

Perpetrations of 1971 – An Analysis in Light of Hamoodur Rahman Commission Report

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Introduction

Hamoodur Rahman Commission is probably the only postwar inquiry commission authorized by the Pakistani government that inquired and submitted report on events that took place in 1971 (Helal, 54). It submitted two reports to the Pakistan government, one original in 1972 and one supplementary in 1974. For many years these reports were not published or disclosed by the authority and were subject to heavy speculations and assumptions both in Pakistan and Bangladesh. Finally they saw some light after about 25 odd years from the submission. The full disclosure and originality of the original and main report still bears a question mark (“we should never trust India”). This has not been officially disclosed even after the announcement from Pakistani Government to declassify it partially. There have been efforts by different researchers to amalgamate various pieces of the report into a concrete version. Then again there have been claims that the original report was either destroyed or manipulated by the authority at that time to hide their own misdeeds (“Hamoodur Rahman Commission”). The original report was also called ‘tentative’ by the Commission itself as it was subject to revision after accounting major stakeholders of the event who were in India as Prisoners of War (POW) at that time. For the purpose of this write-up we would therefore consult the supplementary report which has been formally declassified by the Pakistan government to its full extent in line with the original report’s outcome, Hamoodur Rahman Commission Supplementary Report- “HRCSR” introduction. The supplementary report that was submitted in October 1974 has been kept as a classified document by Pakistan government until December 2000

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only to make it public as result of the Indian media's leaking of the same.

At present, in Bangladesh, we are witnessing renewed efforts in political and social arenas to deal with the dreadful events of '71. This has inspired this article to revisit our horrific past in light of a Pakistani analysis of the events. The primary objective of this write-up is to look into details of the publicly available supplementary report (referred as HRCSR throughout the article) in relation to the perpetrations that took place during our independence war in 1971. This article will try to analyze how far the report went on to uphold the truth in relation to the atrocities and perpetrations. It should be remembered while going through the article that our goal is not to go into an analysis on the vast socio-political background of the war which has been researched and narrated by a number of scholars, home and abroad. This write-up would rather keep its focus on the HRCSR itself and thus critically observe its findings. We would relate its findings with facts and information that are available from other sources. The flow of this article will ripple first on the details of the Commission, its purview and overall findings. Then it would analyze the findings of the report, mainly on the perpetrations, as to evaluate how much they account for facts and how much, probably, for fictions. Then it would briefly focus on the main characters that the report revolved around to implicate or to allege for the Pakistani debacle in 1971. It will in brief evaluate how objectively those implications were made and how biased, if so, those were. We will discuss on the cases of exonerations too. Finally, this article will conclude on the lessons, in light of HRCSR, that should have been taken and how perpetrations and atrocities of 1971 could have been redeemed if not fully in material aspect but to the extent of moral and ethical reconciliation.

Hamoodur Rahman Commission Report - Hamoodur Rahman Commission was formed by Pakistan Government in December, 1971 immediately after Zulfiqar Ali Bhutto succeeded General Yahya as the President of Pakistan. The Committee was conferred to investigate causes of the defeat of Pakistan, erstwhile West Pakistan during the 1971 war.

a. Formation of Commission- President of Pakistan, Zulfikar Ali Bhutto constituted the commission with Mr. Hamoodur Rahman the then Chief Justice of Supreme Court of Pakistan as its head. The other two members of the Commission are Mr. Justice S. Anwarul Haq, Judge, Supreme Court of Pakistan and Mr. Justice Tufail Ali Abdur Rahman, Chief Justice of Sind and Baluchistan High Court. Lt. Gen (Rtd) Altaf Qadir and Mr. M.A Latif, Assistant Registrar of the Supreme Court of Pakistan are Military Adviser and Secretary of the Commission, respectively (“HRCSR”). This was the original formation of the committee that submitted its original report in 12th July 1972. Supplement of the main report was due after the repatriation of the POWs from India who purportedly were the first hand witnesses and also were subject to be investigated. The commission then reintegrated with all previous members in July, 1974 after the arrival of POWs to Pakistan with a new associate as legal advisor namely Col. Hassan.

b. Purview- The jurisdiction of the report was interestingly made limited to the aspects of "the circumstances in which the Commander, Eastern command, surrendered and the members of the Armed Forces of Pakistan under his command laid down their arms and a cease-fire was ordered along the borders of West Pakistan and India and along the cease-fire line in the State of Jammu and Kashmir" (“HRCSR” introduction). One can anytime become disillusioned by looking at the very narrow nature of the Commission’s purview. It was probably because of the fact that the creator/s of the commission did not want detailed reasoning of the debacle which could have eventually become embarrassing for them. However, the Commission did touch base on issues such as political and international factors related to the event. And typically the commission concluded its report with recommendations to the then Pakistan government. We will see, in the context of history, how many of those recommendations were implemented, if any, by the Pakistani Government.

