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### **3 “Kill 3 Million and the Rest Will Eat of Our Hands”: Genocide, Rape, and the Bangladeshi War of Liberation**

## **Introduction**

On 26 March 1971, the independence of Bangladesh was declared by Shiekh Mujib Rahman (1920–1975), the eventual first president of the new nation state after he had called for campaigns of civil disobedience and armed resistance against President Yahya Khan’s junta in West Pakistan. For the next six months, the Bangladeshi War of Liberation was fought between the Pakistani military junta (West Pakistan) that was unwavering in its possession of “East Pakistan” and Bengali nationalists determined to gain independence in the face of political, economic, cultural, and linguistic suppression. The protracted conflict resulted in numerous violent atrocities that eventually evolved into genocidal violence, mass killings and deportations. One of the unique characteristics of the Pakistani genocide in Bangladesh was the systematic use of rape and torture against the populace. While the rape and torture of women, men, and children in Bangladesh was not historically viewed within the larger discursive repertoire of genocide, the changes in international law and other genocidal events in Rwanda, the Congo, Bosnia, and Darfur has allowed scholars to revisit and expand the definitions of genocide to include components of sexual violence. This chapter explores the role of rape as a tool of war in the context of the War of Liberation in 1971, Bangladesh. In doing so, the paper will first present a chronological description of the conflict, contextualize the historical background, and evaluate the use of racial and religious ideologies that produced the ideological impetus and justification for the genocide; specifically, the use of systematic and targeted rape in the war. The chapter will conclude with a discussion on the lessons from the conflict that the international community can learn from especially in the context of genocidal rape.

## **Background**

The East-West Pakistan conflict and the subsequent War of Liberation (1971) was a direct consequence of the temporal power of the 1947 partition of British India.

The political and economic structures that were manufactured in East and West Pakistan, favored the Punjabis and Sindhis who dominated West Pakistani politics. After consolidating and centralizing power in West Pakistan, subsequent regimes exploited, dominated, and repressed the East where more than half of the population resided. Moreover, nearly all of the major institutions were filled by West Pakistani elites including the civil service, the military, and the overall administration of government.<sup>1</sup> A system of direct representation would have provided East Pakistan with a concentration of political power and thus, the West Pakistanis instituted a geopolitical program (One Unit) that merged the four major provinces in West Pakistan into one as a counterbalance. This would imaginatively rework East-West Pakistani democracy in favor of the West. These inequalities were also reflected in the economic structures as East Pakistani wealth was consistently transferred and allotted to Western Pakistani projects and investments including the building of the capital, Islamabad.<sup>2</sup>

Although the majority of both West and East Pakistan were Muslim, other ethnic, linguistic, and cultural characteristics overshadowed their shared religious identities. These public disagreements were operationalized around three ideological factors including secularism, language, and culture. For East Pakistanis, independence was perceived by the secular elite as a victory of secularism over Pakistan’s religious nationalism.<sup>3</sup> The East Pakistanis were suspicious of the religious parties who often politically campaigned on ethnic differences as opposed to religious principles. Moreover, the secular philosophies emanating from West Bengal, India would have a greater intellectual impact on fellow Bengalis than the religious ideological parties from the Punjab and Sindh provinces of West Pakistan. Secondly, East-Pakistani’s resented Mohammed Ali Jinnah’s declaration that Urdu would be the official state language of East and West Pakistan as most East-Pakistanis only spoke Bengali. This linguistic policy not only alienated half of the population but also denied participation in Pakistani public or political life. Thus, it is not surprising that it was the status of Bengali language that produced and mobilized East Pakistani political leaders, nationalists, intellectuals, and university students to petition for greater representation and autonomy.<sup>4</sup>

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1 Husain Haqqani, *Pakistan: Between Mosque and Military* (Washington, DC: Carnegie Endowment, 2010), 19.

2 Nigel Kelly, *The History and Culture of Pakistan* (London: Peak Publishing, 2010), 128–133.

3 Shantanu Majumder, “Secularism and Anti-Secularism,” in *Routledge Handbook of Contemporary Bangladesh*, ed. Ali Riaz and Mohammad Sajjadur Rahman (New York: Routledge, 2016), 41.

4 Monsur Musa, “Politics of Language Planning in Pakistan and the Birth of a New State,” *International Journal of the Sociology of Language* 118, no. 1 (1996): 63–80.

The relationship between the exclaves further deteriorated when West Pakistan failed to deal with a deadly cyclone that displaced millions and killed an estimated half a million East Pakistanis in 1970. Many East Pakistanis blamed the racialized state administration<sup>5</sup> in West Pakistan for not properly alerting the population of the incoming cyclone, moreover, in the aftermath, the widespread negligence of Bengali suffering cultivated new grievances that would eventually lead to calls towards self-determination. Authorities in West Pakistan correspondingly accused the Awami League, the main East Pakistani political party and its leader Shiekh Mujib of exploiting the human tragedy for political gain. Consequently, every critique of West Pakistan emerging out of Dhaka was caricatured as Indian propaganda.

