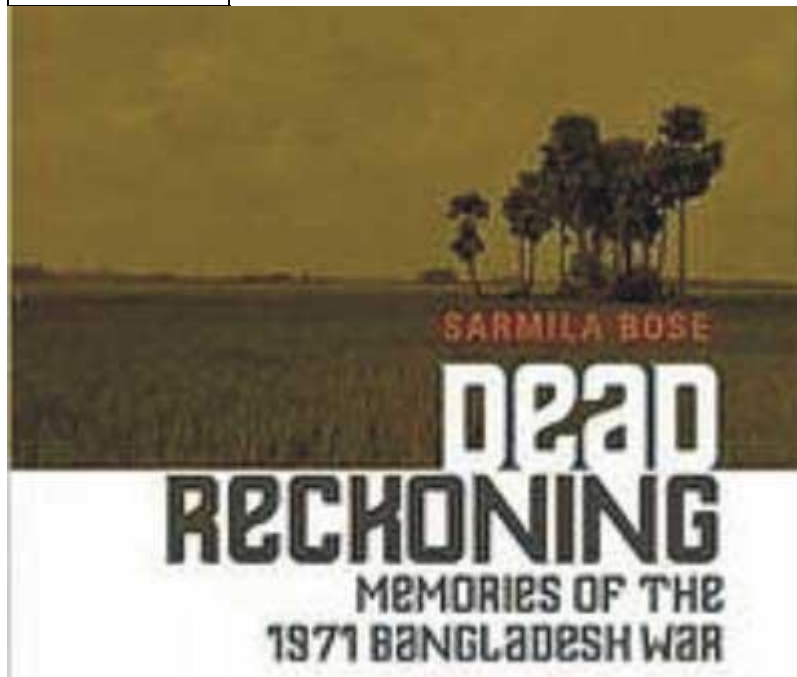


12:00 AM, December 18, 2011 / LAST MODIFIED: 12:00 AM, December 18, 2011

Dead Reckoning: Disappearing stories and evidence

Gita Sahgal



The 40th anniversary of the liberation of Bangladesh is special not simply because it marks the passing of decades, but because of the current passionate attempt to recapture the founding spirit of the nation. The recent debates on the Constitution and an attempt to return it to its original secular character of 1972 are vital to the future survival of the country. But the hurried changes made, with an ultimate outcome of keeping Islam as the state religion, have disappointed many. In contrast, the war crimes trials that are underway still offer hope. But I observe that, in London, Bangladeshis seeking justice are isolated and told instead to seek reconciliation, and even that genocide didn't happen. Further, Bangladesh is criticised for holding the trials in a national court rather than as a Rwanda or Yugoslavia style international process. But the establishment of an International Criminal Court was intended to step in only when national judiciaries failed to act, or collapsed entirely.

The current war crimes trials should be able to provide a basis for future examination of other issues. Ending the impunity enjoyed by those responsible for violence in 1971 will go some way towards reassuring minorities that attacks on them will not be tolerated. As it grapples with one kind of impunity, Bangladesh, which has shown the way on many issues, should be

able to tackle the constitutional questions that were avoided earlier. Removing Islam as the state religion is one of the key changes that will begin to ensure full citizenship for all, and a framework for addressing more modern forms of impunity.

My own encounter with 1971 was *War Crimes File*, a documentary I produced for Channel Four (UK). The film investigated three men of Bangladeshi origin, by then all British nationals, for 1971 war crimes or crimes against humanity. David Bergman was a stubborn and persistent reporter, and he led the research with a large team of Bangladeshi academics, filmmakers and young researchers until we found a trail of information that led to the three accused. We found serious and credible allegations that they were involved in making lists of people to be picked up, ordering killings, being involved with torture centres and participating in the killing of the intellectuals. Many of those we interviewed were eye witnesses, or even targets who had evaded capture.

Our interviewees told us that local collaborators of Jamaat e Islami “not only collaborated with the Pakistani army in the genocide, but had their own scheme of killing.” But recently, a number of recent writings about Bangladesh have obscured this story entirely.

At a December 8th presentation at SOAS, London, Sarmila Bose presented a talk “The legacy of 1971 - 40 years on,” at the invitation of the *Center for the Study of Pakistan*. During the Q&A session I asked her directly why, in her book *Dead Reckoning*, she had been dismissive about Razakars, as if it was a figment of fevered Bengali imaginations. She had treated them as a “discourse” rather than a fact on the ground that needs examination. Why was there no discussion of their actions, no mention of peace committees or their political linkages to the Jamaat e Islami? In reply, she simply said that these issues were not her concern and the book dealt with only certain incidents. This evasive response is elaborated in her just-published essay “The question of genocide and the quest for justice in the 1971 war” (*Journal of Genocide Studies*, November 2011), where she states: “It may be argued that the groups doing the killings were the creation of the regime, but their exact identity and motives remain shrouded.”