c. Report – HRCSR was submitted after examining nearly 300 witnesses in total in two phases. A number of classified documents and military signals between East and West Pakistan were also looked into (annexure HRCSR). The HRCSR was then presented in the following fashion –

Introduction

Cabinet note

Press release

Chapter 1- The Moral Aspect

Chapter 2 - Alleged atrocities by the Pakistan Army

Chapter 3 - - Professional Responsibilities of Certain Senior Army Commanders

Chapter 4 – Conclusions

Chapter 5 – Recommendations

Annexure

Admissions, Considerations & Findings – From the nature of the chapter segmentation and the nomenclature of the chapters, one can easily expect the inside details of the report. Our aim is not to go into the nitty-gritty of all the chapters and analyse those. We would rather keep our focus on details pertinent to the objective of this analysis. Let us see HRCSR's findings in context to the objective of this article.

a. Army in Politics and Martial Law - Pakistan is country which one can term as an 'Army State' in resemblance to the popular global term of 'Police State'. Since its first decade of inception, Pakistan has been ruled by the Armed forces starting with Field Marshal Ayub Khan in 1958 and up until recently by General Musharraf. Pak Army's unwarranted intrusion into the politics can be best described as -

The Pakistani army has always played an integral part of the Pakistan government and politics since its inception. It has virtually remained as the 3rd party that has seized power every now and then in the name of stabilizing Pakistan. Although Pakistan was founded as a democracy after the partition of the Indian sub-continent, the army has remained one of the country's most powerful institutions. These political invasions of pak army's into politics cost lots of damages to the political and social body of Pakistan ("Pakistan politics information").

HRCSR sheds enough light on this issue where it narrated how the soldiers turning into political decision makers under the ‘martial law’ aggravated the situation in 1971 without any understanding of realpolitik. It states –

There was a parallel Martial Law administration at all levels. All wings of administration, relating to law and order were under the control of Martial Law Authorities... "efforts were made to make civilian officers responsible or at least routine matters within the general supervision and control of the Army Officers, but no substantial results could be achieved ("HRCSR: Moral Aspect" ch.1, pt.5).

It was the Pakistani Army Junta, headed by General Yahya, which was in real terms, deciding and dictating the political affairs during the war. And it was bound to fail as the conventional wisdom and history construe the fact that politics is always better off sans army influence and dictation. Pakistan army's inner circle at that time, in dealing with the crisis, even lacked the basic knowledge to solve the crisis as described by G. W. Choudhury while narrating the pre war developments –

The Junta had neither much ability nor much enthusiasm for studying the various constitutional devices and formulae. They seemed over confident that if anything went wrong they would step in..... (Choudhury 103).

The HRCSR reflected more on the damages that have been done by the Army being at the helm of the whole show under the Martial Law umbrella. The report becomes somewhat scathing in mentioning that - Pakistan Army in Martial Law duties and civil administration had a highly corrupting influence, seriously detracting from professional duties of the Army...(ch.1,pt.10). It reinforces even boldly by remarking: due to corruption arising out of the performance of Martial Law duties, lust for wine and women and greed for lands and houses, a large number of senior Army Officers, particularly those occupying the highest positions, had not only lost the will to fight but also the professional competence necessary for taking the vital and critical decisions demanded of them for the successful prosecution of the war (ch.1, pt.1).

The timing of formation of the Commission and its subsequent submission of the reports should be taken into account in evaluating these bold comments by the commission against Pak Army. It was in fact during Bhutto's regime and Pakistan was at that time just reviving from two consecutive and disastrous military and authoritarian regimes. There was a strong opinion amongst the politicians and public to make Pakistan a country with army at its barracks engaged in its own business. Even then HRCSR should be given due credit in conceding the facts relating to Pak Army's ambitious and somewhat stupid political maneuvering prior and during the war of 1971. In summarizing Pakistan Army's defeat at the war and the dismemberment of the country one cannot but quote the following- "the foundation of this defeat was laid way back in 1958 when the Armed Forces took over the country ..." (ch.1, pt.8).

b. Army's atrocities and conduct unbecoming – Bangladesh, erstwhile East Pakistan witnessed almost a full collapse of humanity during the nine months of March to December in 1971. Though atrocities and brutality started well before March, 71 continuation of this barbarism reached its pick on the night of 25th March 1971. Pakistan Army named this complete act of barbarism; Operation Searchlight. The carnage by Pak Army continued till their shameful surrender on 16th December, 1971. Atrocities and butchery of Pak Army are by now well established and documented not only by Bangladeshis but also international researchers, historians, scholars and news media. A small excerpt from The New York Times dated July 4, 1971 gives us an idea-

“Doesn't the world realize that they're nothing but butchers? Asked a foreigner who has lived in East Pakistan for many years. “That they killed – and are still killing – Bengalis just to intimidate them, to make slaves out of them? That they wiped out whole villages, opening fire at first sight and stopping only when they got tired?”.

