

History is hard work, but are we willing?

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Munem Wasif

There is a particular way of lensing mass movements, when we are observing from within immediate tactics. In a fast moving situation, with opponents and allies squared off, the first thing to shrink is the space for internal critique. Professor Azfar Hussain uses the term “critical solidarity” for his approach to the issue of 1971 and memory. A critique that seeks to help the history activists, but also demands changes from within the movement. Hussain reminds us, “The middle-class tragic sentimentality and liquid emotional nationalism actually suppressed the radical character of the language movement. So we have to return to history and say loudly: language

movement was for establishing linguistic rights, but also a battle for the rights of farmers, laborers, and the working class.”¹

Old struggles

1989, the year I arrived at Oberlin College in USA, was the first time I met a Pakistani face to face. Before that, Pakistanis were an abstraction, a mixture of Yahya, Tikka, Bhutto and other architects of 1971 — rolled up into the archetype of the Qamrul Hasan poster. Now, to have a debate, you need a debating opponent who disagrees with you, or at the least, engages. But most of the Pakistani students at Oberlin were oblivious to the history of 1971. The attitude could be summed up as, “Once there was a war, so we heard.” The only student who had studied the 1971 history was Chris Coelho, a Pakistani Christian who was Anthony Mascarenhas’ nephew. He had read his uncle’s “Genocide” dispatch, and the book, *Rape of Bangla Desh*.

Faced with a wall of silence, it became important to use the campus setting for educational events. Every December, we organised an exhibition on the liberation war, using the novelty of being able to print old 1971 newspaper pages, in xerox-quality, from microfiche machines. In the American campus tradition, we had t-shirt wars, stenciling “Never Forget” on faded tees. In 1992, an opportunity for direct activism finally came. A North American Islamic organisation invited accused war criminal Ghulam Azam to Ohio to speak at a conference. Ohio State students immediately contacted the Oberlin Bengali students about protesting this invitation. In that pre-hypertext era, many Bangladeshi students in America knew each other through the soc.culture.bangladesh (scb) usenet board. Productive alliances were coming out of these bulletin boards, as when Rafi Ahmed started working on a 1971 website before his untimely death. Using the scb network, a petition was written, detailing the charges against Azam. Jahanara Imam’s *Gono Adalat* had just happened in Dhaka, so that news item was also attached. However,

we had little idea, in those days, about how to capture media attention. Our miniscule size doomed us and the petition was rejected.

A year later, I returned to Dhaka on a research fellowship, collecting oral memories of the war. Halfway through that project, the High Court “reinstated” Ghulam Azam’s Bangladeshi citizenship.

That day, I drove to an interview past burning tires and furious protesters. None of that mattered, the fix was in — whatever backdoor deal had been struck to give Azam his passport, a few protesters were not going to derail that. Shahbagh-scale crowds did not exist for 1971 activists in those days, their numbers were not large enough to have serious leverage. An interviewee said to me, angrily, “What’s the point of your camera, when we couldn’t even stop Ghulam Azam from returning to Bangladesh?” It was a low moment for the “spirit of 1971.”

War Crimes File

During that research year, one fascinating set of interviews were with the two sons of martyred professor, Mufazzal Haider Chowdhury. On my fourth visit, there was a new presence in their drawing room. A British journalist, taking careful notes, and asking repeatedly about the exact details of the day their father was picked up. What were the razakars wearing? How much of his face did you see? What did he say? I was quite wary of this “newcomer.” I recognise now that I was also being proprietary, as if only I could carry out the proper research. Later, I learned this was David Bergman, and a year later, I was suitably humbled when he released *War Crimes File* on Channel 4. While I was still fumbling through my field notes, trying to interpret contradictory stories, the *bideshi* I had been wary of had completed the first proper documentary accounting on 1971 war crimes.

War Crimes File became a cause celebre in England, because the three men accused of being war criminals in the documentary were all British citizens.

