

## **Historical Analysis of Bangladesh War Crimes Trial and its Impact on Pak-Bangladesh Relations**

**Dr. Ghulam Mustafa**

*Assistant Professor,  
Department of Political Science and International Relations,  
Government College University Faisalabad.  
ghulammustafa@gcuf.edu.pk*

### **Abstract**

*People's Republic of Bangladesh once part of the Islamic Republic of Pakistan and get separated in 1971. At that time India, Pakistan and Bangladesh signed the agreement about prisoners of war. According to Agreement Bangladesh will not execute for their war crimes. But recently shocking news of execution of war criminals appeared in media and that is against the agreement and Humanitarian Law. These act also challenges the authority of agreement, ICJ, ICC and United States and different peace talks which held in past and will held in future but it specifically hurt thee mutual understandings of two states Pakistan and Bangladesh. So, the article will discuss the Bangladesh war crimes and its impact on Pak-Bangladesh relations. The article also analyses the matter under different precedent of war crimes such as Yugoslavia, Sere Leone and Rwanda.*

**Key words:** Bangladesh War Crime Trials, Pak-Bangladesh Relations, Prisoner of Wars, War Crimes, Jamat-i-Islami, Awami League

### **Introduction**

During the war of independence of East Pakistan (Bangladesh) from West Pakistan, many followers of "United Pakistan" committed war crimes and many of those followers were members of a political party named Jamat-i-Islami. Recently a tribunal was made in Bangladesh to convict members of Jamat-i-Islami who participated in war crime because they were against the separation of United Pakistan and the tribunal

sentenced them to hang till death. In response, Pakistan's National Assembly strongly condemned the decision of the tribunal and passed a resolution for it. The resolution was given by an MNA, Mr. Sher Akbar Khan, and passed simultaneously. The resolution focused on the death sentence of the member of Jamat-i-Islami is contradict the agreement which was signed by the three states, Bangladesh, India, and Pakistan in 1974. "The scope of the 1974 agreement was limited to repatriation of 195 Pakistani war criminals and remaining Pakistani prisoners of war, and the return of the Bengalis stranded inside Pakistan,"<sup>1</sup> the Bangladesh foreign ministry had said.

The purpose of the study is to examine the universality and particularity of characteristics of conflicts between Islamabad and Dhaka after the establishment of the Bangladesh War Tribunal and execution of Jamat-i-Islami members in Bangladesh and its effect on Bilateral relations between the two states.

1. Investigate Bangladesh War Crimes Trial Based on Article 118 of the Geneva Convention (1949) and Delhi Agreement, is it fair or flawed judicial process?
2. At individual level, explore Hasina Wajid's enmity towards Pakistan and Pro-Pakistanis in Bangladesh
3. Elucidate the response of Pakistan against the execution of Jamat-i-Islami members in Bangladesh and also analysis that is it the internal matter of Bangladesh?

#### **MATERIALS & METHODS USED.**

The announcement of International Crimes Tribunal (ICT) established in 2009 by Bangladesh spawns out several new debates in the region as well as among the international community<sup>2</sup>. The act to target the members of Jamat-i-Islami and violation of 'Tripartite Agreement' signed by Pakistan, India and Bangladesh affected the diplomatic relations of both countries. With respect to this, a study was lunched to examine universality and particularity of characteristics of conflicts between Islamabad and Dhaka after the establishment of Bangladesh War Tribunal and execution of Jamat-i-Islami members in Bangladesh and its effect on Bilateral relations

between the two states. The specific objectives of the study were to investigate whether the establishment of International Crimes Tribunal is fair or flawed in the light of Geneva Convention, 1949, and explore the behavioural approach of Hasina Wajid's towards Pakistan and Pro-Pakistanis in Bangladesh. Furthermore, the study has also discussed the response of Pakistan against the execution of Jamat-i-Islami members in Bangladesh<sup>3</sup>.