A month after Cyclone Bhola, Pakistan held elections that fiercely pitted Shiekh Mujib's, Awami League against Zulfikar Ali Bhutto's, Pakistan People's Party. The results revealed that the Awami League won 160 out of the 300 available seats in the National Assembly (a landslide victory for East Pakistan). Although the majority win should have conceded the formation of a new government to the Awami League, President Yahya Khan and Bhutto's Pakistan People's Party refused the leadership of an East Pakistani political party over West Pakistan, moreover they rejected any further autonomy for the East, and semantically juggled a proposition of having two Prime Ministers. By March 1971, representatives and leaders from all national parties met in Dhaka and failed to negotiate an agreement. The West Pakistanis refused to negotiate the Six-Point platform offered by Sheikh Mujib that emphasized a federal system with greater political sovereignty and economic self-reliance.

In return, Bhutto and the West Pakistani elites perceived Shiekh Mujib's demands as a form of secession as they rejected the Six Point plan while continuing to delay the convening of the National Assembly. On March 7, 1971, Shiekh Mujib already known as *Bangabandhu* (the friend of Bengal) gave a speech that demanded from West Pakistan the lifting of martial law, withdrawal of the military, and a transfer of power to the democratically elected Awami League. Additionally, Shiekh Mujib called for all the people of Bangla, Hindus and Muslims, Bengalis and non-Bengalis to participate in displays of civil disobedience and protest against the one-sided decisions made by Islamabad.

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<sup>5</sup> Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960's to the 1990's* (New York: Routledge, 1994), 83.

## The Beginning of the War and the Ensuing Violence

As a response to Shiekh Mujib’s speech, President Yahya Khan banned the Awami League, ordered Sheikh Mujib’s arrest, and launched Operation Searchlight to militarily pacify Bengali nationalist ambitions. The excessive violence in the streets of Dhaka that President Khan unleashed indicated that the chances for a compromise were no longer open and on 26 March 1971, Sheikh Mujib declared Bangladesh independent. In his message to the Bengali people, Sheikh Mujib recognized the violence imposed on the Bengali peoples and encouraged resistance to the occupation by all means. Although many Awami League leaders took refuge in India to avoid arrest, Shiekh Mujib was swiftly arrested from his home by the Pakistani Army and imprisoned in West Pakistan during the rest of the conflict.

From the onset of the war campaign, the Pakistani military intended to exterminate the people and the ideas behind what they viewed as the underlying causes of the Bengali declaration of independence. As the war and genocide continued, the Pakistani military recruited Razakars who included Urdu speaking ethnic Biharis and pro-Pakistani Bengalis to systematically rape and massacre intellectuals, college students, politicians (especially those involved with the Awami League), union leaders, members of the military, and the general civilian population. In the subsequent months of the genocide, an estimated one to three million Bangladeshis died,<sup>6</sup> millions of refugees fled to India, and anywhere from 200,000 to 400,000 women were systematically raped and kept in camps.<sup>7</sup> This level of violence not only destabilized the region but created new questions for academics surrounding the ways that rape and sexual violence is utilized by state actors to destroy the Other.

## Genocide and Bangladesh

One of the defining features of the Bangladeshi War of Liberation was the systematic use of genocidal violence by the Pakistani military and their accompanying militias on the Bengali masses. The unrestrained use of violence reflected

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<sup>6</sup> Kalyan Chaudhuri, *Genocide in Bangladesh* (New Delhi: Orient Longman, 1972), 22.

<sup>7</sup> Ahmed Ziauddin, “The Case of Bangladesh: Bringing to Trial the Perpetrators of the 1971 Genocide,” in *Contemporary Genocides: Causes, Cases, Consequences*, ed. Albert J. Longman (Leiden: PLOOM, 1996), 99.

the deeply embedded ideological sentiments that have produced religious, legal, and moral justifications for the Pakistani governing elite to employ. As with any form of state sanctioned violence, the ideological frames not only dehumanized the victims in East Pakistan, but also produced brute forms of violence that in the postulated interests of the perpetrator sought to solve the problems associated with the perceived “threat” of the Other.

In understanding this “threat” it is critical to particularize the elements for the potential of genocide to exist in the structured social and political reality of East and West Pakistani relations. These relations were shaped by colonial mentalities and a religious and ethnic chauvinism that reinforced the stark demarcation between and among the socially engineered martial races.<sup>8</sup> The emerging Pakistani state post partition reinforced the hierarchical racialized divisions of British-Indian social strata which always emphasized the differences between the light skinned Punjabis and the dark-skinned Bengalis. Thus, for many in West Pakistan, the idea of a Bengali potentially ruling over the whole of Pakistani society becomes inconceivable. The racial projects that were unearthed and utilized to socially engineer the Pakistani state allowed for the governing elites to link their configuration of racial structure to the Islamic identity and commitments of each ethnic Bengali in East Pakistan. This allowed the state to erroneously racialize the Bengali community as nominally Muslim, which for a state that has built its existence on Islamic ideational norms, places the East Pakistani Bengali on the outskirts of the Pakistani imagined community.

