of a person or a group or a nation. But after the war, they took the initiatives to remember the sufferings of their people. Now, a number of memorials have been made to remember their own crimes and the sufferings of their own people. She ended up her session by mentioning some trials and saying that, cultural movement is also important to make the people active to bring the victims justice.

Ram Bhandari from Nepal (Nepalese Activist against State-led Enforced Disappearance) then took the next session on the topic 'Dealing with the Past in Transitional Societies: the Case of Nepal'. He showed an overview of the past and Transitional Justice. For this, he described the background first. Then he explained how individual sufferings turned into collective activism in Nepal. He stated that learning from the past is important to prevent conflict.



After that, he discussed on the approaches of Transitional Justice. In his session, he then explained why Truth Commission and Transitional Justice is important in the context of Nepal.



The next session was taken by Fernando Antonio and Lucia Tilman from East Timor on ‘Memory, Mass Atrocity and Memorialization: East Timor Experience’, after the tea break. Firstly, they described the history of East Timor briefly. Then they shared their experience on how they dealt with mass atrocity. They pointed that victims voice have been raised as justice hadn’t been done with them. Then they informed that, the CAVR and CVA were established to develop a society based on the recognition of the past truth, non-violence, reconciliation, and reparation. Later on, they showed the vision, mission, goals and challenges of Centro Nacional Chega (CNC). They ended up saying that memorialization is important as social transformation can take place from memorialization.



After having lunch, Barbara Thimm again took a session on 'case Study of Cambodia: Why Khmer Have Killed Khmer? An Outside View on Cambodia'. After giving a brief history of Cambodia, she talked about People's Revolutionary Tribunal, Extraordinary Chambers in the Courts of Cambodia (ECCC). She gave her session an end telling that, now Tuol Sleng Genocide Museum of Cambodia is working on this issue. Later, Marina Guemes Rico took a small session on 'Case Study of Femicide in Latin America'.

The last session of the day was delivered by Emran Azad, Lecturer of Law, Bangladesh University of Professionals on 'Comparative Study on Genocide and Justice'. At first he discussed about the Armenian genocide. He said, Raphael Lemkin used the term 'Genocide' in this issue. While talking about Rwandan genocide, he showed the atrocities that had taken place by Hutu people on Tutsi which are the evidence of occurring genocide in that area. Then he started discussing on the genocide of Bangladesh. Referring to the definition of genocide, he serially pointed out the elements of genocide which can be found from the atrocities of the war of 1971. In this regard, he added that, using the term 'ethnic cleansing, there would be no responsibilities because no international value can be found of this term. But the term 'genocide' has international value. Then he gave a brief idea on eliticide, politicide, cultureeid/libreeied, gendercide/femicide etc. While talking about the Principle



of Complementary Jurisdiction, he stated that, as foreign lawyers don't know our history, our culture; they would not understand our feelings. So, national court should give priority over the international one. Next, he talked about Canadian TRC to show their method to rehabilitate and compensate their victims. He also emphasized on memorializing the genocide. He concluded his session after discussing briefly on war babies, issue of POW and Hamdoor Rahman Commission Report.



In the evening, a theatre-play was shown named ‘Nimojjan’ written by Selim Al-Deen which was performed by Dhaka Theatre. The participants got emotional and shared their feelings and thanked the performer.

After dinner, a discussion was made with the victims family members where Asif Munir, son of Shahid Munir Chowdhury and Ram Bhandari from Nepal, son of a disappeared; shared their feelings and experiences which made everyone emotional that time.