In the initial phase, a questionnaire was prepared with the consultation of team including research assistant and co-investigator and tested in the field. Later on, with subtle changes, the questionnaire was finalized and approved to proceed further.

For the purpose of the completion of research paper, the researcher collected the primary as well as secondary data from different sources. During the review of literature, relevant literature was collected by visiting different libraries and also consulted different books and journals. In this regard, the work already done by the successive researchers helped to set the dimension and set the limitation of the study. Through secondary data source, the history of bilateral ties of Islamabad and Dhaka were assessed and different libraries, books, journal articles, newspapers, magazines, analysis and reports were consulted in order to learn the past trends and strategical moves.

In addition to this, the primary data was collected through field visits to relevant stakeholders based in Faisalabad, Lahore and Islamabad. In the research study, the comments and views of the concerned consulates, reputed journalists, media personnel and different news concerns, intellectuals, peace activist, representatives of NGOs, lecturers and research scholars.

Different NGOs related to peace and regional development, political parties, lawyers, journalists, researchers, intellectuals and teachers were also interviewed in order to get their overview regarding bilateral relationship between Pakistan and Bangladesh.

## **RESULTS & DISCUSSIONS.**

The dismemberment of the East Pakistan from the Islamic Republic of Pakistan was a tragic fact that had jolted the entire nation. Since the government was quite aware about it that Bangladesh had to be recognized but it could not discount the sentiments and expressions of a nation that was in situation of trauma at that time. Therefore, the (government) Dhaka gave the tough time to the decision makers and did not make the task as easier as it was considered. Yet, the miscalculation by the decision makers led it to believe that war prisoners of Pakistan could be used to exert pressure for securing the satisfaction of its claim to a share in the assets of Pakistan. The Dhaka further passed gesture regarding its intention to try the prisoners under the allegation of war crimes. During the proceedings of the Shimla Conference, Pakistan raised its concerns regarding the Indian hegemony to encourage the Dhaka for virtual blackmail but the Indian officials disclaimed.

As a result, Pakistan had a few options, as if India hand over any of the Pakistani prisoner to Bangladesh, it was quite obvious that the prospects of the stabilization of the relations in South Asia region would be affected. Thus, according to the International Humanitarian Law, the scenario was requiring the unconditional release of the prisoners<sup>4</sup>. Therefore, it took two years to get realization for Dhaka and Delhi that such action would defame them in the region as well as among the international community. In fact, the India had started to receive the critics of the international community as illegal detention of Pakistani prisoners was the violation of International Humanitarian Law.

In September 1973, finally, India build consensus over the issue of prisoners of war crimes with Bangladesh, and showed its consent for releasing Pakistani prisoners, except 195 prisoners as Bangladesh was insisting to try on charges by itself under war crimes<sup>5</sup>. In the same context, it was also demanded from the Pakistan to return the Bengalis from Pakistan to Bangladesh that was accepted by the Pakistan on humanitarian grounds, transferred a substantial number of non-Bengalis. In

that period, over 250,000 souls who had rendered their services in the government or had family relations and connections were permitted to migrate to the land of Pakistan<sup>6</sup>. Many other, who were said to have decided to leave the land of their settlement for Pakistan, remained stranded. However, Pakistan did not expel those Bengalis who showed their intention to remain Pakistani citizens.

Since the matter of normalization of the relations between Pakistan and Bangladesh still was demanding the attention of the international stakeholders, however, the role of the China at initial phase was quite positive as the interference of the China by using its veto power to bar the member the membership of Bangladesh helped a lot<sup>7</sup>.

In addition, the Islamic Summit Conference of 1974 which was held in Lahore created an opportunity and space to renegotiate the issue of stabilization of relations of Bangladesh and Pakistan. In the said summit, common friends persuaded issue of the trials of Pakistani captives and abandoned the Bangladesh. Pakistan had also promptly recognized the independent status of the Bangladesh and Prime Minister of Bangladesh Mujib-Ur-Rahman take in the Islamic Summit<sup>8</sup>. Thus, the matter of apportionment of assets and other liabilities obstructed the development to normalize relations between two countries.