While the underlying premise of the new state of Pakistan was to ensure an independent homeland for the Muslims of the subcontinent, the reality reflected the interests of Muslim elites who lost power under British colonialism and desired to ensure their interests in any post-colonial political arrangement. In this process, the Pakistani ruling elite sought to reinforce its sole claim of representing the subcontinent’s Muslim populations. Resistance to the Pakistani project as articulated by the ruling elite was precariously viewed as not only a form of resistance to the state but an indirect opposition to Islam and the idea of an Islamic republic.<sup>9</sup> Thus, in understanding the genocide, one must deconstruct

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<sup>8</sup> Heather Streets, *Martial Races: The Military, Race and Masculinity in British Imperial Culture, 1857–1914* (Manchester: Manchester University Press, 2004), 1–13.

<sup>9</sup> For the Pakistani regime, the success of the independence movement in East Pakistan would breed the failure of the Pakistani national project which was created in order to have a separate, independent homeland for the Muslims of the Indian subcontinent. The Pakistani elites feared the war can potentially have dire consequences not only the region but within West Pakistan as East Pakistan can be the model for other ethnic minorities to seek independence including the Pashtuns in North-West Frontier Province and the Baluchi’s in the West.

the paradigmatic processes that facilitated the West Pakistani regime to construct narratives that label anything ostensibly viewed as a threat to the regime's powerbase as resistance to the greater Pakistani project and Islam.

In constructing this narrative, the threat of Hindu India became central to the West Pakistani elites and therefore shaped the strategies and methods that were institutionalized during the pre-and-post War of Liberation. The West Pakistanis characterized the Bengalis as an inferior race who have closer intellectual and cultural links with their Hindu brethren in West Bengal, India. Moreover, since the East Pakistani Awami league was known to have socialist sympathies and deep intellectual links with the Communist Party of India, there was an underlying assumption in West Pakistan that the Bengalis are reflecting the political and strategic interests of India. This caricature of East Pakistan had a far-reaching effect since it allowed the West Pakistanis to exercise full political control and oppose Bengali organizational forms.

In identifying the East Pakistani calls for greater autonomy as an attack on Pakistan and Islam, the West Pakistanis began a campaign to ensure that Indian influence is counteracted on multiple fronts. The first actions in the first days of the war was to eliminate the political and intellectual elites of East Pakistan. On 25 March 1971, the targeted killings began as doctors, students, university professors, political party activists, and social movement workers were killed by the thousands. On this night, one of the first institutions that was attacked and destroyed was Dhaka University in the attempt to kill the “agitators” who were leading the critique and eventual resistance to the idea of West Pakistan. The West Pakistani military along with Islamist and nationalist militias targeted individuals whom the West Pakistani military regime identified as agitators and by extension, non-Muslims. The lists that were employed were produced by West Pakistani intelligence and East Pakistani collaborators who sought to attain political and economic power during the conflict.<sup>10</sup> Moreover, the shameful role that the religious establishment played in legitimizing aspects of the genocide were critical in its “success.” In the labeling of these individuals as anti-Islamic activists and apostates, the West Pakistani state along with the religious establishment legitimized the first actions of the genocide. The state sanctioned fatwas (religious rulings from Islamic scholars) that were produced by a number of Pakistani Islamic scholars maintained that the unification of East and West Pakistan was a religious requirement that is

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<sup>10</sup> Suzannah Linton, “Completing the Circle: Accountability for the Crimes of the 1971 Bangladesh War of Liberation,” *Criminal Law Forum* 21, no. 2 (2010): 14–16.

essential for the survival and prosperity of the subcontinent's post-partition Muslims.

By arresting and killing the political and intellectual elites, the West Pakistanis believed they can undergo the restructuring of Bengali society and remove the deep grievances that were viewed as being linked with Indian strategic and national interests. The targeted killings of the elites in the early part of the war sought to destroy and inhibit any potential transition towards an independent Bengali state. Moreover, the regime believed that once the elites were no longer active in the political and civil sphere, the resistance to West Pakistan and the Islamic republic would also wither with them. However, as the insurgency gained a foothold and the Bengali populace actively supported the liberation war, the West Pakistani regime began to shift their military tactics along with their pervasive religious and racial propaganda.