After 1971, they fled to London and became active in the British Muslim political scene. The UK Home Office initiated an investigation based on the film, but the Bangladesh Home Ministry botched their part of sending evidence — either deliberately, or due to incompetence. While David, and his producer Gita Sahgal, had done the hard work of gathering interviews, the Bangladeshi government side could not finish the work of data collection (this was a recurring theme over the years). Later, the accused men leveraged British libel laws to force Channel 4 to pull the film from circulation (it now circulates on YouTube only as an unauthorised bootleg). That precedent also later led to Jamaat suing *The Economist* over an article that named Ghulam Azam in context of 1971 war crimes.

War crimes organising picked up velocity in the '90s. In cities all over the world, *Ghatak Dalal Nirmul Committee* branches were in operation. I had, by then, published excerpts of Mufazzal Haider Chowdhury's diary, as well as an analysis of Tareque Masud's *Muktir Gaan*. I found myself quite wary of the way these branches were doing research. Or rather, not doing it, but relying on stories, and legends. Those are also important elements of course, but there was no distinction made between assemblage that is used to build up national narratives and legends, and evidence that can serve as a legal basis for prosecution. This distinction has been continually blurred for four decades, always to deleterious effect.

The changed world context after 2001 meant that the issue of Jamaat and war crimes started being refracted through a global security lens. This both helped and hurt the issue, as calculations other than events of 1971 entered the equation. The nomination of Salahuddin Quader Chowdhury as Chairman of the OIC (Organization of Islamic Countries) collapsed after a worldwide Internet campaign by 1971 memory activists. It was the campaign pressure that sank the nomination, but what was more important for OIC was not what happened at Goods Hill in 1971, but the possibility of scandal. Similarly, the British government's decision to bar Delwar Hossain Sayeedi from a speaking tour also responded to a "Fact Sheet" drawn up by activists. But the British authorities were more focused on his anti-Hindu and anti-Semitic statements,

rather than his activities during 1971. Because these two victories were actually premised on contemporary calculus, many activists were lulled into thinking a definitive legal case had been made for 1971 war crimes. And, all along, they neglected the vital work of evidence collection.

Crisis of memory

The context is crucial to understand the rise of the “*tui razakar*” impulse, which came from a profound sense of anger and failure. During the Ershad junta years (perhaps the most damaging time for this entire process), there was an enforced blanket silence on any discussion of 1971. Ershad talked of “Notun Bangla,” in which 1982 seemed to be year zero. Sometime later, Humayun Ahmed’s TV drama with a parrot that kept yelling “*tui razakar*” thrilled our generation. Finally, that word *razakar*, spoken loudly, on national television! Let it be in the anthropomorphised form of an animal that is known for mimicry, not intelligence; it still pierced the veil of silence. But a parrot is only a mimic, once trained it can call anything and everything *razakar*. A certain banalisation entered our discourse. What was needed instead were analytic lines drawn around the many shades of “*razakar*.” Those who were active members of *al Badr* and *al Shams* death squads, with eye witness evidence (the Mufazzal Haider Chowdhury case), are the clear-cut cases. Much more complicated was the situation of those who did not cross the border into India, and stayed in their jobs through the war for a combination of reasons: family, pressure, inability, fear. Did that make them a *razakar*? In the new heightened discourse, that was one possible conclusion.

Where no records and documents are kept, was there a possibility of neighbour informing on neighbour (“*Uni kintu razakar chilen*”) and not need to prove anything? One of the possible examples of this can be found in the iconic books *Ekaturer Ghatak-Dalal Ja Boleche Ja Koreche* (ed. Nurul Islam, 1991) and the previous volume, *Ekaturer Ghatak Dalalra Ke Kothae* (ed. Dr Ahmod Shorif, Kazi Nur-uzzaman, Shahriar Kabir, 1987). While the editors did the best they could with what evidence had been gathered, we see a clearer

document trail when it comes to the high profile cases of al Badr and al Shams groups. The organisers, including some in jail now as part of the war crimes trials, had left a visible paper trail of speeches, press conferences, photo sessions, etc. But when the research turns to lower level people, not affiliated with Jamaat, and not in any official positions in Peace Committee like structures, that the evidence trail turns murky. In one section on university professors, many professors are named as having been “pro-Pakistani” and engaged in *dalali*. Perhaps these are all true allegations, but there is no evidence here that could be used in a court of law. Some of these sections are presented as verbatim transcripts, with no indication of sourcing. This is not to say that the book cannot be parsed for some form of documentary evidence, but far more rigorous documentation, following the rules of evidence, is needed than what is presented in these pages.