To conclude, the Lahore Summit of 1974 was a memorable event for whole Pakistani nation as for the first-time fraternal states' leader assembled with passion for demonstrating the mutual solidarity on all issues that were of common concern. The sagacious kind Faisal-Bin-Abdul-Aziz was overjoyed to witnessed it as he offered Friday prayers along with the congregation of highest-level ever assembled at the historical Badshahi Mosque.

## **Trio of Pakistan, China and India and regional importance of Bangladesh**

In the context of the geopolitics, Bangladesh is located at a belt that is considered to be a volatile one and increased its vulnerability as three nuclear power namely Pakistan, China and India are also connected to this land. On the other hand, the Bangladesh is connected with Nepal and Bhutan which are land-locked. No doubt, Bangladesh is neighbor of India but a fact in geopolitical affairs of the region and India can not neglect the country for without considering and recognizing the importance of the land unable to secure its North-Eastern parts that is known as 'Seven Sisters'. Several separatists' movements have been emerged and to take care of them the Bangladesh is prime location for the Indian security agencies. In addition, Bangladesh is also important for the India to facilitate Indian trade and business with other parts of the region.

The historical conflicts of India-Pakistan is a fact regarding the geo-political context of Bangladesh. When India join hands with US, Pakistan strengthen its ties with China and Nepal has already demonstrated the yellow signal. Such tension between India and Pakistan created an opportunity for China and spread its influence from South China to Indian Ocean. With the cooperation of Pakistan and Iran, the China has visible its existence at Gwadar Port of Pakistan and in the mean duration Beijing constructed a deep sea-port in Ham Banton of Sri-Lanka<sup>9</sup>.

Bangladesh is of prime importance in Chinese policy of 'String of Pearls' as in the year 2002 china invested 1000 million dollars in Business with Bangladesh that is increased to 5 Billion Dollar. On the other hand, India is ambitious to be a regional super and using Nicobar and Andaman for its maritime base, however, it is not situation at the distant level from the Bangladesh. The Siliguri corridor is worthy to mention that is a permanent threat and cause of disturbance for India, for the area is very sensitive. The said areas though is small land that is

connecting North-Eastern parts of India but an area that can cause sever harm if internal and external actor influence and get hold the area<sup>10</sup>. Yet, in the perspective of the Indian security, the Bangladesh is of prime importance for India and treating with Bangladesh not as a ‘Big Brother’ but a significant cooperation partner.

### **Background History of War Trials:**

The development in Bangladesh in the year 2010 has dragged the attention of the international key stakeholders when constituent assembly in Bangladesh passed an act for establishing International Crimes Tribunal (ICT). Thus, as accord to the international definition of International courts, it is not an international court however can be called a national court that is being established according to the statute of Bangladesh which was passed in 1973 and later amended in 2009 and 2012<sup>11</sup>. On the contrary to this criticism, the government argued that the established courts would follow the international standards to try the war criminals. Hence the practice of trial exposed the International Crimes Tribunal as it is failed to follow the international standards of justice. The verdicts of International Crime Tribunals against the war criminals of 1971 were criticized by various institutions.

According to them, these war trials are biased and targeted for the political vengeance rather to secure the justice. Besides to this, there are several contradictions in statutes and its procedures as it is not ensuing the fair trial in the light of international human rights framework. In addition to this, the procedures and statute are also the violation of international law and Tri-Party agreement (Bangladesh, India and Pakistan). According to Tri-Party agreement, Bangladesh had committed to drop all the perpetrators of crimes during war of 1971<sup>12</sup>. Yet, the practice of International Crimes Tribunal depicting a contrast picture that is denial of Tri-Party agreement as the verdicts or judgement is exposing that Sheikh Hasina regime is exploiting the historical and national sentiments of Bengali people and suppressing its political rivals.