Another narration of R. J. Rummel in his book, *Statistics of Democide: Genocide and Mass Murder Since 1900* depicts a picture as follows -

General Agha Mohammed Yahya Khan and his top generals prepared a careful and systematic military, economic, and

political operation in East Pakistan (now Bangladesh). They also planned to murder its Bengali intellectual, cultural, and political elite. They also planned to indiscriminately murder hundreds of thousands of its Hindus and drive the rest into India. And they planned to destroy its economic base to insure that it would be subordinate to West Pakistan for at least a generation to come. This despicable and cutthroat plan was outright genocide (Rummel 153).

c. HRCSR's consideration of atrocities: - Let us now reflect on HRCSR to see what picture it portrays on these perpetrations. Chapter 2 of the report deals with this subject with a heading called 'Alleged atrocities by the Pakistan Army'. It wanted to consider and examine the allegations in following categories –

- a) Excessive use of force and fire power in Dacca during the night of the 25th and 26th of March 1971 when the military operation was launched.
- b) Senseless and wanton arson and killings in the countryside during the course of the "sweeping operations" following the military action.
- c) Killing of intellectuals and professionals like doctors, engineers, etc., and burying them in mass graves not only during early phases of the military action but also during the critical days of the war in December 1971.
- d) Killing of Bengali Officers and men of the units of the East Bengal Regiment, East Pakistan Rifles and the East Pakistan Police Force in the process of disarming them, or on pretence of quelling their rebellion.
- e) Killing of East Pakistani civilian officers, businessmen and industrialists, or their mysterious disappearance from their homes by or at the instance of Army Officers performing Martial Law duties.
- f) Raping of a large number of East Pakistani women by the officers and men of the Pakistan army as a deliberate act of revenge, retaliation and torture.

g) Deliberate killing of members of the Hindu minority (“HRCSR: Alleged Atrocities by Pakistan Army” ch.2, pt.8).

d. Admissions of first hand witnesses: In dealing with these allegations the report gives us some insight of the submissions that were made by the witnesses before the Commission. Starting with Lt. Gen. A.A.K. Niazi where he mentioned, "military action was based on use of force primarily, and at many places indiscriminate use of force was resorted to which alienated the public against the Army. Damage done during those early days of the military action could never be repaired, and earned for the military leaders names such as "Changez Khan" and "Butcher of East Pakistan" (ch. 2, pt. 10). Then General Rao Farman Ali's narration comes as "Harrowing tales of rape, loot, arson, harassment, and of insulting and degrading behaviour were narrated in general terms...." (ch. 2, pt. 11). A confession of the insane attack on unarmed Bengalis during the night of 25th March was found in Brigadier Shah Abdul Qasim's statement where he says "no pitched battle was fought on the 25th of March in Dacca. Excessive force was used on that night. Army personnel acted under the influence of revenge and anger during the military operation" (ch. 2, pt. 11). We can find evidences of Pakistan Army's senseless and indiscriminate killings of people in Brigadier Mian Taskeenuddin's narration: "Many junior and other officers took the law into their own hands to deal with the so-called miscreants..... In a command area (Dhoom Ghat) between September and October miscreants were killed by firing squads....." (ch. 2, pt. 11). Another witness named Lt. Col. S. M. Naeem states "innocent people were killed by us during sweep operations and it created estrangement amongst the public" (ch. 2, pt. 14).

e. The word ‘Bangladesh’: It is interesting and at the same time most sickening to see reference of the word ‘Bangladesh’ in the report. Though Bangladesh was certainly a proscribed word to Pakistani government and the military junta during 1971, they used the word as a code for ‘summary execution’. The reference is found in Lt Col. Mansoorul Haq's statement where he narrates "A Bengali, who was alleged to be a Mukti Bahini or Awami Leaguer, was being sent to Bangladesh- a code name for death without trial, without detailed investigations and without any written order by any authorised authority" (ch. 2, pt. 15). This is further substantiated by

another witness named Mr. Mohammad Ashraf, ADC of Dhaka at that time, when he narrates, "... People were picked up from their homes on suspicion and dispatched to Bangladesh, a term used to describe summary executions. ... The victims included Army and Police Officers, businessmen, civilian officers etc...There was no Rule of Law in East Pakistan. A man had no remedy if he was on the wanted list of the Army..." (ch. 2, pt. 16). While discussing the political background of the defeat, HRCSR again brings the reference of 'Bangladesh' being used as a code word for killing - The arbitrary methods adopted by the Martial Law administration in dealing with respectable East Pakistanis, and then sudden disappearances by a process euphemistically called "being sent to Bangladesh" made matters worse ("HRCSR: Conclusion" ch. 4, pt. 3). Killing Bengalis was certainly encouraged and applauded by the hierarchy of the Pak Army during the war. We find the reference in another witness' statement - during his visit to formations in East Pakistan General Gul Hassan used to ask the soldiers "how many Bengalis have you shot" (ch. 2, pt. 17).