For three decades, secular activists had watched the Jamaat-e-Islami go from strength to strength. While the Jamaat played national politics, their smaller offshoots waged sorties against smaller proxy groups such as the Ahmadiyya Muslims. Finally, Nizami and Mujaheed of Jamaat became cabinet ministers during the second BNP era. The blow to the memory of 1971 was complete when these two were sworn in, and many feared that the entire *raison d’etre* of Bangladesh existing as a separate territorial unit was vanishing. Although Jamaat had only won 17 parliamentary seats out of 300 in the 2001 election, they were able to parlay that thin wedge into tremendous advantages once in government. They were also assisted in that by the post-2001 search for “Muslim parties in the middle.” Compared to smaller parties (many splintered off from the Jamaat, which they found insufficiently radical), Jamaat could manipulate Embassy Row into thinking of them as a “reasonable” alternative. The three ministries that went to Jamaat were Industry, Agriculture, and Social Welfare — of which the last was the most significant, allowing the setting up of rural, NGO-based networks. It was in this environment that Jamaat spokespersons started taking to the media and confronting the issue of their role in 1971. Their strategy was a mixture of day-is-night doublespeak and legal maneuvering. 1971 was a “dispute between brothers” and “no war crimes were committed,” people were told, provoking outraged reactions.

From this besieged time came the desire to present a unified front relying on 1971 memory.

Trials and manoeuvres

Political chess games have always been the framework for the rehabilitation or ejection of accused war criminals. Starting with rehabilitations during the Zia era, and then followed by the Ershad period, and then the BNP-Jamaat coalition of the post-autocracy. These are the known facts, but we should not let Awami League off the hook either. This party, that has instrumentalised the spirit of *Ekattur* for their electoral gains, operated repeatedly with equal cynicism. By breaking the all-party boycott of elections under Ershad and participating with the Jamaat in 1986, and then the later alliance in 1996. Later, the AL forged another temporary alliance in 2006, this time with smaller Islamist parties. Outraged reactions from the secular middle scuttled that alliance, and they also played a part in torpedoing that earlier alliance with Jamaat. The pendulum kept swinging back and forth on war crimes, until the 2008 elections, when it emerged as a key driver for the Awami League's election platform (in a similar vein, *Muktir Gaan*, released right before the 1996 elections, played a role when the AL linked "sreeti 71" to their election campaign).

In the 2008 election victory, the Awami League had many elements in its manifesto. War crimes trials were one, full implementation of the 1997 CHT Peace Accords was another. The fact that the League proceeded on the first, and stalled the second, signals the cynical calculation. How do you claim to seek justice for 1971 atrocities, when you ignore violence committed inside your own borders, against the indigenous Jumma people? As activist anthropologist Saydia Gulrukh put it poignantly, "Since 1971, we have been absorbed in building a nation-state exclusively for Bengalis. Our circle of grief reflects that. It excludes all others... Our hearts weep only for Bengali mothers, not for Rupan [Chakma's] mother."²



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Still, with all these caveats, there was hope at the early stage of the war crimes trial process. In an initial, optimistic editorial, David Bergman called it “Bangladesh’s second chance at justice” (The Hindu, December 16, 2011). But very soon, there were signs of the “short cut” mentality. The government declared a brief period, when comments were allowed on amending the 1973 War Crimes Act to make it contemporary. Several lawyers drafted a legal document, which itemised the places where new developments in international law should be implemented. Activist group Drishtipat drafted a letter to the Law Ministry outlining all the elements where we felt the law needed to be amended. Jyoti Rahman and I also published an op-ed summarising key concerns to make the Act more robust. After all, there were numerous developments in international law over the four decades after 1973, including the Rwanda and Bosnia genocide tribunals, and the Truth & Reconciliation Commissions in South Africa and Peru. Even the architect of the Bangladesh constitution, Dr Kamal Hossain, recently acknowledged, at a seminar on minority rights, that defining only “Bengalis” as the inhabitants of Bangladesh in the constitution was a historic mistake that began the

disenfranchisement of the indigenous Jumma (Pahari) people. But apparently the 1973 Act was considered perfect, the review period ended with most of the amendment suggestions bypassed. Also ignored were the warnings that top-class legal expertise, including private and international legal advisors, were needed to build a robust trial process.