#### **Day 4: 16.01.2018**

The sessions of this day was on ‘Rohingya Crisis: Genocide and Its Prevention’. After singing national anthem, session 1 was started by Professor Irene Victoria Massimino, University of Buenos Aires and National University of Tres De Febrero over skype on ‘Rohingya Crissis: Sexual Violence’. She started

her session saying that, the conflicts those are going on now in the world, all are using sexual violence as a weapon of war. She added the example of Colombian and Guatemala conflict to show the similarities of sexual violence that had been done in these two issues. As she had had an opportunity to pay a visit to the refugee camp of Rohingya to conduct a research with CSGJ team for the purpose of making the 'Testimony of Sixty', she shared her experience. 'They want the world to know what have happened with them specially with the women', she said. 'The testimony was important to prove the crime and to recognize the victims, she further added. She pointed out that their basic human rights are been violating. She said that it is important to know whether the perpetrators are in the shelter of arm force or not. After that, she explained the difficulties they faced in collecting their testimonies. Answering a question from one of the participants, she said that the victim is not just the object to gather information, the purpose of getting the information is to get him/her justice. If there is trust, honesty and transparency, then the testimony can be collected properly. A victim can never be forced to give her testimony if she doesn't want to. The person collecting the testimony should spent some time with the victim to have an easy environment. Also, there are some international guidelines to follow to interview the children. It is important to have the capability of mixing up with the people of that area. She concluded her session saying that it is important to have actual knowledge of what is going on with them to get them justice.



After a short tea break, a group presentation was started on the issue of collecting testimonies by the researchers of CSGJ team for the publication of 'Testimony of Sixty'. The testimonies were collected by the CSGJ team on October, 2017. One of the major findings, they said was that the Rohingya people can't move without their cards. A victim named Sakina (pseudonym) said to the researchers that the attackers first killed her father and then raped her. The victims were normal first, but after starting narrating their stories, most of them couldn't help crying, they added. Their rights were getting narrower for their ID cards, they commented. The limitations, they mentioned, were the language, time and logistics. They emphasized on proper arrangement of counselling and medical treatment of the children as they were

traumatized. Answering one of the question from CSGJ team, most of the victims replied that they don't want to go back to Myanmar but if the government of Bangladesh can make sure of the safety issue of the victims by negotiating with the government of Myanmar, only then they are ready to go back to their own land.



Mr. Sharifuddin, director, (C&J), National Human Rights Commission of Bangladesh (NHRCB) took the next session of the day on 'Confronting Genocide: Rohingya Crisis'. He discussed on the issue of violating the human rights of the Rohingya people. He said, the Rohingyas came to get their right to life that had been violated in Myanmar. Quoting Kofi Annan, he said if violation is done, the radicalization is automatically done. He further said that, to create a pressure on international level in this regard, a committee has been formed in Bangladesh. Prime minister Sheikh Hasina had given 5 point proposal in the UN general meeting, he added. He then opined that, Myanmar should establish a Buffer zone for the Rohingyas. A participant ask him what about the crimes that are occurring by some Rohingyas in Bangladesh. In response, Mr. Sharifuddin said, if they got involved with any crime, then they would be trialed under our law. Some people are carrying HIV virus with them, so government should keep the Rohingya people in a particular area so that the people of our country can be safe, he added.



After the session, Naureen Rahim, a mentor of winter school gave the participants direction about two activities including the field trip of the next day and the upcoming presentation on interviewing the victims. She informed them the name of the place and directed them about the activities they were going to do there the next day. After that, she divided the participants into 5 groups for the upcoming presentation. Each group would have one victim to interview. This activity was included to give the participants idea about how the interview of a victim should be done and to find the best interviewers for the future research purpose of CSGJ on the victims of Rohingyas.



Md. Pizuar Hossain, lecturer of department of Law, East West University then gave his lecture on the topic titled 'Ethnic Cleansing or Genocide: PPT Verdict on Rohingya Persecution'. He at first showed the UNHCR report of 2017 that said, approximately 6,25,000 Rohingya refugees had already come to our country. He then clarified to the participants that it is not ethnic cleansing but genocide. After that, he analyzed Feierstein's six stages model of genocide. He said, the PPT found four stages out of six and stated that it is not genocide rather it is ethnic cleansing. But Mr. Pizuar observed that, the issue included every stages which prove that it is genocide, not ethnic cleansing. He mentioned the case of Al Bashir while observing the fact.

The saying group presentation then took place after the tea break on interviewing the victims. The volunteers acted as victims and the participants interviewed them. Each group had had one victim. One of the participants from each group took the interview for which each group had given 10 minutes.