f. Persecution of minorities: It is a burning fact that during our independence war in 1971, minority communities mainly Hindus paid more price than any other sect of the society. Hindus fell pray to the extreme level of atrocities by the Pak Army. HRCSR couldn't also hide this shameful fact. We see one witness narrating "...Indiscriminate killing and looting could only serve the cause of the enemies of Pakistan. In the harshness, we lost the support of the silent majority of the people of East Pakistan... There was a general feeling of hatred against Bengalis amongst the soldiers and officers including Generals. There were verbal instructions to eliminate Hindus" (ch. 2, pt. 15).The most horrifying admission comes from a witness named Lt. Col. Aziz Ahmed. Referring to Commander Lt. Gen. Niazi's attitude towards Hindus, he says "...General Niazi visited my unit at Thakurgaon and Bogra. He asked us how many Hindus we had killed..." (ch. 2, pt. 18).

g. Looting: We find a pathetic picture of appalling and shameful acts of Pak Army during those nine months in 1971. These acts would, even by the most generous classification, fall under war crimes. Wholesale looting, widespread raping, wanton arson, mysterious disappearances of people are few of those heinous acts.

HRC SR gives us a partial depiction of these events. With regard to looting it recounts- Unfortunately, however, the practice appears to have persisted even when it became possible to make proper logistic arrangements. There is evidence to the effect that civilian shops and stores were broken into by the troops without preparing any record of what was taken and from where (ch. 1, pt. 11). And regrettably but not uncharacteristically, encouragements to soldiers for these lootings and pillaging came from their masters. We see General Niazi solving the shortage of foodstuff by saying "what have I been hearing about shortage of rations? Are not there any cows and goats in this country? This is enemy territory. Get what you want. This is what we used to do in Burma" (ch. 1, pt. 12). While going through the report one can be baffled as to discover that Pak Army was not indeed fighting a war or insurgency in their words, rather they were busy in making their own fortunes. Any sane person see the forgone conclusion, that is their defeat, after reading the following -...and some Commanders caused searches to be carried out of the barracks occupied by the troops for the recovery of looted material which included television sets, refrigerators, typewriters, watches, gold, air conditioners and other attractive items. (ch. 1, pt. 13).

h. Violence against women: In referring to rapes and violence against women the report remains tactfully miser. Even then it couldn't hide the vicious truth while describing Gen. Niazi's statement. It states – "...He admitted that there were a few cases of rape,.... He also stated that "these things do happen when troops are spread over. My orders were that there would not be less than a company. When a company is there, there is an officer with them to control them but if there is a small picket like section, then it is very difficult to control..." (ch. 2, pt. 10). Indeed this barbarism was uncontrollable. Pak army didn't have any regards for any human standard in 1971. We can borrow some lines from G. A. Choudhury's remark in this regard –

Why children were killed in the presence of their parents and women raped in the presence of fathers or theirs husbands? Villages were burnt wholesale....(Choudhury 182).

We can also refer to Siddiq Salik in this regard. In his book *Witness to Surrender* he narrates, in first person, one such vivid incidence of humiliation of Bengali women as follow –

I attempted by saying, ‘I am sorry for all that has happened but...’ She cut me short: ‘You are sorry *now* after destroying so much property, killing so many people and raping so many women..’... ‘You should be ashamed of yourselves.....You certainly belong to the brutes who visited my sister’s house last night.’ I quietly rose and walked out (Salik 96).

As mentioned earlier that the HRCSR stopped short of dealing with the enormity of violence and humiliation against women in 1971. But it was of full vilification, rightly so, in discussing cases of infidelity amongst the top brass of the junta particularly of Gen. Niazi’s. And one can easily relate if the commander himself sets such standard of moral turpitude what would his subordinates do. As mentioned in the report - "The troops used to say that when the Commander (Lt. Gen. Niazi) was himself a raper, how could they be stopped...."(ch.1, pt. 16). There is another recount of identical nature -... during his stay in East Pakistan he came to acquire a stinking reputation owing to his association with women of bad repute, and his nocturnal visits to places also frequented by several junior officers under his command (ch. 1, pt. 15). We can again turn to Siddiq Salik to vouch for Niazi’s such commendable character. Again, narrating in first person, Mr. Salik recalls in his book, about Niazi-

He seemed quite confident about his new job. General Khadim raja, told me later that.....General Niazi had asked him ‘When are you going to hand over your concubines to me? (Salik 92).

