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Reinforcing Demands for Gender Justice: The War Crimes Tribunal of Bangladesh

"I'm a proud witness of the war, but I think the war is yet to end for Bangladeshi women." - Ferdousi Priyabhashini

A self made artist who turns lifeless tree trunks, dead roots, fallen branches and many other neglected treasures in nature into aesthetic sculptures, Ferdousi was one of the first women who came forward to acknowledge being a victim of rape and sexual slavery during the liberation war of Bangladesh in 1971. Today she has become part of the youth movement in Bangladesh, known as the Shahbag movement, supporting the International Crimes Tribunal and demanding the maximum penalty for those who are found guilty. In 2010, the Bangladesh Government, led by Sheikh Hasina, set up the International Crimes Tribunal and charged as many as 12 individuals for participating and assisting in war crimes and crimes against humanity during Bangladesh's war of independence from Pakistan. The tribunals not only address the worst rape concentration camps in history; they also reveal the inner struggles of a society as it faces demands for gender justice, along with secularism and social justice. Unnoticed by most of the world, there is a revolution happening here.

Much of the focus of the international media has been on trial-related violence in Bangladesh brought about by the Jamaet-e Islami, a party to which most of the accused belong. Since March, more than 100 people died, many of them police and innocent civilians. Questions are being raised about the legitimacy and efficacy of the trials. Though experts from the International Bar Association agree that the Tribunal broadly satisfies international standards for trying war crimes, media and party-paid lobbyists continue their smear campaign in high-profile publications against the Tribunal. People have waited 42 years for this moment to arrive; yet the trials are being negated as injustice. Once again Bangladesh is being violated. It's a different kind of war.

If only to atone for the women's sufferings, this Tribunal must go on. Ferdousi Priyobhashini was not alone in her experience. During the nine months – between March 1971 and December 1971 – the Pakistani Army and their collaborators of Bangladeshi origin killed about 3 million people and raped more than 250,000 women. This was the most heinous genocide in the post world war era. There were mass graves and rape camps around the country. Girls as young as 10, and women as old 50, were systematically raped and tortured. Dr. Geoffrey Davis of Australia was in Bangladesh in 1972, helping women abort unwanted pregnancies. In an interview with Bangladeshi scholar Bina D'Costa, he remembers

Some of the stories they told were appalling. Being raped again and again and again. By large Pathan soldiers. All the rich and pretty ones were kept for the officers and the rest were distributed among the other ranks. And the women had it really rough. They didn't get enough to eat. When they got sick, they received no treatment. Lot of them died in those camps. There was an air of disbelief about the whole thing. Nobody could credit that it really happened! But the evidence clearly showed that it did happen.

The war ended and the women began to face a new country where there was no place for them. Many were not able to go back home, as their families did not want to accept dishonored women. The first Prime Minister of independent Bangladesh and the Architect of the Liberation war, Mujibur

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Issue:

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Recent Articles

The Art of Politics

By: The SAMAR Collective
| From: Issue 39: The Art of Politics (2/8/2013)

In honor of our 20th anniversary, we wanted to share our perspectives on crafting this vibrant issue, which features poetry by Bushra Rehman, Purvi Shah, YaliniDream and Ather Zia, along with a photo essay by Sabelo Narasimhan. Together,

Rahman, declared the women 'war heroines.' He set up rehabilitation centers that provided educational opportunities for the women and facilitated adoption of war babies. His government succeeded in creating international awareness of the genocide that devastated the newly independent country. He began to try the Bengali collaborators of the Pakistani Army in 1973 for their atrocities, resulting in some early convictions. With his assassination 1975, any hope for justice faded. Bangladeshi conscience went into hibernation under brutal military regimes. Until the War Crimes Tribunal came into existence in 2010, the people of Bangladesh waited patiently, depended on their faith, and prayed to the Almighty for justice.

It was by no accident that the Tribunals were set up at last. Demands were brewing since the Bangladeshi people had toppled dictatorship and embraced democracy in the 1991 elections. A mother who lost her child in the war took it upon herself to stand up to the collaborators who, by then, had established themselves in society. Jahanara Imam, popularly known as Shahid Janani (mother of a martyr), revived the nation's memory by holding a people's tribunal. During this unofficial tribunal, war criminals were symbolically "convicted" to highlight the lack of real legal action against them. Imam fostered a whole new generation with the spirit of the liberation before succumbing to cancer in 1994. But democracy did not ensure accountability overnight and no formal action against war criminals occurred over the next 15 years. It was only in 2009 that the current Government came into power with the mandate of trying the war criminals and began their investigation in 2010. The long-awaited conviction of Kader Mullah, who is also known as the Butcher of Mirpur, came in February 2013. Despite overwhelming evidence of murder and rapes, he was sentenced to life imprisonment, which, in the flip-flop Bangladeshi political climate, meant he could potentially stay in prison only until the next election. In response, youth took to the streets protesting and demanding the death penalty for Mullah. Freedom fighters, war heroines, relatives of the slain and people from all walks of life joined them. The Shahbag movement was born.