After dinner, the ‘Friends of Liberation War’ awardee Julian Francis shared his experience of refugee camps of 1971 and Rohingya camps of 2017. While sharing his experience of the refugee camps, he expressed his disappointment regarding the issue of hanging different banners of different organizations for the publicity where they are not doing that much help.



#### **Day 05: 17.01.2018**

After breakfast, 5 groups of participants with volunteer and resident mentors departed for the field trip to a memorial place named Muljan High School situated in Manikganj. Before departing, the participants were given full direction on what to do and what not to do going the field. With one or two volunteers and one resident instructors, each group then departed for the trip. On the arrival of the participants, the

volunteers and the resident instructors, the headmaster of the school welcomed them. Then, The participants dividing in different groups took interview of the teachers and the students to collect the oral history of 1971 of that area.



Group A was assigned to take the interview of the teachers including the network teachers of the school and to gather information about the school as much as possible.



Group B, C, D and E were assigned to take the interview of the students who in 2011 had wrote the story of the war of 1971 hearing from their family and neighbors. Each group had had 5/6 students to talk. Every group had given 1hour to conduct the interview to collect the oral history, to see if any difference

occurred in the past and present narration of the story, to know if they had to face any problem collecting the oral history, to know if they had had any change in them after knowing the story and to know if they had any future plan to do something for the victims.



The members of each group were allowed to go to the house of the story teller if possible. One hour later, the team including five groups of participants, the volunteers and the resident instructors took their lunch in a local hotel.

Thereafter, the participants along with the volunteers and the resident instructors paid a visit to a nearby killing field.

Coming back from the field trip, participants with their own groups, delivered their presentation based on the experience they had gathered from the trip.

After completing the dinner, Naureen Rahim discussed with the participants about the non-judicial hearing which was yet to be performed by the participants.

The day was ended after having a adda with the resource persons hosted by Naureen Rahim.

#### **Day 06: 18.01.2018**

The day was started with the national anthem like the other days. Then, the session on ‘Research on Genocide and Justice: Methods, Challenges and Prospects’ was taken by Naureen Rahim. In her session, she showed an international map marking different countries that had been through genocide where Bangladesh is not yet been marked. ‘It is a challenge for the researchers of Bangladesh who work on this issue to get the genocide of Bangladesh recognized in international level’, she said. She added that it is difficult to work on it as the victims and the perpetrators are living together. She then discussed of the post independent situation of our country. She described the situation of Biranganas and the steps that had been taken by Bangabandhu Sheikh Mujibur Rahman including ‘National Marry Off Campaign’ While

talking about the 'Biranganas' (war heroine) and the war children, she mentioned the organizations which came forward to help the pregnant women and the war babies. She then talked about the debatable issue relating to the liberation war. In discussing this, she informed that CSGJ of Liberation War Museum is going to conduct a research on 'Topography of Bangladesh Genocide'. She further added that the publication of journals by International Association of Genocide Scholars could be important for research purpose. Later, she suggested some important books to read for research purpose.

Barbara Thimm then took the 2nd session of the day on Genocide Education: Participating Democracy at Memorial Sites? A Training Experience (not only) in Belarus'. She asked why the perpetrators perpetrated. How we interpret the reason behind it, she again asked. Her view is, it is not that the person committing genocide is bad and the others are good; it is that, situation makes a person perpetrator. She then shared a story of a Cambodian who said that he had killed a person because if he hadn't done so, he would have been killed. She asked how education could help that person not to kill the other one. Then she gave her idea saying that discovering the past is like the attempt of the blind man to find out what an elephant looks like. And then bringing the findings together into democratic discourse. She concluded saying that, we could never find the actual scenario of the past but we could find the nearest relevant one.