General Rao Forman Ali who himself was one of the key players of that nine month long cruel episode, later in a memoir narrated-

.....these men, these callous, inhuman degenerates, doing when their only job was to prepare the army for war? Were these men not grabbing lands and building houses? Did it not appear in foreign magazines that some of them were pimping for their bloated grandmaster? Yes, generals, wearing that uniform

pimping and whoremongering!' ("Gen Aghya Mohammad Yahya Khan -4")

The above discussion was aimed at finding out the first hand information from the submissions that were made before the commission by the witnesses. It gives not less than a harrowing picture of what took place against humanity in 1971. Other references with relevant information were brought in from different references to compare and substantiate admissions that were made in the report. But what was the Commission's observance at the end? Did it uphold the truth in accepting the atrocities, in its word alleged, in its conclusion? Let us find out in the next chapter.

HRCSR's own observance:

a. Passing the buck: The HRCSR in recording its own observance acted cowardly in relation to the crimes committed by Pak Army in 1971. It thought considering the allegations itself was probably enough rather than factually examining them. Even after mentioning appalling admissions from the direct witnesses, which we narrated in the earlier chapter, HRCSR came out with pathetic rationale and excuses in discounting the sheer nature of atrocities. In toning down the allegations it observed, it is clear that there is substance in the allegations that during and after the military action excesses were indeed committed on the people of East Pakistan, but the versions and estimates put forward by the Dacca authorities are highly coloured and exaggerate (ch. 2, pt. 38). Much of its blame was rather directed to the people who were at the receiving end at that time. The report brazenly passed the buck mostly onto Awami League, its provocation to army and its so-called attacks on Biharis. The report miserably mentions- even after the military action of the 25th of March 1971, Indian infiltrators and members of the Mukti Bahini sponsored by the Awami League continued to indulge in killings, rape and arson during their raids on peaceful villages in East Pakistan (ch. 2, pt. 31). It then offers unwarranted consolation by mentioning -It has also been stated that use of force was undoubtedly inherent in the military action required to restore the authority of the Federal Government. Nevertheless, in spite of all these factors we are of the view that the officers charged with the

task of restoring law and order were under an obligation to act with restraint and to employ only the minimum force necessary for the purpose (ch. 2, pt. 38).

b. Number of Killings: HRCSR acted most audaciously in quantifying the number of killings and rapes during the war. In terms of killing it accepted the figure provided by GHQ (general Head Quarter) of Pakitani Army. And that is 26,000. It gives reasoning- However, in the absence of any other reliable data, the Commission is of the view that the latest figure supplied by the GHQ should be accepted (ch. 2, pt. 33). One can only laugh at this estimation not by looking at any other outside sources to contrast it but by looking at this very report of the Commission. HRCSR while focusing the alleged killing of Biharis during the war took reference from Mr. Qutubuddin Aziz's book, 'Blood and Tears', and accepted a figure between 100,000 to 500,000, being killed. It means, according to the report's assertion more biharis died than the Bengalis in 1971. Any sane person would term these extrapolations ludicrous.

Though the objective of this article is not to go into details in ascertaining the number of killings during 1971, which would necessitate a separate article, if not a book, we still want to briefly bring in some independent references in this regard. The table below gives us a picture of what various international media reported on killing during and after the war. One should notice the timing of these reports as to approximating the total number of casualties throughout the nine months.

Who reported	When reported (date/month/year)	Number in millions
The Baltimore Sun	14/5/71	0.5
The Momento, Caracas	13/6/71	0.5 - 1.0
Washington Daily News	30/6/71	0.2
World Bank Report	June, 71	0.2
Die Zeit, Bonn	9/7/71	0.5
New York Times	14/7/71	0.20 - 0.25
Wall Street Journal	23/7/71	0.2 - 1.0
The Christian Sci. Mon.	31/7/71	0.25 - 1.00
Newsweek	2/8/71	0.25
Time	2/9/71	0.2 - 1.0
Newsweek	27/3/72	1.5
National Geographic	Sept. 1972	3.0

In summarizing on the number of killing issue we can refer to G.W. Choudhury where he narrates –

The exact figures of death and destruction will probably never be known accurately- Mujib has talked of “three million killed”, while the Pakistani Government tried to estimate the figures in thousands only. But Mujib was right when he said that few nations had had to make such colossal sacrifices in human life and suffering as the Bengalis in “an epic liberation struggle” (Choudhury 181).