Shahbag Protesters

The Shahbag movement has been compared with the Arab Spring in many quarters. But Bangladesh is no typical Islamic country. Its deeply rooted secularism is in full display, with women front and center of the current non-violent youth movement. This idea of women being visible in the civil society is not new to Bangladesh. Since 1991, except for a brief civilian quo effort, political leadership has been shared by two women: the current Prime Minister Sheikh Hasina, daughter of the father of the nation Sheikh Mujibur Rahman; and opposition lead Khaleda Zia, the widow of Army General turned democratic President Ziaur Rahman. Both male Rahmans were brutally assassinated and it is widely believed that

these female leaders are beneficiaries of national sympathy. Yet it would be wrong to dismiss their leadership. Between their ruling years, Bangladesh has achieved gender equality in primary school enrollment, secured women's participation in local government through the quota system, facilitated women's entry into the labor force, established a special tribunal to prosecute crimes against women and helped women flourish in every sector of society. If nothing else, they must be credited with placing women in powerful positions that are acceptable in a conservative society.

Nonetheless, violence against women is rampant; child marriages happen in epidemic proportions and religions are used to legally discriminate against women. Under this backdrop, it is the Shahbag movement, which is demanding justice in the war crimes tribunal, that raises hope for a truly just society for all. How do the 1971 war crimes trials relate to gender justice today? There

these pieces highlight the diversity of voices in the diaspora, ranging from Narasimhan's visual documentation of protests against New York City's Stop-and-Frisk policy to Rehman's tongue-in-cheek take on break-ups.

Purvi Shah / To shine a light / It is not that

By: **Purvi Shah** | From: **Issue 39: The Art of Politics (2/8/2013)**

Poems pass through moments, as do our lives. Both poetry and justice necessitate a vision, a series of quiet actions built from contemplation and our own observations. Both poetry & justice necessitate desires, this wanting & wanting more, this knowing & knowing more. This stitching between – a kind of locking of skewed, errant and yet beautiful tiles – is the movement between the world of poetry & this world itself, between the world itself & the world we desire – the world we will one day make.

Bushra Rehman / Corona / It Sucks When The Whole Of Your Relationship Fits Into One T-Mobile Bill

By: **Bushra Rehman** | From: **Issue 39: The Art of Politics (2/8/2013)**

This was my world, where the city met the pulse of irrepressible wildlife, where my parents and their friends created a Muslim community from scratch. It is this world and the leaving of it I recreate in my writing.

Do I Look Suspicious?

By: **Sabelo Narasimhan** | From: **Issue 39: The Art of Politics (2/8/2013)**

are numerous ways in which these trials will improve the position of women:

First, impunity for rape and torture in the name of religion cannot be tolerated in a civilized society. Religion—both Islam and Hinduism—is effortlessly used today to deny women their fair share in inheritance, the right to unilateral divorce, and to justify domestic violence. Holding men in religious garbs responsible for their roles in facilitating and participating in rapes during the war could serve as a catalyst for much needed reform in the country's personal legal statutes. It will ensure that religion-based parties do not hijack the freedom women have enjoyed since independence.

Second, the new political climate that is brewing within the movement demanding justice for war crimes has roots that reach far deeper than its single faceted agenda. Through non violent gestures of protest, today's youth are rejecting a culture of violence in the name of partisan politics. From the beginning of the Shahbag movement in early February until today, there has been no incident by the participants destroying public or private property; there was no disregard for the sanctity of human lives. It is the religious parties, who oppose the trials of war criminals, who are guilty of mayhem around the country. This new wave of leadership can transform Bangladesh into a country that values women and ensures social justice for everyone.

Last but not the least, the successful completion of the war crimes trials will restore the people's confidence in the rule of law. Days of anarchy are gone, justice can be served where people put their heart into it. Gender equality can only thrive in a society where no crime goes unpunished, no elite can evade accountability and no leader can ignore people's wishes.

For Bangladesh, the time has come to submit to an identity long searched for. Are we going to be a society where women are treated as inferiors and where pseudo-religious men reign in terror? Or will we move towards a secular, just society where everyone thrives and freely practices her/his religion? There has never been a more appropriate time to make up our minds. And this is a war we cannot lose.

Read about the Shahbag Movement

<http://shahbag.info/>

Read about Bangladesh Liberation War and Recent Events

<http://desh71.wordpress.com/>

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It was a beautiful June day in 2012. Thousands of demonstrators participated in a silent march down Fifth Avenue to protest the New York Police Department's Stop and Frisk policy. We marched under trees, past the Guggenheim and the Met lined with weekend tourists. We were Quaker activists, Muslim associations, civil rights organizers, labor union members, families from grannies to babies, student groups, queer youth, global coalitions, church leaders, and ethnic, cultural, and racial justice organizations, amongst others. We marched silently, reflecting the growing alliances between these groups, demonstrating the intersectional effects of this destructive policy.

Ather Zia / Abode of the God? / Four corners of extreme pain

By: **Ather Zia** | From: **Issue 39: The Art of Politics (2/8/2013)**

As a people living under an occupation which is camouflaged within a patina of democratic set-up and draconian laws, there is a constant erasure of our bodies, memories and identities. We are inflicted with active forgetting in order to survive. At the border where the direct gaze of prose is constricted with barbed wires of multiple coercions, poetry spurts forth. Poetry makes one a witness, rather than just an archivist. One's life-blood, all that is political and emotional; lived, remaining, and forgotten coagulates into a poem.