## **War Crimes Tribunals: The Global Perspectives**

International Tribunal for War related crimes are the judicatures that are established to try accused of committing genocides, torture, rape and other crimes against humanity during war times. The motives behind establishing the tribunal is to provide the victim an opportunity to confront the offender/s and create an opportunity for offender to explain their acts during the war period in front of victims and their family members in front of the media<sup>13</sup>. Thus, the ultimate goals are to promote peace, ensure justice and satisfy the survivors.

Since 1945, there held several tribunals such as Yugoslavia Tribunals that established under the authority of United Nations and Nuremberg Trials that were proceeded under the supervision of Allied Forces after the World War II. Thus, the gesture of Hague of establishing International Criminal Court (ICC) in 1998 was applauded by all. As it is the first ever permanent International Criminal Court that is based on treaty that was being signed by the 120 countries who are in agreement to address war crimes as well as other international crimes<sup>14</sup>.

The ICC is specifically structured to complement present national judicial systems, although it can also exercise its jurisdiction if national courts are unwilling or unable to investigate or prosecute such crimes. It also aims to eliminate the need for tribunals such as those established for Yugoslavia and Rwanda. However, the Israel, the People's Republic of China, United States of America, Iraq, Yemen, Libya and Qatar opposed it.

### **The Nuremberg Trials**

In the discussion of the war trials the International Military Trials are worth mentioning that were initiated in Nuremberg. The said International Military Trials held accountable to war criminals and sentenced responsible in the duration from November 1945 to August 1946<sup>15</sup>. During this time period, twenty-four major criminals of war and six organizations were indicted for their engagement to commit

crimes against peace, planning and waging war of aggression, war crimes and crimes against humanity. These perpetrators include those who served in the cabinet of Adolf Hitler, Nazi Party, The Gestapo and High Command of the army. The verdicts were announced in between 30 September to 01 October 1946 in which three were acquitted, seven sentences to life imprisonment and 12 perpetrators received death sentenced. The death sentences were carried out on October 16, 1946<sup>16</sup>.

### **The Tokyo War Crimes Trials**

The Tokyo also initiated the war trials through The International Military Tribunal for the Far East (IMTFE) from 3<sup>rd</sup> May 1946 to 12 November 1948<sup>17</sup>. The said IMTFE presided over the court and issued verdicts against the war criminals. This is a unique type of the court that was comprised of 11 Allied nations namely Australia, Canada, China, France, Britain, India, the Netherlands, New Zealand, the Philippines, the Soviet Union, and the United States. In the mentioned two years period, the court has issued verdict and many became prisoned. In the same way, other war criminals were also tried in the respective victim countries, and more than 900 people ultimately faced execution.

### **International Criminal Tribunal for Yugoslavia**

International Criminal Tribunal for Yugoslavia (ICTY) is established by the United Nations Security Council in May 1993<sup>18</sup>. The purpose of establishing the ICTY was to try those perpetrators who violated the international humanitarian laws in Yugoslavia since 1991. The Yugoslavia (Bosnia) witnessed the ethnic cleansing and genocide during the war era in early 1990s. The gesture to establish the ICTY is to ensure justice to survivors of the war and set a precedent for the future leaders for avoiding to commit such atrocities. This ICTY has also taken into account the cases from the Kosovo crisis. This ICTY indicted the Slobodan Milosevic (former president of Yugoslavia) who appeared before the tribunal in 2001 in the Hague who was held responsible for genocide and crimes against humanity during the war in Bosnia<sup>19</sup>. The former president of Yugoslavia, Slobodan Milosevic was in custody when he died of a heart attack in March 2006.

The International Criminal Tribunal for Yugoslavia (ICTY) is recognized as first special tribunal established by the United Nations that redefine the parameters of access to justice in war crimes cases. However, the said tribunal also hit by the critics as they opined “it is political tool rather than an impartial judicial institution.”