c. Number of rapes: In dealing with the allegations of number of rapes, the HRCSR has observed the claims were highly exaggerated. Even after recording thorough picture of lewd practices amongst the army rank and file, the report stopped short of accepting true nature of violence against women and its high magnitude. We therefore refer to an independent observance in this regard-

... 200,000, 300,000 or possibly 400,000 women (three sets of statistics have been variously quoted) were raped. Eighty percent of the raped women were Moslems, reflecting the population of Bangladesh, but Hindu and Christian women were not exempt. ... Hit-and-run rape of large numbers of Bengali women was brutally simple in terms of logistics as the Pakistani regulars swept through and occupied the tiny, populous land (Brownmiller 81).

d. Killing of intellectuals: With regard to murder of intellectuals HRCSR gives recount of examining three top figures of the junta based in Bangladesh at that time. They are Gen. Niazi, Maj. Gen. Jamshed and Maj. Gen Rao Farman Ali. Finally it expectedly observed "...therefore, that unless the Bangladesh authorities can produce some convincing evidence, it is not possible to record a finding that any intellectuals or professionals were indeed arrested and killed by the Pakistan Army during December 1971." (ch.2,pt.26). One can justifiably question- then who killed those finest sons of this soil? We find an answer in the following –

...it is now known that on Sunday December 12, as the Indian columns were closing on Dacca....a group of senior Pak army officers and their civilian counterparts met in the city's Presidential residence. They put together the names of 250 peoples to be arrested and killed, including the cream of Dacca's professional circles not already liquidated during the civil war. Their arrests were made on Monday and Tuesday by marked bands of extreme right-wing Muslims belonging to an organization called the Al-Badar Razakar...Only hours before the official surrender was signed (on 16th), the victims were taken in groups to the outskirts of the city.....where they were summarily executed...

Overall HRCSR failed to accept the enormity of the crimes that were committed by Pak Army during 1971. It discounted facts with low level excuses and logics. However it was not of full denial. Its effort in recording submissions of witnesses in relation to different aspects of the perpetrations is worth praise; though its own conclusion came very dim. We should take limited consolation from its conclusion on atrocities as it narrates - Irrespective, therefore, of the magnitude of the atrocities, we are of the considered opinion that it's necessary for the Government of Pakistan to take effective action to punish those who were responsible for the commission of these alleged excesses and atrocities (ch. 2, pt. 38). We can also take partial comfort for its recommendation for a further inquiry in the atrocities - a high-powered Court or Commission of Inquiry be set up to investigate into persistent allegations of atrocities said to have been committed by the Pakistan Army in East Pakistan during its operations from March to December, 1971, and to hold trials of those who indulged in these atrocities, brought a bad name to the Pakistan Army and alienated the sympathies of the local population by their acts of wanton cruelty and immorality against our own people. The composition of the Court of Inquiry, if not its proceedings, should be publicly announced so as to satisfy national conscience and international opinion (ch. 2, pt. 39). No wonder this report was attracting dust sitting inside Pakistani Government's closet for more than 25 years since its submission.

e. Bearing Responsibilities: HRCSR, as it was instructed, sought to determine responsibilities for the defeat of the war. And at the end, it pointed out persons that it found to bear responsibilities for the shameful defeat. The main objective of this article is not to examine and analyse the responsibilities of particular person/s for the defeat. This discussion is rather mainly directed towards the nature of atrocities and the extent of HRCSR's findings and acceptance of the same. However one can feel the compulsion to comment as the report tragically failed to point out some of the sure culprits of the crimes. Let us now see who were accused and who were acquitted.

f. Accusations: According to the HRCSR only a handful of military personnel amongst the top brass of the military junta of that time

bore the brunt of the defeat. Interestingly the list did not include any politician at all. Even amongst the army some got exoneration that is beyond comprehension. We will shortly focus on those cases of exonerations but first let us see who were accused and what were HRCSR's recommendations on them.

Firstly the report implicated that General Yahya Khan, General Abdul Hamid Khan, Lt. Gen. S.G.M.M. Pirzada, Lt. Gen. Gul Hasan, Maj. Gen. Umar and Maj. Gen. Mitha should be publicly tried for being party to a criminal conspiracy to illegally usurp power from F.M. Mohammad Ayub Khan in power if necessary by the use of force. It also recommended that these officers should also be tried for criminal neglect of duty in the conduct of war both in East Pakistan and West Pakistan ("HRCSR:Recommendation" ch. 5, pt. 3).