Once the targeted elites were overwhelmingly killed. The West Pakistani military regime led by West Pakistani President Khan began to target the ordinary masses who overwhelmingly supported the Awami league's calls for self-determination and independence. The goals were as President Yahya Khan stated, to "kill three million (Bengalis)... and the rest will eat out of our hands."<sup>11</sup> This racial, ethnic, and religious chauvinism expressed the extent the regime was willing to go to maintain military and political control in East Pakistan. This ideological narrative that justified the dehumanization and genocide against East Pakistani Bengalis reflected the internalized British racial ideologies of the martial races in which previous President Ayub Khan expressed the Bengalis are a "conquered peoples, while the inhabitants of West Pakistan were the descendants of conquerors."<sup>12</sup> President Yahya Khan, the person conducting the war in East Pakistan described East Bengalis as having "all the inhibitions of downtrodden races ... their popular complexes, exclusiveness and ... defensive aggressiveness ... emerge from this historical background."<sup>13</sup>

Violent episodes would be reproduced in nearly every town and city in Bangladesh as the West Pakistani regime fought to cleanse the Bengalis and maintain a firm grasp over East Pakistan. The killings included mass executions, the burning of homes, destruction of economic institutions, and brutal forms of sexual violence. In one narration Payne retells what he witnessed:

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<sup>11</sup> Philip Hensher, "The War Bangladesh Can Never Forget," *Independent Online*, February 19, 2013. Accessed January 29, 2019. <http://www.independent.co.uk/news/world/asia/the-war-bangladesh-can-never-forget-8501636.html>

<sup>12</sup> Robert Payne, *Massacre* (New York: Macmillan, 1973), 41.

<sup>13</sup> Hensher, "The War Bangladesh Can Never Forget."

The military authorities conducted experiments in mass extermination in places unlikely to be seen by journalists. At Hariharpara, . . . they found the three elements necessary for killing people in large numbers: a prison in which to hold the victims, a place for executing the prisoners, and a method for disposing of the bodies. The prison was a large riverside warehouse, or godown, belonging to the Pakistan National Oil Company, the place of execution was the river edge, or the shallows near the shore, and the bodies were disposed of by the simple means of permitting them to float downstream. The killing took place night after night. Usually the prisoners were roped together and made to wade out into the river. They were in batches of six or eight, and in the light of a powerful electric arc lamp, they were easy targets, black against the silvery water. The executioners stood on the pier, shooting down at the compact bunches of prisoners wading in the water. There were screams in the hot night air, and then silence. The prisoners fell on their sides and their bodies lapped against the shore. Then a new bunch of prisoners was brought out, and the process was repeated.<sup>14</sup>

The toll that the genocidal violence had on the population of Bangladesh was telling as millions were displaced, killed, and raped generating new questions surrounding exactly how to define and categorize violence of all kinds in the context of war.

## Rape as a Tool of War

The use of sexual violence was incorporated as a tool of war by the West Pakistanis to reinforce the ideological paradigms pursued by the Pakistani state. As in all genocides, the extermination of the “Other” takes on multiple forms and methods that often do not directly lead to the death of the victim.<sup>15</sup> Although the Genocide Convention (1948) does not include rape in its definition of genocide, it has been included in the definition of crimes against humanity in Article 7 of the Rome Statute of the International Criminal Court. One of the key elements to understanding the way genocide functions is through the perspective of purposeful logic that reveals the perpetrators intentions in the destruction of the “Other,” whether the result is death, physical impairment, or trauma. In evaluating rape (collective rape in the context of war) as an action that targets the collectivity as opposed to the individual allows rape to be subsumed in the larger category of

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<sup>14</sup> Payne, *Massacre*, 55.

<sup>15</sup> David Maybury-Lewis, “Genocide Against Indigenous Peoples,” in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander L. Hinton (Berkeley: University of California Press, 2002), 43–53.

genocide especially when implemented to accomplish political, social, and economic ends. When evaluating the intentions behind the West Pakistani state policy in pursuing genocidal violence and more specifically the use of gender selective extermination and forcible rape we find that in a traditionally conservative Muslim cultural context like East Pakistan, it's essentially an acknowledged death sentence for the victim. The strategic use of sexual violence by the West Pakistanis sought to destroy and supplant the Bengali population while reinforcing a perception of dominance over the women and men of East Pakistani society. The strategy behind the rapes and other forms of sexual violence was to kill, maim, and in many cases forcibly impregnate women in order to carry the offspring of what was often pronounced as the next generation of Pakistanis. This policy included both racial and religious ideological justifications.