### **International Criminal Tribunal for Rwanda**

The Rwanda’s ethnic conflict of 1994 in which the nation faced genocide and other crimes was addressed in International Criminal Tribunal for Rwanda that was established in 1994<sup>20</sup>. This tribunal had also tried the individuals Rwandans who committed genocide and other crimes not only in Rwanda but in their neighbouring states. This tribunal convicted 25 people till June 2006. This tribunal is also established by the United Nations with a panel of judges for the proceedings. These judges were picked from the list that was submitted by the Security Council to the United Nations’ General Assembly who finalized the panel through votes.

### **The Special Court for Sierra Leone**

The Sierra Leone government with the support of United Nations, in 2002, established a Special Court for Sierra Leone that initiated the trial in 2004. The court was responsible to summoned and held responsible those individuals who perpetrated serious violations of international humanitarian law and law of the land in Sierra Leonean during armed conflicts from 1996 to 2002<sup>21</sup>.

This court is new type of court as it was hybrid or mixed courts that was based in the country where the atrocities occurred. This special court is said to unique one model that represent or introduced a new type of justice system. This special court indicted 11 people who were engaged in all three warring factions and charged with war crimes against humanity and violations of international humanitarian laws. The indicted people were also charged for attacks on peacekeepers and humanitarian workers associated with United Nations.

There is no doubt, the second world war caused a wider destruction but at the same time created an opportunity for the

global powers for sitting together to discuss the strategies and remedies to protect the globe from consequence of world war. Though, the League of Nation was already established with the same mandate but it fails due to several reasons and unable to play its vital role to minimize the probabilities of wars and destruction. Thus, at the end of the second world war, the forum of United Nations Organization (UNO) was established around three mandates that include human development, global peace and human rights. Furthermore, a Universal Declaration of Human Rights (UDHR) was unanimously passed by all the members states in December 1948 and there was an agreement between the states to implement each article into their domestic legislation.<sup>22</sup>

During this debate, the discussion around treatment with Prisoners of War and War Crimes were already initiated. The role of International Court of Justice (ICJ) and setting up International Criminal Court (ICC) under the International Humanitarian Laws have also dragged the attention of the key stakeholders or international justice system. In this regard, establishment of International Crimes Tribunal to try the perpetrators of Rwanda Genocide is the implementation of International Humanitarian Laws for ensuring justice and passing a gesture to survivors of the sever violence that no war criminals would be unpunished. In the same manner, International Crimes Tribunal to try the perpetrators of Libya and Syria is further examples that spawn out several new debates and introduced Responsibility to Protect (R2P) mechanism in United Nations.

Similarly, in South Asian region, International Crimes Tribunal (ICT) at Bangladesh is emerged that dragged the attention of international justice industry to try war criminals who committed heinous crimes against humanity during the civil war 1971, a conflict between Eastern and Western part of Islamic Republic of Pakistan that caused dismemberment and Bangladesh is emerged as an Independent state. The said tribunal tried the Delwar Hossain Sayadee, an opposition leader and religious scholar in Bangladesh, and sentenced Sayadee to death penalty.

Once Bangladesh was the eastern flank of Pakistan however during the civil war era gave birth to inter-ethnic conflicts that include rape, torture, assassination and arson that were committed against the people of East Pakistan (then). According to the Pakistani statistics, the inter-ethnic atrocities counted range between 26,000 while the Bangladesh's claim 30,000<sup>23</sup>. Whatever the situation and facts, there is an agreement between the historians that incidents and conflicts at that era fall under the genocide. Thus, the International Crimes Tribunal (ICT) established to try those perpetrators that specific era of nine month. The said International Crimes Tribunal is of significant importance as this is the first tribunal to try the war criminals in South Asia region and most important established by a Muslim majority state. Since at the time of establishment of ICT, it was promised to follow the international rule of procedures and human rights framework but the later practices revealed that ICT is established to target the political rivals rather following the international parameters of human rights.