The commission recommended other nine persons, six Generals and three Brigadiers to be tried under Court Martial for willful neglect of duty. They were Lt. Gen. Amir Abdullah Khan Niazi, Maj. Gen. Mohammad Jamshed, Maj. Gen. M Rahim Khan, Brig. G.M. Baquir Siddiqui, Brig. Mohammad Hayat, Brig. Mohammad Aslam Niazi, Maj. Gen. Abid Zahid, Lt. Gen. Irshad Ahmad Khan and Maj. Gen. B.M. Mustafa. The last three were implicated for the loss of war at the West Pakistan front to India. It recommended some more inquiries and departmental actions including retiring some army officers. We do not intend to go into details of those to keep our discussion focused on its objective.

g. Exonerations: Now comes the cases of exoneration. As we intend not to dig too deep in making a list of culprits which would fore sure make a long one, we cannot but point out three names which the report either exonerated or omitted. They are Lt. Gen. Tikka Khan, Maj. Gen. Rao Farman Ali and obviously Mr. Zulfikur Ali Bhutto.

Tikka Khan: Firstly Tikka Khan. Gen. Tikka was the Governor and Martial Law administrator of the then East Pakistan from March to September, 1971. Tikka also took over as the Commander of Eastern Command on 7 March 1971 after the previous commander Lt Gen Sahabzada Yaqub Khan⁵³ resigned. He continued as the commander until Gen. Niazi took over on 11th

April. He was the one who headed the plan and its heinous execution of Operation Searchlight on the night of March 25 and earned the infamous names of 'Changez Khan' and 'Butcher of Bengal'. But the Commission miserably failed to implicate him for any wrongdoing.

In his book *The Betrayal of East Pakistan* Gen. Niazi narrated on Tikka –

On the night between 25/26 March 1971, General Tikka struck. Peaceful night was turned into a time of wailing, crying, and burning. General Tikka let loose everything at his disposal as if raiding an enemy, not dealing with his own misguided and misled people. The military action was a display of stark cruelty, more merciless than the massacres at Bukhara and Baghdad by Changez Khan and Halaku Khan, or at Jallianwala Bagh by the British General Dyer (Lt.Gen.Niazi 46).

Gen Niazi, while lessening his own responsibility, critically mentions about Tikka in light of the report –

.....Tikka has not been mentioned in the Hamood report, although his barbaric action of March 25 earned him the name of the 'Butcher of Bengal'. The Commission has overlooked his heinous crimes..... Tikka's biggest fault was his inability to launch a counter-offensive from the Western Theatre, which ultimately cost us the war ("Gen Aghay Mohammad Yahya Khan-4").

And looking at the international media during 1971 we cannot help quoting the following regarding Tikka –

The architect appears to be Lt. Gen. Tikka Khan, Tikka Khan has done it efficiently and ruthlessly. As a result, East Pakistan is still nominally part of Pakistan. But the brutality inflicted by West on East in the last three months has made it certain that it will only be a matter of time before Pakistan becomes two countries. And those two countries will be irreparably split-at least until the last of today's maimed and brutalized children grow old and die with their memories of what happened when Yahya Khan decided to preserve their country ("The terrible blood bath of Tikka Khan").

Rao Farman Ali: The Commission took an exceptionally long but unimpressive effort in its report to exonerate Rao Farman Ali from any misdeed. Commission devoted significant time and energy in almost a six-page-long discussion on him only to finally state-For the foregoing reasons we are of the view that the performance and conduct of Maj. Gen. Farman Ali during the entire period of his service in East Pakistan does not call for any adverse comment (ch. 3, pt. 22). Rao Farman Ali, being the advisor to the governor, was the military figurehead in charge of the civil affairs during the war and also the key person in linking military and civil operations at that time. He was one of the key architects of the Operation Searchlight and was responsible for Dhaka area where most of that night's atrocities took place. As, *In The Separation of East Pakistan*, Mr Hasan Zahir, a Pakistani civil servant wrote:

Major General Farman Ali was the executioner of Dhaka part of 'Operation Searchlight'. He succeeded in 'shock action' by concentrated and indiscriminate firing on target areas... (Zaheer 167).

In *The Betrayal of East Pakistan* Gen Niazi narrates about Rao Farman Ali -

General Rao Farman had written in his table diary, 'Green land of East Pakistan will be painted red.' It was painted red by Bengali blood. This diary was found by the Bengalis when they occupied Government House on 14 December 1971. Mujib showed the diary to Bhutto during his visit to Bangladesh. Bhutto inquired from me about this diary during my meeting with him (Lt.Gen. Niazi 44).

Finally we want to again quote Gen. Niazi's comment with regard to Farman Ali's exoneration by the Commission –

As far as Rao Farman is concerned, he was in charge of the Dhaka operations. According to authentic press reports, tanks, mortars and artillery were ruthlessly employed against the Dhaka University inmates, killing scores of them. Rao remained military adviser to five governors and had his finger in every pie ("Gen Aghay Mohammad Yahya Khan-4").