Once the West Pakistanis realized that the war was not going to end after the systematic campaign of targeting the elites, the Pakistani military and their militias shifted course and began to actively target the female Bengali population. The policy was driven in the hopes of psychologically breaking the men and women of Bengali society. As Sharlach (2000) stated in her overview of rape in the context of genocide in the twentieth century, "In such communities, women in their roles as mothers of the nation and as transmitters of culture symbolize the honor of the ethnic group. When a woman's honor is tarnished through rape, the ethnic group is also dishonored."<sup>16</sup> Moreover, various actors within the Pakistani military believed that the rape of the women and children would impart the racialized characteristics of the perceived image of the masculine Pakistani martial race. This form of violence sought not only to control the Bengali peoples but also cleanse the population from what was perceived as Bengali ethnic and racial impurities which the Pakistani's believed allowed the Indians to control and dominate Bengali culture and political frameworks. The rape of Bengali women would purportedly counter the feminine culture of the Bengal, in order to be able to withstand Indian influences. The use of sexual violence against Bengali women and children by the military was, thus, one of power, control and dominance as one Pakistani soldier related "we are going, but we are leaving our seeds behind."<sup>17</sup>

For the West Pakistanis, rape in the war of liberation reflects their patriarchal militaristic policies that in targeting women they can counteract the

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<sup>16</sup> Lisa Sharlach, "Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda," *New Political Science* 22, no. 1 (2000): 90.

<sup>17</sup> Amita Malik, *The Year of the Vulture* (New Delhi: Orient Longman, 1972), 154.

bearers of Bengali culture and thus their elimination either through death, suicide, or forcible impregnation.<sup>18</sup> As Brownmiller quotes in one narrative,

Two [Pakistani soldiers] went into the room that had been built for the bridal couple. The others stayed behind with the family, one of them covering them with his gun. They heard a barked order, and the bridegroom's voice protesting. Then there was silence until the bride screamed. Then there was silence again, except for some muffled cries that soon subsided. In a few minutes one of the soldiers came out, his uniform in disarray. He grinned to his companions. Another soldier took his place in the extra room. And so on, until all the six had raped the belle of the village. Then all six left, hurriedly. The father found his daughter lying on the string cot unconscious and bleeding. Her husband was crouched on the floor, kneeling over his vomit.<sup>19</sup>

For the Pakistani military, the strategy was to destroy the women who are seen as the gatekeepers to Bengali culture and life and, thus, as Seifert states, rape as a tool of war are essentially, "culture-destroying actions with strategic rationale."<sup>20</sup> This rationale was expressed as Das notes through, "the woman's body... (which) became a sign through which men communicated with each other."<sup>21</sup> This communication by the Pakistani elite was with Pakistani and Bengali society that in sexually controlling the lives of Bengali women they are able to "imprint" Pakistani "racial qualities" onto Bengali society and thus reinforcing a permanent and lasting memory of Pakistan in Bangladesh.

Another ideological component that shaped the actions and justifications of the Pakistani military regime was religion. Beyond the racialized justification, the military sought to use rape and sexual violence in order to purify the Bangladeshi peoples from Hindu influences. A number of religious figures along with the military facilitated rape and sexual violence by putting forth the argument that the resistance to West Pakistan was a form of apostasy as one was aiding "Hindu India's" political and militaristic agenda against the Islamic republic. This resistance against Pakistan supposedly places the Bengali Muslim population outside of the fold of Islam and consequently are no longer protected and are open to plunder and pillage by the Pakistani Army and its Islamic allies. As Firdousi Priyabhaani, one of the first women to testify against the West Pakistani soldiers describes in her experience with the perpetrators,

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**18** Ruth Seifert, "War and Rape: A Preliminary Analysis," in *The Criminology of War*, ed. Ruth Jamieson (New York: Routledge, 2016), 307–326.

**19** Susan Brownmiller, *Against Our Will: Men, Women and Rape* (Newburyport: Open Road Media, 2013), 82.

**20** Seifert, "War and Rape," 317.

**21** Veena Das, *Critical Events: An Anthropological Perspective on Contemporary India* (Delhi: Oxford University Press, 1995), 56.

“There were four or five people who raped me all together . . . They kept shouting at me ‘You are a Hindu. You are a spy.’ After they gang-raped me they took me to a bunker.”<sup>22</sup> In utilizing rape, the military sought to impose on the women new Muslim guardians who would produce the next generation of Pakistanis that would have loyalty to Islam and Pakistan. The female body became the site in which Islamic identity and politics was to be imposed. This had a dual function to, “First, make them Muslims,” as General Yahya Khan once quoted while pointing at a Bengali crowd. Second, to impose the idea that being a Muslim in the subcontinent necessitated loyalties to the Pakistani state which was the authoritative voice of Islam. The West Pakistani regime further entrenched its Islamic legitimacy through the voices of Islamic Bengali political parties who backed the West Pakistani narratives and opposed Bengali independence. Moreover, these parties remained mute in the labelling of their fellow Bengalis as non-Muslims, which legitimated the rape and sexual violence imposed by the West Pakistani regime. In fact, the role of Islamic Bengali parties in the liberation war recently made international headlines as the former leader of the Jamaat Islami political party, Mir Quasem Ali was executed in 2016 for war crimes committed during the 1971 war.