After the 1971 Civil War, there was a time and space available to try the 195 surrendered prisoners of war but in the interests of achieving the recognition as a sovereign state and to make peace, the process was deliberately bypassed. The surrendered war prisoners repatriated to Pakistani government without putting any charge on them respecting the Shimla Agreement between Pakistan and India.

In the same vein, the post-independence government in Bangladesh enacted the Collaborators Act 1972 and arrested and convicted the suspected individuals who supported the Pakistani army in 1971. However, in order to promote national reconciliation, the government announced an amnesty under the act, however only convicted those who were engaged in 'heinous crimes or serious charges' such as arson, plunder, rape and assassination. Furthermore, this law was canceled in 1975 to end the past story and to move forward with new aim. The government put focus on political stability in their country and prefer to promote a peace gesture for a prosperous future.

Astonishingly, the existing Sheikh Hasina's government in Bangladesh suddenly revived 'justice over peace' after four decades that raise many queries not only within the Bengali community but among outer world as well. Furthermore, the process of selection of suspects is another area of attention and concern for the international communities as all the convicted individuals are associated and concerned with Jamat-i-Islami and Bangladesh National Party (BNP). The convicted individuals are also the elected public representatives and were in the opposition. The former prime minister Khalida Zia publicly condemned for targeting the political rivals and rejected the legitimacy of the International Crimes Tribunal (ICT) in Bangladesh.<sup>24</sup>

The International community including European Union, International Bar Association and Human Rights Watch appreciated the gesture of International Crimes Tribunal (ICT) by Bangladesh but expressed their concerns regarding the proceedings and governing rules. The provision in the act barring the citizens to challenge the judges' appointment. Similarly, no one can contact to Supreme Court for the review of the structure of the tribunal.

Moreover, the government is not allowing the international observer to persuade suspects for instance in August 2011, Toby Cadman, A British barrister, was supposed to defend some of the suspects was not granted the visa for Bangladesh. Furthermore, in the matter of Mr. Sayadee, the prosecution, in order to frame charges, took over six months but defendant was only granted 27 days for defense preparation.

It should also be noted that in the case of the current accused, Mr. Sayadee, whilst the prosecution took over six months to frame charges, the court has now given the defendant only 27 days (until the end of October) to prepare his defense.

According to *Wajahat Masood*, Hasina Wajid's regime traditionally is not supportive towards Pakistan. Whenever she assumes the power house, her cabinet never encouraged the

relationship with Pakistan. There is no doubt, in the perspective of nationalism and sovereign status the gesture of Sheikh Hasina is right. In addition to this, the economic situation of the Bangladesh is progressing with the passage of time. In such circumstance, Bangladesh don't need to strengthen relations with Pakistan however in the regional context the policy of isolation to ignore Pakistan would not be encourage at SAARC. In the current context, Bangladesh need to forego the previous happenings and look forward with new commitments for the regional development. As far as the condemnation regarding the proceedings are concerning, not only the human rights activist in Pakistan but international community is also concerned about it.

**Dr. Asim Sajjad** opined, establishment of International Crimes Tribunal (ICT) is the personal and internal affair of Bangladesh, therefore Pakistani parliament should not pass the resolution in the constituent assembly. If the government of Pakistan in favour to strengthen its diplomatic relations with Bengali government, obviously should not react in such manner. Yet, Sheikh Hasina regime and decision of her cabinet is according to their domestic politics as Awami League (AL) was the party who fought for the independence status of Bangladesh and raised the slogan 'Bengali Nation' rather claiming 'Muslims'.

International peace activist and research scholar **Naumana Suleman**, termed the International Crimes Tribunal a formula for justice to stratify the survivors and to promote the peace. The ICT of Bangladesh is according to the human rights framework and mandatory for the satisfaction of the victims of war. Furthermore, the domestic statutory laws are also providing a logical argument to establish the ICT to try the war criminals in Bangladesh. Yet, it is needed to observe that the proceeding being processed by ICT of Bangladesh are following the parameters of other tribunals. Therefore, the gesture passed by the government of Pakistan cannot be justify as the government was in the process of peace with Bangladesh and at the same time passed the condemnation resolution in the parliament. There is not any shame to admit the misdeeds and

wrong acts in the Past as such gestures encourage the nations to move forward.