Looking at how she responded to various questions at SOAS, she appears to be going through a central shape shifting in the face of mounting criticism of her book. At the time of launch, she claimed *Dead Reckoning* was groundbreaking, a new account of the war, showing that the major narrative was not merely flawed or incomplete but fundamentally wrong. By now, after months of published criticisms of her book (Mookherjee, Mohaiemen, in EPW, among others), she says it is only a “few incidents” and when key issues like Razakars are brought up, she says these are “not her concern.”

When the book was first launched, the Pakistanis were gentlemen and the Bengalis were racist and nasty towards them. Now, she states, she was not intending to be rude, but rather to display “the richness of the vocabulary” of Bengalis criticising Pakistanis. Then, there was no genocide (except of Biharis). Now, she says she has written an article saying that there might

have been some genocidal killings.

That is why I call her a shape shifter.

One method used by her is to look at written narratives, and then take them apart by “checking” with the Pakistani army. She clearly started out with a great deal of access, but she uses none of the material which could help make a case against the Pakistan army. In several cases, people are alive and she could have talked to them directly rather relying on hearsay. Bose has certainly not attempted to raise the shroud she referred to, although she had the perfect opportunity to do so.

In *Dead Reckoning*, Bose quoted General Niazi, who wrote that sanction to set up al Badr and al Shams was given at the end of August 1971 and they were drawn from well-educated students from schools and madrassas. But by the time she writes this new article on genocide, she has apparently forgotten this citation and all mention of al Badr. In the book, she discusses accounts of “the killing of the intellectuals.” Now, in the article, she concludes that there is no evidence that the Pakistani army was involved. In neither the book nor the article does she connect al Badr and al Shams to the Jamaat e Islami or examine their ideology, intentions or actions. There is a blackout in her book about the peace committees and the role of the Jamaat in systematic killings and torture.

The most striking thing about the book is the complete absence of any framework, theoretical or political. Some of her material clearly shows an uprising in progress. Fear, rumours and exaggeration are well known features of uprisings, but you don't get any sense that she understands this, or has read anything about the behaviour of crowds. There is also a non-discussion of genocide, war crimes or crimes against humanity either legal or political movements for accountability, or the case that has developed through international tribunals. Now it is true that only certain incidents are discussed, so she may argue she does not need to cover every incident. But the book claims to dismiss the genocide allegation based on these selective incidents. In her book, she summarily denied genocide allegations against Pakistanis. For instance, she makes no determination on the crimes committed at Dhaka University, though she doesn't deny the direct accounts of targeted attacks on civilians. But she mocks them for “cowering” instead of fighting. There is a strong whiff of admiration for the military, instead of these paltry people who hid when the army launched a massive attack. Her main concern is numbers and other issues of burial and evidence.

There was an emphasis in her EPW article on rape (preceding this book) on randomness, as she keeps calling rape “opportunistic.” In the book, there is a refusal to see any pattern targeting of civilians, even where it is described, it is not commented on. After being challenged on the EPW article (by Mookherjee, Mandal, Rahman and others), she excluded some of the rape material from the book. Although Yasmin Saikia is cited as a reliable source, none of Saikia's information about rape, or contrition of Pakistani soldiers, is used. Other secondary sources are frequently used, so why not this one? My film *The War Crimes*

File is cited, but very little of the material in it, except for footage of the killings in Dhaka University, is discussed.

One of the difficulties of the definition of genocide is that there is a requirement to prove “intent.” That, along with the requirement to show that a group (for instance, religious or ethnic but not political) is being destroyed is of paramount importance. This requirement does not have to be met in the case of war crimes or crimes against humanity. But evidence that crimes are either “widespread” or “systematic” would be crucial in determining a crime against humanity. As the Rwanda tribunal showed, inflammatory speeches calling for extermination of a group, can be an element in genocide. It would be important to show whether there were organised groups, whether they were acting on their own or under military command. Bose's failure to gather and present such evidence, in a book and subsequent article on genocide and other grave crimes, is inexcusable.

The writer is Executive Director of Center for Secular Space, London (centreforsecularspace.org). She earlier headed Amnesty International's Gender Unit. Gita also produced the award-winning War Crimes File (Channel 4), a documentary on alleged 1971 war criminals associated with Islamist groups in England.