## Forcible Impregnation and the Genocide

The targeting of women of all social, political, and economic statuses reflected the directed policy of inflicting long-term trauma on the psyche of the Bengali people. This is particularly significant in conservative societies where chastity is tied to one’s honor and dignity. The act of rape sought to reinforce a narrative of dominance over the population while emasculating the Bengali male population in the hopes of changing the ethnic and religious loyalties towards West Pakistan. One of the policies of the West Pakistani state in the systematic use of sexual abuse and rape was to force women who became impregnated by the militias and soldiers to keep their babies and forbid them from performing abortions. The logic employed reflected the idea that first, it is religiously prohibited to perform abortions; second, the pregnancies purified the Bengali race; and third, the Pakistani Army would imprint an enduring mark on Bengali society through the womb of the women. Thus, the rape and forced impregnation of Bengali women not only traumatizes the women; it also

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<sup>22</sup> Yasmin Saikia, *Women, War, and the Making of Bangladesh: Remembering 1971* (Durham, NC: Duke University Press, 2011), 133–134.

relinquished the womb to the West Pakistani occupation and force the Bengali community to live with the trauma post-independence.<sup>23</sup> Moreover, Takai argues that there are long term effects of forced pregnancies, which actually prevent births in the communities where women were raped and forcibly held. As intended by the West Pakistani regime, the traumatic physical and psychological experiences along with the cultural frameworks made it increasingly difficult for these women to engage in relationships and/or to conceive (Takai 2011, 395–396).<sup>24</sup>

The role of rape in the context of the War of Liberation was systematically organized and widespread with the intention of destroying the will, self-dignity, and confidence of the Bengali peoples. The ideologies that justified the genocide and the multiple forms of sexual violence was in part utilized to maintain control and dominance over East Pakistan while simultaneously dismissing their religious, racial, and cultural frameworks. The racial projects (corrupted religious ideology and colonial racial mentalities) employed by the West Pakistani state provided insight to the methodological tools of genocide and more particular the way sexual violence was institutionalized. Moreover, the actions by West Pakistan reflected the weakness of the West Pakistani state as their ability to defeat the Bengali resistance waned, there were increased war crimes in relation to the policies that enforced sexual violence on the Bengali community.

In the aftermath of the war of liberation, not one Pakistani military official was held responsible for the genocidal violence committed in Bangladesh. For the women and children who were sexually assaulted and raped, the difficulties were compounded when trying to reenter into society and reconcile with families who view rape and babies out of wedlock as a dishonor. The government made an initial effort to deal with the trauma of sexual violence collectively by labelling victims of the sexual violence as *birangonas* or war heroines for their struggle in defending their homeland. This was an attempt to change the discourse, mentalities, and culture surrounding the female victims of sexual violence. This approach also facilitated for the conservative Bengali context a way to deal with the sexual violence by embedding a new collective memory surrounding their horrific experiences. While still perceived as victims, the *birangonas* would be seen as heroes rather than dishonored individuals as a result of their victimization. The *birangonas* discourse remained a couple of years

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<sup>23</sup> Alexandra Takai, “Rape and Forced Pregnancy as Genocide before the Bangladesh Tribunal,” *Temple International & Comparative Law Journal* 25 (2011): 395.

<sup>24</sup> *Ibid.*, 395–396.

after the end of the war, however the plight of the hundreds of thousands of women who were raped and sexually abused has been an ignored issue since. The *birangonas* whom Sheikh Mujib called his “daughters” immediately after the war, would be isolated and demonized in their local communities. The contradictory rhetoric emerging from the state forced women to give up their babies as they were viewed by the state as “bastard children” who, “were not welcome in Bangladesh and (actually) created a policy that forced women to either obtain abortions or give their ‘war babies’ up for adoption in other countries.”<sup>25</sup> In many cases, the lack of institutional support for many women resulted in these women being accused of dishonor leading many *birangonas* to commit suicide or flee to West Pakistan to start a new life.<sup>26</sup>

## Bangladeshi Independence

Throughout the conflict, the international community pressured Pakistan to free Sheikh Mujib and cease the hostilities against the civilian population, but West Pakistani authorities continued to rebuff the overtures. In the first few months of the war, the Pakistani Army was successful in pushing the Mukti Bahini out of the major cities in East Pakistan and into the countryside. In doing so, they were able to impose the genocidal violence with no impunity as resistance was non-existent. As the number of Bengali refugees increased in the borders shared with India and the stories of massacres and incessant rape dominated the headlines, Prime Minister Indira Gandhi made a calculated decision to fully assist in the war of Bengali independence against West Pakistan. The Indian military began to train and coordinate the disorganized efforts of the Mukti Bahini and prepared for the eventual military conflict against West Pakistan. The Research and Analysis Wing (RAW), the agency for external intelligence in India provided reports to Bengali guerillas on Pakistani military movements and worked to disrupt their supplies and troop movements. Through its own intelligence and skirmishes, the Pakistani Army were aware of India’s involvement in the conflict and planned pre-emptive air strikes against various Indian bases commencing what became the two week Indo-Pakistan War.