Zulfiqar Ali Bhutto: The most remarkable exoneration by the Commission was of Mr. Z. A. Bhutto. It was rather an omission than exoneration by the commission as there has been no mention of even his name in it, as if that was not relevant. The report did shed light on political and international background of the defeat; but Bhutto was remarkably absent and Yahya bore most of the brunt. This has been one big, among other, limitation of this report. It was Bhutto who blatantly uttered ‘Thank God Pakistan has been saved’ while arriving at Karachi from Dhaka on 26th March with full knowledge of what havoc took place during the previous night. It was Mr. Bhutto for whose refusal to join the national assembly in Dhaka made General Yahya postpone the same in early March of 1971. Numerous references and examples, without bias or doubt, can be attributed to Bhutto’s contribution towards the brutality and subsequent defeat of Pak Army. We want to summarize this short discussion on Bhutto by citing Gen. Niazi again, where he rightly states -

The 1971 imbroglio was the outcome of an unabated struggle for power between Yahya, Mujib (founder of the Awami League, Sheikh Mujibur Rahman) and Bhutto (former Pakistan prime minister, Zulfikar Ali Bhutto). Yahya wanted to retain power while Bhutto wanted to attain it. This was despite the fact that Sheikh Mujib's Awami League had emerged victorious and he should have been handed over the government. Bhutto's fiery speeches were not mere rhetoric, but the actions of a desperate man vying for power at any cost. Had power been transferred to Mujib, Pakistan would have remained united. However, it is pity that the commission absolved Bhutto of any blame (“we should never trust India”).

So why did the commission fail to bring these three main characters to book in its report? Simply because it could not rise to the occasion and dare to irritate or embarrass its own masters at that time. Bhutto was the president when the Commission was formed and then the Prime Minister when the original submission of the report was made. Gen. Tikka was the Army Chief of Pakistan at that time when the Commission was operating. Farman Ali was made the Chairman of the Fauji Foundation of Pakistan by then. So the report chickened out to absolve the powerhouse of that time. It is not unexpected rather quite typical of any third world country,

especially Pakistan, that a commission of this nature would compromise with its appointee. It's a pity but this fact has been proven by HRSCR again.

Conclusion

This article endeavoured to examine the extent of HRCSR's will and resolve to find the truth of 1971. The focus was mainly to observe how HRCSR dealt with the atrocities and perpetration that took place in 1971. Our aim was to see whether it worked with full courage or it was influenced by external factors. We briefly focused on whether the report came out with some typical scapegoats or it was neutral in its implications. At the end we would want to state that HRCSR is a testimony that came out with partial truth and acceptance of the same. It showed cowardice in implicating the entire gang of culprits. It implicated some characters which seemed, though rightly, premeditated. Overall it showed lack of courage and integrity.

Dr. Mahmud Hasan gives his verdict on the report in the following-

The HRC report reveals a fragment and tint of the truth only. It is a testimony of partial truth expressing denial of greater involvement in crime and the biggest war crime and genocide conducted by the Pak army, probed and proved by their own men. In essence, it is a whitewash on the greatest crime to save their honor, army in general and majority of crimes and criminals and ultimately their ego. After careful study of historical facts, internationally acceptable other testimonies and the partial truth conceded by the H.R. commission, one could discover the mountain under the sea looking at the tip of the iceberg (Hassan).

Atrocities of 1971 indeed made a mountain of sufferings, horror, grief and anger. That mountain would never be flattened even had a report like this upheld the full truth. However we could take some comfort as to observe that some truth has been recognized by the commission. We can base our consolation on the popular and old adage which says– something is better than nothing. But unfortunately it remained there, only to something. It would have been more than something had the Pak authority implemented at least some of its recommendations. But successive

Pakistani government ignored those recommendations. There was no effort even in trying those who were rightly accused. There was never a further inquiry on the atrocities that the HRCSR recommended. Pak authority never wanted the cat to be out of the bag. Hence this report was attracting dust for more than 25 years. While as a nation, Bangladesh would need to deal with its past in its own terms, fact is, it was probably necessary more for Pakistan than Bangladesh to act in accordance to those outcomes of the report. Therefore we want to conclude this article with the following excerpt from a Pakistani columnist –

If Hamood-ur-Rahman Commission was published thirty years ago, the nation would have closed that chapter. The reason of opening of old wounds thirty years later is the tragic fact that the nation and its leaders refuse to face the facts. As a nation, the first step for Pakistan is to admit its mistakes and tender apology to Bengalis for the conduct in 1971. For a fresh start, it is essential that all skeletons in the closets should be taken out. Unless, all old demons are taken out from darkness and exorcised, they will keep haunting the nation forever (Hussain).

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