

**Statement by H. E. Mr. Abul Hassan Mahmood Ali, MP, Minister for Foreign Affairs,
Government of the People's Republic of Bangladesh at the International Conference on
the Prevention of Genocide held from 31 March – 01 April 2014 in Brussels, Belgium**

Mr. Chairman,

Mr. Ban Ki-moon, UN Secretary General,

Excellencies,

Distinguished participants,

I thank the Belgian Government for organising the International Conference on Prevention of Genocides. I personally thank Foreign Minister Mr. Didier Reynders for his kind and thoughtful invitation.

Despite our resounding ‘no’ to genocides, the sceptre of mass atrocity crimes looms large in our midst. There are still far too many inequities, injustices and multipliers of risks for us to remain complacent about our ability to contain the horrors and atrocities lurking around the corner.

I am certain our world can do better than just watch these fault-lines and eventual tragedies unfold before our eyes. We must react before it is too late. We need to fathom how to prevent genocides and invest in it using the tools we have in the international legal system.

Bangladesh experienced an extreme form of genocide during our War of Liberation waged against an occupying military force in 1971. During the nine-month long occupation, three million Bengali civilians were killed, more than 200,000 women were violated and 10 million people were rendered refugees and 40 million displaced. A small minority of ideologically motivated local collaborators and auxiliary forces participated and abetted in committing these mass atrocity crimes.

The ruling elites of the time felt an existential threat in the face of a popular uprising by the Bengali people protesting against their political, economic and cultural discrimination in a post-colonial state. The military regime felt morally and politically challenged by the undisputed leadership of Bangabandhu Sheikh Mujibur Rahman and, in response, opted for ethnic cleansing of the Bengali people in order to preserve their stranglehold on power. To quote a young historian from Houston University, “the unadulterated racial hatred, the utter cold-bloodedness in the pursuit of killing civilians designated as ‘enemies’ and the special attention paid towards the annihilation of the intelligentsia” had an “eerie similarity” with the tactics used by German military formations during World War II.

It is somewhat intriguing that Bangladesh's experience of one of the worst genocides since the Holocaust has received rather scant attention in international genocide scholarship till recently. As Professor Adam Jones from the British Columbia University has observed, the western-centric genocide discourse had relegated the Bangladesh story to the periphery often branding it as a 'civil war', yet ignored to decipher the complex relationship between the Siamese twins of civil war and genocide.

The Bangladesh experience should also make a compelling case for the long travails our people had to endure to secure justice for the mass atrocities suffered in 1971. Almost four decades since then, in March 2010, the Government of Prime Minister Sheikh Hasina established the International Crimes Tribunal, Bangladesh (ICT-BD) to end the culture of impunity enjoyed by the perpetrators, uphold the rule of law and bring justice to the victims and their families traumatized by their experience.

The ICT-BD have been formed on the basis of the International Crimes Tribunals Act, 1973 which preceded the hybrid international tribunals in former Yugoslavia, Cambodia or Rwanda by decades. The two tribunals currently operating have been established in pursuance of the principle of complementarity recognised by the Rome Statute. They have set a new paradigm in international criminal justice system by trying internationally defined mass atrocity crimes through domestic courts under a domestic legislation.

The ICT Act, 1973 accommodates and adheres to relevant **international standards** to ensure due process and fairness of the trials and the rights of the defendants. The Tribunals including the Judges, prosecution and investigation teams are fully independent of the Executive. Going beyond the scope of the Nuremberg and Tokyo trials or other international tribunals, the ICT Act, 1973 allows the verdicts of the tribunals to be appealed against at the apex court of the land.

Yet, the detractors of the trials, often working on behalf of the accused, have embarked on a propaganda campaign to undermine the integrity and conduct of the trials. Still, those who have taken the time to observe the trials from close quarters have been convinced otherwise. Among others, Professor Adam Jones has recently dubbed the ICT-BD trials as 'model proceedings' despite the obvious limitations with investigation and prosecution due to the lapse in time. The European Parliament, in its Resolution of 16 January 2014, acknowledged that the tribunals have "played an important role in providing redress and closure for victims of and those affected by the Bangladesh war of independence".

There has been some reservation about the provision of death penalty permissible within Bangladesh's legal system, including under ICT Act, 1973. Mr. Paulo Casaca, Founder of South Asia Democratic Forum based here in Brussels has made a pertinent observation in this context, and he says, "I personally oppose the death penalty. In this case, however, the question is whether or not the crimes of which the accused have been convicted deserve the maximum penalty allowed under the law. In this regard, my position is definitely 'yes'".

Likewise, we in Bangladesh expect that the international community would consider the larger canvass of the trials, and not just see them through the narrow prism of the nature of penalties handed down to those convicted. Considering the socio-political fabric of Bangladesh, we have reasons to believe that retributive justice for the horrific crimes committed would help pave the way for restorative justice and reconciliation in the long run.

Mr. Chairman,

The people of Bangladesh had never allowed the horrific crimes of 1971 to escape their collective memory and memorialisation process, even in an environment of impunity. Those indelible memories have fertilized our nation building enterprise and have always guided our foreign policy priorities, especially in the multilateral context. Our long, arduous struggle to rebuild a war-ravaged country has inspired us to contribute to UN Peacekeeping Operations in different parts of the world in lead numbers. The tribulations suffered by our refugees in 1971 have guided us to play hosts for decades to those fleeing from fear and persecution, particularly from the contiguous territories across our borders in the South East.

In the same spirit, we wish to remain engaged in contributing to the evolving discourse on prevention of genocides and mass atrocity crimes. We strongly believe that the messages of prevention, prosecution and memorialisation of genocides need to be resonated through regions and continents. Bangladesh would remain ready to do its part in the Asia Pacific context, and in the world stage in general to drive home of the message of ‘never, never and never again’ in relation to mass atrocity crimes.

I thank you all.