As the Indo-Pakistan War commenced, the Indian military focused on disrupting the communications between West Pakistan and its troops in East Pakistan. Through superior air power, the Indian Air Force controlled the Bengali air space

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<sup>25</sup> Ibid., 394.

<sup>26</sup> Ibid.

and used its navy to close all possible escape routes for the remaining Pakistani military and the Razakar. The battle and eventual loss of Dhaka to the Indian Army allowed the Mukti Bahini to force West Pakistan to surrender by mid-December. The Instrument of Surrender signed by Pakistan’s Armed Forces is celebrated on 16 December as Victory Day in Bangladesh. The humiliating defeat led to President Khan’s resignation and as Zulfikar Ali Bhutto assumed the presidency; he warily released Sheikh Mujib. For Bangladeshis, the Independence of Bangladesh came at a cost in which the genocidal violence enforced on the Bengali community was never held to account. The millions of Bangladeshis killed and displaced and the hundreds of thousands of victims of sexual violence were never able to hold the perpetrators accountable. The Pakistani military and their militias were able to go home with impunity while leaving Bangladesh burning. The decision which led the Bangladeshi government to accept the conditions set forth by Pakistan and India was primarily driven by the political elites in Bangladesh in seeking international recognition for their newly established state.<sup>27</sup>

Despite the complicated geopolitical context of the Cold War, India and the Soviet Union’s consistent political and military assistance throughout the war of independence and the establishment of diplomatic relations since the onset of the War of Liberation rendered Bangladesh an immediate antagonist of Pakistan’s American and Chinese allies. In order to guarantee Bangladesh’s official recognition, India, Bangladesh, and Pakistan signed the Simla (1972) and Dehli (1973) Agreements. The agreements assured that Pakistan would acknowledge Bangladeshi independence and begin to normalize relations when the Indian Army returned the nearly 90,000 Pakistani prisoners of war, many of who were complicit in war crimes. The agreements also ensured that President Bhutto would not indict Bengalis in West Pakistan because of Bangladeshi threats to prosecute captured Pakistanis for war crimes. In 1973, the UNHCR oversaw the repatriation of 108,744 Pakistanis to Pakistan and 121,695 Bengalis to Bangladesh.<sup>28</sup> In one of the most controversial decisions, the Indian Army also released around 200 senior Pakistani officials that were accused of breach of conduct and war crimes without any assurances to prosecute the suspects in Pakistan or pay reparations to the Bengali victims of genocide.<sup>29</sup> This contentious agreement still impacts the status

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<sup>27</sup> Gary Bass, “Bargaining Away Justice: India, Pakistan, and the International Politics of Impunity for the Bangladesh Genocide,” *International Security* 41, no. 2 (2016): 148.

<sup>28</sup> UNHCR. “Addendum to the Report of the United Nations High Commissioner for Refugees,” 1975, <http://www.unhcr.org/en-us/excom/unhcrannual/3ae68c6f0/addendum-report-united-nations-high-commissioner-refugees.html>

<sup>29</sup> Jordan J. Paust and Albert P. Blaustein, “War Crimes Jurisdiction and Due Process: The Bangladesh Experience,” *Vanderbilt Journal of Transnational Law* 11, no 1 (1978): 31–36.

of the genocide in contemporary Bangladesh as attempts for reconciliation and truth are warrantless. Moreover, the cold war framework along with weak international institutions have allowed the perpetrators of the genocide to never be held to account. The anger of the Bengali people and the lack of justice received from the parties to genocide allowed many Urdu speaking communities situated in Bangladesh like the Biharis to be attacked, killed, and raped by Bengali mobs and individuals linked to the Mukti Bahini.

In the post war context, the Awami League formed Bangladesh's first national government with Sheikh Mujib as its president. The president encountered numerous challenges as the new nation tried to relocate millions of refugees, deal with the impact of violence and sexual violence on the population, clear out mines left during the war, confront shortages in food and medicine, while simultaneously seeking to rebuild the economic sectors that still struggled from the devastation of Cyclone Bhola and disintegration because of the conflict. The nation's agricultural output suffered as result of the West Pakistani Army's burning of agricultural fields along with the consistent flooding that has damaged the agricultural industry causing the Bangladesh Famine, killing tens of thousands of people. Along with rebuilding society in the post conflict context, the process of bringing the perpetrators to justice has always overshadowed his reign in power. The most contentious issue Sheikh Mujib confronted was the prosecution of collaborators that abetted West Pakistan's war against the Bengali people. By presidential order, Sheikh Mujib signed the Collaborators Act of 1972 to pursue collaborators through the formation of tribunals. According to Linton, some claim that 30,471 were arrested and charged, 2,848 were tried, and 752 convicted over a six-month period while others claim that 11,000 suspects were arrested with 73 tribunals instituted.<sup>30</sup> The following year, Sheikh Mujib declared a sudden amnesty that released most individuals that were either detained or convicted.<sup>31</sup> In 1973, the government adopted the International Crimes Tribunals Act to detain, prosecute, and punish any person involved with war crimes irrespective of their nationality. Around 11,000 prisoners that were held under the Collaborators Act of 1972 were about to be tried until Sheikh Mujib was assassinated, the law repealed, and all suspects were released.<sup>32</sup>

