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Global Insider: Despite Challenges, Bangladesh War Crimes Trials Bring Justice, an Interview with Zakia Afrin

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1. How well have Bangladesh's war crimes trials proceeded in terms of providing a fair and legitimate legal process?

As a signatory of the Universal Declaration of Human Rights (UDHR) of 1948, Geneva Conventions of 1949 and International Covenant on Civil and Political Rights (ICCPR) of 1969, Bangladesh is under a duty both to provide justice to victims of crimes including genocide, crimes against humanity and to provide fair trial to the accused of such crimes. On one hand setting up the tribunal to punish perpetrators of mass killings and other injustices during Bangladesh's liberation war of 1971 have provided victims' with redress. On the other, the trials have incorporated significant pre trial, trial and post trial rights of the accused, namely right to counsel, right to cross examine witnesses and right to appeal against the judgment to a higher court. Keeping in mind the limitations of resources of a developing country and the ambiguous state of international standard, it can be argued that the transparent, public and competent trials of the war criminals in Bangladesh have proceeded consistent with her international obligations. Despite its undeniable challenges, the trials are fair and part of legitimate legal process.

2. How successful have the trials been at bringing a broader reckoning with the past?

Bangladesh is a great case study for understanding the sometimes incompatible coexistence of peace and justice in the aftermath of a conflict. For more than 40 years the citizens have lived with memories of killings, torture, rape camps, forced conversions to Islam of minority population and many unthinkable atrocities while many of the collaborators of those crimes rose up in the political ladder. The hatred and betrayal of the politicians left a deep scar in the memory of the elders who passed it on to the new generation. The trials have brought those unsettling memories back poking a hole through the shallow peaceful environment. Seeking redress for past crimes also met with new demands for a Bangladeshi identity from the youth. The trials have been extraordinarily successful in this manner and proved again that there can be no sustainable peace without justice.

3. What lessons do Bangladesh's transitional measures offer for other societies reckoning with past abuses?

Societies contemplating reckoning with past abuses must be willing to counter sporadic violent outbursts as the justice process may bring back unpleasant memories for both sides. Accepting the fact that we live in a very global world and may be judged by the international community, involving international scholars at the very beginning of the process, active outreach about the past abuses, seeking support from human rights bodies may go a long way in avoiding unnecessary emphasis on minor details; which can distract from and undermine the historic importance of such trials.