Real evidence collection is hard work

Why is finding evidence for war crimes sometimes difficult? It is not because the evidence is not there, but it is because we have not done the rigorous work necessary to collect it. Our 1971 events are only commemoration, with a potent slide toward dehistoricising. Along with the corporate instrumentalisation of history (via billboards, ads), the greatest damage to the process of recording 1971 stories has been the involvement of politicians. They have repeatedly dabbled into the process of documentation and compilation — attempting to set up a reward-patronage system for loyal academics, and punishment system (or exile) for those who refuse to toe the party line. Thus, octogenarian historians deploy ‘facts’ in a facile manner (no footnotes, no references, no context) in the service of political campaigns. While engaged in what they consider a fight to the finish with the opposition party, do they stop to think what will happen if and when that opposition returns to power? This same process of history-of-victors will repeat, except then it will be about excavating grey areas on the other side (and let us accept that every aspect of our complicated national history contains multitudes). It is precisely from such cynical calculations of crippling your opponent that the AL highlights the death of Colonel Taher and the BNP highlights the death of Siraj Sikder.

A blogger friend sounds a pessimistic note. He suggests that these history wars are just a form of dialectic struggle, perhaps a healthy one at that. However, the struggle has so far not produced a synthesis, a better reading. Instead, the volume is rising to a shrill pitch, making everything unintelligible. When Sarmila Bose’s book *Dead Reckoning* came out, I waited for someone

from Bangladesh's research community (academics, journalists, or bloggers) to do detailed analysis and rebuttal of the book. I was on email threads that included some 1971 memory activists. Everyone denounced the book, but six months passed and no one had read it. We were satisfied to insist in Dhaka blogs that the book was bad, without providing any analysis, while the author went on book tours at Harvard and LSE.

Finally, I spent three months parsing the book and writing a response with the help of other researchers. But each time we would find a piece of information that contradicted an assertion in the book, tracking down the original citation was a labyrinthine and almost impossible process. Actually, a wilful disregard of objects in the field of "citations, page numbers, and footnotes" has plagued the evidence collection process since 1972. This is one way that 1971 war crimes evidence has actually been destroyed, through neglect. Worryingly, Dhaka University's History department has not produced any Ph.D. thesis on 1971 in the last 40 years. The same thing is happening with the patchwork, joratali approach to war crimes trials. Only a rigorous, meticulous attitude toward history could change this situation.

Shrinking space for debate

David Bergman has done meticulous work cataloguing the problems of the war crimes trials. For doing so, he was named in a contempt of court hearing, along with *New Age* editor Nurul Kabir, and publisher (and freedom fighter) Shahidullah Khan Badal. Though Bergman eventually only received a light reprimand, the message went out: no criticism of the tribunal is allowed. And so, because the people who want to help the war crimes trials improve have been silenced, the people criticising the trials have been the Jamaat and their lobbyists, in Bangladesh and abroad. They have of course their own agenda, which is not to improve the trials but to scuttle them. It would have been far wiser to actually listen to the constructive criticism coming from journalists. As Nurul Kabir posited in his lengthy statement to the court, "For the courts of democratic law, which is supposed to ensure justice even to the hardened

criminals, honest journalism could be of great help because justice can only be ensured on the basis of truth. Truth and justice go hand in hand — one is meaningless without the other. The driving force behind the War of Liberation was also seeking justice to the people at large on the basis of truth.”⁴ In the end, because the trial administrators refused to hear constructive criticism from journalists such as the New Age team, they have been dragged through the fiasco of Skypegate and other dramas that eroded faith in the process. Forgotten now is the fact that a Daily Star poll on October 2, 2011 showed that 68.94% of respondents agreed with the assertion that the trials were “partisan.” These days I worry that the government, with its strain of managerial incompetence, will botch the ICT process so badly that they will do fatal harm to the cause of 1971 war crimes investigation.