Sheikh Mujib's assassination by military officers transformed the Bangladeshi republic. In the night of 15 August 1975, officers raided the presidential palace

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<sup>30</sup> Linton, "Completing," 15.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, 21–22.

called the *Bangabhaban* and killed Sheikh Mujib, nearly all his family members (including his wife and three sons), staff, and other government officials. His daughters Hasina and Rehana were the only ones to survive since they were overseas at the time of the assassination. The leader of the coup, Khondaker Mostaq Ahmad took control of the government and declared himself Bangladesh's second president. Soon he signed the Indemnity Ordinance granting Sheikh Mujib's assassins immunity from prosecution. For the next 15 years, Bangladesh descended into political disarray and autocratic rule as coups/counter-coups and assassinations became the norm in Bangladesh. It was not until 1991 that Bangladesh was to finally hold democratic elections giving its citizens hope to build on the struggles and sacrifices of the War of Liberation.

In 2008, the electoral victory of Sheikh Hasina and the Awami League promised to bring war criminals who collaborate with the West Pakistani military and militias to justice. One of Sheikh Hasina's first acts in power was to create a war crimes committee who essentially identified suspects to be tried under an updated version of the International Crimes Tribunal Act of 1973. The indictments were subsequently issued against two former ministers of the Bangladesh National Party but primarily focused on the leaders of Jamaat-e-Islami, an Islamic political party that sided and collaborated with Pakistan against Bengali aspirations for independence. Most of the accused were found guilty of war crimes and executed. However, there has been doubt about the impartiality and fairness of the trials as human rights organizations have held that these tribunals were motivated by politics rather than a sense of justice.<sup>33</sup>

## Conclusion

One of the most controversial decisions made by India, Sheikh Mujib, and the first Bangladeshi government was to not pursue justice against the perpetrators of genocide. This was fairly the norm in South and Southeast Asia that governments in transitioning out of war often sought to actively forget the memories of genocidal violence. In the Bangladeshi case, the government selected an

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<sup>33</sup> International Justice Resource Center, “Bangladesh International Crimes Tribunal Sentences Two to Death for 1971 Killings of Pro-Independence Intellectuals,” November 5, 2013. Accessed January 29, 2019. <http://www.ijrcenter.org/2013/11/05/bangladesh-international-crimes-tribunal-sentences-two-to-death-for-1971-killings-of-pro-independence-intellectuals/>; Human Rights Watch, “Bangladesh: War Crimes Verdict Based on Flawed Trial,” March 3, 2016. Accessed January 29, 2019. <https://www.hrw.org/news/2016/03/22/bangladesh-war-crimes-verdict-based-flawed-trial>

expedient route towards international recognition by abandoning criminal accountability. This strategy was reasonable given the context of the Cold War; Pakistan had strong allies in the United States, China, Saudi Arabia, and the Muslim world, which explains why the Bangladeshis were willing to turn a new page and only focus on the collaborators within. In retrospect, this approach failed to achieve peace nor justice. The murder of Sheikh Mujib and the experience of genocidal violence in all forms has plunged the country into instability as numerous coups, assassinations, and military regimes persisted during the subsequent years. The question of accountability still lingers in Bangladeshi society as the memories surrounding the genocide shapes the contemporary political, economic, and social systems. One of the ways societies attempt to heal the wounds of genocidal violence is to understand the core causes, while reconciling the realities of the impact of the war on all communities. While this paper only provides one perspective on the genocide in Bangladesh, it does address many of the key components of the War of Liberation that deconstructs the issues and questions surrounding the multiple forms of violence used during the genocide, including rape. This paper revealed how West Pakistani racial projects utilized during the war dehumanized and categorized the Bengalis as racially inferior, which produced the policies that later gave way to brutal forms of violence. Moreover, we showed how religious ideologies were employed by the state to determine and shape what and who were considered Muslim and a part of the Islamic faith tradition. This approach to the conflict gave the Pakistani state authority to label the Bengalis as non-Muslim and therefore formulated the legitimacy needed for both the military and the militias to pursue rape as a tool of war. While Bangladesh may never truly face the effects of the genocidal violence on their collective memory head on, there are many components of the genocide and the accompanying sexual violence that the contemporary global system continues to suffer from. Including the conflict surrounding ISIS in Iraq and Syria and their religious ideological justifications for sexually enslaving Yazidi women and girls, to neighboring Myanmar where thousands of Rohingya have been killed, raped, and maimed by the democratically elected, National League of Democracy party. The lessons of Bangladesh will continue to inform present and future conflicts and genocides.

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