The 3<sup>rd</sup> session of the day was then taken by Aventino Ximenes on the topic titled 'Challenges of Dealing with the Past: East Timor'. He at first shared his experience in East Timor. He said, his father was captured by the Indonesian military. Then, after few months he just found the scalp of his father. He recommended that, the society should be based on the recognition of the past truth, non-violence, reconciliation and reparation. He described the programs they are conducting for memorialization, education, solidarity section etc. Then, he shared his plan to develop the laws and policies to protect the historical sites. After that, he talked about the challenges they are facing. Such as, the historical places are being destroyed by the name of development; the policy and laws are not sufficient; the problem regarding state monopoly; authentication problem etc. He also showed a short film where the people of East Timor shared their story about their lost family members. Participant can't hold there tears watching the short film.

Participants have given an opportunity to share their experience and opinion on the schooling. They shared their experience of the previous day's field trip. One participant questioned whether our purpose of the war has fulfilled or not since minors such as Hindus are still getting killed in our country.

Emran Azad, one of the mentors of the schooling then provide the fact sheet and gave the final instructions on the non-judicial hearing and declaration of intent. Participants were divided into some groups in this regards.

Later, a documentary film was screened on the war baby of 1971 named 'BONNIE CAPPUCCINO'.

### **Day 07: 19.01.2018**

The day was started with the national anthem like the every other days. Then, a short exam was taken for 50 minutes on the sessions of last 6 days. The exam was invigilated by the mentors and the volunteers. The academic Excellence Award will be given upon the result of this exam.

After tea break, a lecture was then delivered by Md. Mahboob Sobhani, Special Metropolitan Magistrate, Dhaka on 'Genocide and Justice: Role of Young Generation'. In his lecture, he said that, the political leaders of the world do not have the political will to stop occurring genocide. He then included the name

of four institutions named 1.Center for Early-warning, 2. Programs for conflict transformation (non-violent), 3. Standing forces for rapid intervention and 4. International courts for judicial action to punish and impunity.



Later on, a group presentation were made by the participants and they started taking preparation for the non-judicial hearing which was yet to be performed.

After lunch, the non-judicial hearing was started by the participants. Barrister Tureen Afroz, Pizuar Hossain, lecturer of Law, University of Professionals and Emran Azad were present there to judge the performance of the participants.

#### **Closing ceremony and cultural function:**

After completion of the non-judicial hearing, the participants have given a short time for dinner and for getting ready for the closing ceremony and an informal cultural evening.

The guest of honor for the Closing Ceremony was justice Obaidul Hassan. Barrister Tureen Afroz, Prosecutor of ICT-BD was also present there. Naureen Rahim, research associate of CSGJ, Liberation War Museum anchored the whole program. Md Mofidul Hoque, Director of CSGJ, Liberation War Museum, Barrister Tureen Afroz, Justice Obaidul Hassan and Ehsan Majid Mustafa on behalf of the volunteer had given their speech. Abida Jannat from Premier University, Chittagong, Kazi Arunim Samya from University of Rajshahi, Auditiya Mali from Eastern university, Saima Siddika from Bangladesh University of Professionals, Delwar Hossain from North South University presented before the audience the Declaration of intent of 4<sup>th</sup> Winter School. All the participants, resident mentors, resident instructors, volunteers were present there. Certificates were given to the participants, resident mentors, resident instructors, volunteer by Justice Obaidul Hassan. Nadia Islam Nody from Jahangirnagar University received the Overall Performance Award, Farzana Rifat Siddique of East West University received Best Academic Excellency Award and the Best Performance Award- Non-judical Hearing were received jointly by Farzana Rifat Siddique of East West University and Sujana Sabrin of Bangladesh University of Professionals.



The closing ceremony then concluded with a cultural function anchored by Sharjin Jahan, a volunteer from CSGJ, Liberation War Museum. Most of the participants, the volunteers and most of the mentors took part in the function.

#### **Day 08: 20.01.2018**

In the last day, a discussion on the role of young generation in promoting justice was made by the honorable guest Dr. Md. Zafar Iqbal, Professor of Electrical & Electronic Engineering, Shahjalal University. He shared his own experience relating to the liberation war. He emphasized on the role of young generation to conduct research to get the victim justice.



After taking tea, All the participants, volunteers, resident mentors left the venue.