Online, I saw some Shahbagh bloggers demanding to know how a “foreigner” dared report on the trials. This is when Shahbagh also worries me with its’ blindsiding of what came before. War crimes work did not start in 2013; there are many who have done quiet research along the way — and Bergman is one of them. A similar flattening in the Shahbagh discourse happened with Lubna Marium as well. In a blog post, she had narrated the story of her brother Nadeem, who had fought in the war and never recovered from that trauma. The man who read Marx and Sartre could not handle brutality against a Pakistani soldier that he had witnessed, and eventually committed suicide. But in the crucible of Shahbagh, there is little space for any complexity. To speak even slightly sympathetically about the torture of a Pakistani soldier was to be a “razakar” (collaborator). As I read harsh comments directed against her online, I wondered if anyone remembered that the film playing in the background of Shahbagh’s giant screen was *Muktir Gaan*, the two women in the singing troupe were Lubna Marium and her sister? Or that the film that sometimes followed that screening was War Crimes File? History no longer belongs to those who lived it.

The binary of “with us or against us” is dangerous. In an environment of rising anger after the tragic murder of a Shahbagh blogger and the Friday anti-Shahbagh violence, another victim is the possibility of discourse within

the movement. Now, anyone who opposes the death penalty in the context of war crimes is tagged by bloggers as chagu (slang for goat), the same term being used for those presumed to support the Jamaat. Any time a blogger tries to attempt a more complex analysis of events, he is dismissed as doing tyana pyachano (making things unnecessarily complicated). A movement built on slogans, without analysis of complexity, can become trapped in its own symbolism and outflanked by other forces — for example, the Awami League, that would like to appropriate this movement; or the Jamaat, that is fighting and lobbying overseas to sabotage the trials. I was involved in the 2011 Occupy Wall Street movement in New York, where people hoped to transform the capitalist system. That movement had problems, including an absence of people of colour in positions of responsibility, problematic positions on issues of gender, flat decision-making process that lead to process paralysis, etc. Every time we would want to discuss these issues, people would say, “for the sake of movement unity, now is not the time,” or “don’t post that on Facebook, keep the positive momentum going.” Those who wanted to discuss deeper problems were pilloried on blogs as “saboteurs.” In the end, Occupy’s bandaged “unity” weakened it fatally.

The meaning of Shahbagh

For the last few weeks, Bangladesh has been in an intense new political phase. The ground has shifted and been recast by the scale of the Shahbagh movement. By now, the demands have expanded to many other spaces beyond the “Butcher of Mirpur.” Younger bloggers are trying to make it clear that the movement is about war criminals, not religion. But of course, with war crimes linked with the Jamaat-e-Islami’s top tier leadership, and the party eager to present themselves as guardians of “Islam,” category errors will happen, and be exploited by the Jamaat itself.

Shahbagh is a “leaderless movement” but also has leaders, a mass movement that is developing hierarchies. The energy of Shahbagh derives from pent up frustrations over four decades of rehabilitation of the Bengalis

who carried out war crimes during the 1971 war. Some read into this moment a mass phenomenon parallel to Jahanara Imam's *gono adalat* (people's trials), which inspired an earlier generation. But that comparison reveals and obscures, because the metrics have shifted away. Jahanara Imam died of cancer when this generation of activists were still children. Ghatak Dalal Nirmul Committee was not a significant organisation for them either. They neither saw the rise nor the fall of that movement. Their source of energy, organising, and anger comes from a new place. Looking back, the struggle over war crimes was previously always quite lonely, the energy of large numbers was conspicuously missing. The scale and size of the current moment delivers a different register.

I had been involved in one previous movement at Shahbagh (*Murti Bachao/Save Statues andolon* of 2008, which emanated from Dhaka University's Charukala Art Institute). Although that was a popular movement, and there were others before and since, all that is dwarfed by the size of today's phenomena. The large numbers at Shahbagh gives the movement a continual velocity. But, it also takes away the space to think, question, and evolve. While the organisation, reach and tactics of Shahbagh are admirable, it is in the area of demands that they are trapped inside a circular set of symbolisms. This is where the movement could become trapped in its own semiotics, blending the symbols (death, noose, blood, teeth, vampires) into an unprocessed call to action. The signifiers signal generational transition, others try to also speak of inclusiveness. All day we hear the slogans "*Ami ke, tumi ke?*" (Who are you, Who Am I?), and thousands roar back "*Bangali Bangali.*" Anthropologist Rahnuma Ahmed reminds us that, for those of us aware of the chauvinistic side of that concept in post-1971 Chittagong Hill Tracts, we cannot be at peace with such ethnically singular determinism.⁵ We must have a more inclusive movement.