A renowned human right defender **Zaman Khan** revealed that politically East Pakistan was totally different from West Pakistan as in the western part there were separate electorate while in the Eastern part joint electorate. In such circumstances, that part of the country was politically empowered and believe in democracy. The action to try the war criminals was their domestic affair and Pakistani community should not intervene into their personal affairs. If the government of Pakistan is sincere to develop relations with Bangladesh for the regional peace, it must stop to react on such happenings that are not meant to them.

### **CONCLUSION**

The current debate around the diplomatic relations of Pakistan and Bangladesh after the establishment of International Crimes Tribunal (ICT) in Bangladesh have attracted the attention and concern of international community. Bangladesh is not the first country to be born out of a treason and its identical history coincides with next door Burma, whose leaders brought in Japanese invaders to their country in 1942. In the perceptive of historical facts, we have witnessed that during war of 1965, the Muslim world stood behind us, but in the scenario of 1971 countries like Egypt and Indonesia connived and condemned them as well. Countries like Turkey and Iran, which are and have been pillars of strength to the Pakistani people at the time of distress in 1965 left alone us in 1971. It is true that we stood disunited as one nation and were politically hollowed from inside so that our closest of friends even disowned us. Whether the actions of the both sides were rights or wrong, only time has told us.

The stance of Bangladesh under the regime of Awami League to try the war criminals of 1971 created a very complicated situation on both sides. According to several critiques, the justice system demonstrated by the International Crimes Tribunal is biased as it is operated under the government pressure. The government is preparing the cases and presenting

it into the tribunals for the decisions. Furthermore, the trial is too late as the convicted persons were held guilty to support Pakistan during the events of 1971 and the convicted persons were unable to provide any evidence to prove their innocence.

It seems that a specific political party has established the ICT for their interior motive and to dislodge their political rivals. The history reveals that whenever Awami League assume power, the rulers never support and encourage good relationship with Pakistan while the other political parties all the time appreciated the economic ties and diplomatic relations with neighbouring countries. The verdicts of courts demonstrating that the convicted persons are not charged because of violating humanitarian laws but to violate the rules and regulations of a specific political party. The convicted persons are the citizens of Bangladesh and also associated to strong political party who have a huge vote bank and have been the part of the parliament in different tenure. Such revengeful actions in the cover of legal framework are biased and violation of international human rights framework.

During the research study, it was also observed that at time of Triparty Agreement between Pakistan, India and Bangladesh, the Awami League Party lead it and at that time it was committed for not try the persons of war of 1971. But in 2009, through a parliamentary motion, amendment act was passed and ICT was established to try war criminals of 1971 in Bangladesh. Additionally, the cases were prepared and presented by the Government and Judges were found biased in their judgement.

In order to try the war criminals, International Crimes Tribunals were established but the structure and proceedings are entirely national. Though, the defenders claimed it International as they defined that ICT would follow the international models. But the International Models and International Human Rights Framework are not supporter of death sentence while the Bangladesh is supporting death sentence.

Since the Bangladesh claimed ICT as an international model and also announce that the ICT would try the prisoners of war

and individuals involved in war related crimes in 1971, yet totally violating the Geneva Convention, 1949, specifically its article 118. Besides, the actions are violating the Triparty Agreement being agreed by Pakistan, India and Bangladesh. Moreover, the practice and proceedings of ICT further exposing the Hasina Wajid's enmity towards Pro-Pakistanis element existing in Bangladesh and also her political rivals. On the contrary, the reaction of Pakistan on ICT is also not appreciable as to establish the ICT is purely an internal affair of Bangladesh but the parliamentary motion to pass a resolution is not justifiable.

### Notes

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