That is one reason I insist that the energy of Shahbagh should now be channelled into the desire to do thorough historical research, digging out solid evidence that can result in fair trials that do not require government contortions and interventions. This cannot be a transformative movement if its

demands are made only of the government, that too a government that has otherwise been anti-peoples in its policies in many other areas. Shahbagh must make demands of itself.

Out of the forest of symbols

About the much debated “*fashi chai*,” I have always been against the death penalty. I want fair trials, free of political interference by Awami League, BNP, or Jamaat, and life imprisonment for those found guilty. My late colleague Jalal Alamgir wrote about this in 2010: “We should recognise honestly that after decades of complexities, secret deals, and depraved politics, justice, though necessary and urgent, will be limited. Such limited justice can be morally justified only by a long-term commitment to truth. To prioritise truth, we must de-prioritise capital punishment.”⁶

Can Shahbagh start looking at what is actually required to hold a fair trial, and build toward that? What sort of evidence is needed, and how has the process fallen short? Why are the lawyers so weak, the process so slap-dash, the evidence presented so haphazard? Why are there government loyal functionaries at every level of this process, instead of the best lawyers in the country (in fact, some of the best lawyers are frozen out because they are not loyalists of the party). A transformative movement should not be making demands of the government within an existing script, they should instead try to change the system.

Shahbagh could transform its slogans into complex demands, ones that will require a lot of work on the part of those marching at Shahbagh. They could look closely at the constitution and complicate the question of the phenomena of “state religion.” There are many complex questions that are not as emotive as “*fashi chai*,” but in the long run they can have much broader, foundational impact. The demands of the movement could transform into a demand for fair trials for officers of the Pakistan army as well (why does that never come up?). The focus could be on gathering and sharing the facts, the truth, and the

record with the whole nation as part of the trial process. These discussions of expanded goals and refined tactics should happen now so as to make the movement stronger.

Shahbagh activist Faruk Wasif argues that simple binaries could also create a dangerous alienation of those who are religious. “We must keep the Shahbaghh movement outside of the fyasad of belief-vs-atheism. We have to keep it free of political parties. We have to convert the war cry of revenge into the awakening cry of resistance. We have to keep the door open for all people to join us. In front is a long and difficult path. Shaking the country for ten days is possible, but to change the country takes years.”⁷

The energy at Shahbaghh is important, which we acknowledge and respect. It is waiting to be channelled and it is impatient to take its generational place. It should think of how it can save the process of memory, archive and history. That can start, not by forcing through a hanging, but by obtaining fair verdicts through a rigorous process that are at the highest international standards. There are many meanings of “spirit of Ekattur,” and we should choose that of thoughtful, restorative justice and a comprehensive, meticulous historical reckoning.

1. Facebook status, February 23, 2013.

2. Saydia Gulrukh, “The other Shahid Minar,” *Between Ashes and Hope: Chittagong Hill Tracts in the blind spot of Bangladesh nationalism*, Naeem Mohaiemen ed., Drishtipat/MJF, 2010.

3. Joti Rahman, Naeem Mohaiemen, “1971 War Crimes Act: getting it right,” *Daily Star*, July 10, 2009.

4. Nurul Kabir, "A compliant response in defence of truth and justice," 24 page statement

delivered to ICT, November 20, 2011

5. Rahnuma Ahmed, "Reclaiming Ekattur: Fashi, Bangali." New

Age, February 15, 2013.

6. Jalal Alamgir, "Truth not Punishment," Forum, June, 2010

7. <https://alalodulal.org/2013/02/22/shahbagh-islam-muktijuddho/>

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http://www.bricklanecircle.org/uploads/Flying_Blind.pdf