

# Civil Wars in South Asia

State, Sovereignty, Development

Edited by  
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# 6

## Civil War or Genocide? Britain and the Secession of East Pakistan in 1971

A. Dirk Moses\*

### Introduction

The potential for civil war was built into the fabric of the post-World War II international system of nation states because it is animated by rival principles of legitimacy. On the one hand, the United Nation's (UN) founding principle, Article 2(7) of its Charter, guarantees 'non-interference' in 'matters which are essentially within the domestic jurisdiction of any state'. State sovereignty hardened rather than softened under the UN; the defunct and reviled League of Nations had possessed greater power than the UN to intervene in the affairs of (some) nation states on behalf of national minorities (Mazower 2009). On the other hand, Chapter 1, Article 1, Part 2 of the Charter states that the UN's purpose is: 'To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other

\* My thanks to Aparna Sundar and Nandini Sundar for the opportunity to present on this topic in Delhi in early 2010. Since writing this piece that year, three other treatments of the subject have appeared: Karen E. Smith (2010), Simon C. Smith (2010) and Angela Debnath (2011).

appropriate measures to strengthen universal peace'. To be sure, the right of self-determination did not extend to groups or nations within extant states, but what if disgruntled or fearful sub-state leaders felt they led 'a people' who had been cheated by the terms of decolonization?

The UN modernization agenda, shared by the new African and Asian states that joined its ranks in the wake of decolonization, exacerbated such tension, because it entrenched the new national elites that presided over these often unstable polities constructed by erstwhile colonial rulers. The normative picture of international affairs was the combination of international development aid, policies of assimilating indigenous peoples and the rhetoric of inviolable national sovereignty, if only to cover, over some time, clientelist relationships (Forsythe 1997). The promise of development could negate its nation-building goal when it was selectively implemented in favour of certain groups and classes (e.g., Davidson 1992). From the outset, minorities—or in Pakistan's case, the majority population—contested the nationalizing modernization policies to which they were subject or from which they did not derive their perceived fair share, invoking the principle of self-determination.<sup>1</sup> Mischievously, they could decry the 'colonial' treatment to which the freshly decolonized states subjected them, a scenario foreseen by Fanon when he predicted that comprador national bourgeoisies would effectively continue the structures of the colonial state (Fanon 1963; Sundar and Sundar's introduction to this volume). Disgruntled elites could, and did, seek their own independence—as in Congo in 1960 and Nigeria in the second half of that decade—and then claimed they were victims of genocidal campaigns to thwart their claimed right of self-determination (Luttikhuis and Moses 2014). And they petitioned the UN and appealed to the global public sphere for solidarity and intervention against the dominant national elites.

The UN's principle of non-interference in the sovereign affairs of a member state trumped all others. Its small human rights apparatus, led by the Commission on Human Rights, resolutely stood by its member states, which constituted the relevant UN bodies, and dutifully passed on the petitions to the accused states (Zuijdwijk 1982). For most of the new states of the global South in particular, justice inhered in the ideal of their own self-determination and sovereign capacity to resist the imperial-like supervision of their internal affairs by supranational

bodies (Burke 2010). It was not until the 1970s that international human rights broke through as a language of humanitarian sentiment, and then largely in the West (Moyn 2010). In the 1960s and early 1970s, the language of justice remained largely collective—group rights—but also implied that resistance to state sovereignty in the name of subaltern self-determination (a sovereignty to come, so to speak) was legitimate and internationally significant.

The secession of East Pakistan in 1971 to create the new state of Bangladesh presents a model clash of these political principles. West Pakistan invoked the classic elements of *raison d'état*—law and order, the integrity of its polity, treason by ‘miscreants’ as well as the protection of the non-Bengali minority—to justify its violent suppression of the East Bengali ‘rebellion’. East Bengalis and their supporters spoke of the national liberation they sought and the genocide they suffered. The international discussion was similarly polarized. If Pakistan referred to rebellion, its external supporters invoked the category of civil war, while critics accused it of genocide. The broader conflict involving India in December 1971 became the ‘Third Indo-Pak War’. Each term gestured to a rival framing and attendant geopolitical issues.

Although they are not mutually exclusive—a civil war can have genocidal dimensions—claiming that the conflict was ‘essentially’ one of the above invoked specific implications and moral and political imperatives while foreclosing others: a civil war implied, if not the symmetry of armed groups, at least two organized and militarized sides with civilians in between, while genocide suggested asymmetrical mass murder of civilians. The latter could trigger international intervention according to the 1948 Genocide Convention; civil war could not. Most significantly, the mode of the conduct of hostilities itself was at issue. As the Pakistan government insisted in its reply to the UN Human Rights Commission, ‘Under conditions of national emergency and war, derogation from international standards of human rights observance are expressly allowed’.<sup>2</sup> In other words, the Pakistan Army would ignore the laws of war, which protected civilians and prisoners of war, because such laws did not apply to internal security emergencies. Such categories prefigured the discursive connotations and political consequences of the conflict.

This chapter reconstructs how the conflict in and about East Pakistan was construed by different states in the struggle for legitimacy in 1971.

While my brief treatment cannot cover all the internal and external actors, patterns are discernible. With the exception of India and the Soviet bloc, the world's nation states supported Pakistan's case. The political opposition in the West and NGOs were sympathetic to the Bengali narrative. The media reported what it saw, which was evidence for both narratives. This reporting undermined the myth-making positions of political elites by disrupting the simplifying slogans of genocide claimed by Bangladeshis on the one side, and assertions of inviolable Pakistani unity on the other, to reveal the multiple conflicts that raged in 1971, not only between East Bengalis (Hindu and Muslim) and West Pakistanis (known to the former collectively as 'the Punjabis'), between West Pakistanis and Indians (after Indian forces invade in December 1971), but also between the so-called Biharis (Urdu-speaking non-Bengali Muslim refugees from India) and Bengalis and between Bengalis loyal to Pakistan (often motivated by Islamic sentiment) and nationalist Bengalis (Bose 2011a; Gerlach 2010).

Here, I focus on the intense British debate because it encapsulated the various positions in concentrated form. Pakistan was an ally of Britain, formalized through the South East Asia Treaty Organization (SEATO) (1954) and Central Treaty Organization (CENTO) (1955) pacts, and designed to buffer Asia against Soviet encroachment. At the same time, Britain's relationship with India remained of signal importance based on historical connections and that country's size and status in the region. Managing these relationships was an often-precarious juggling act, and the High Commissions in Delhi, Islamabad, Dacca and elsewhere in Asia were in constant communication to ensure their colleagues at the Foreign and Commonwealth Office (FCO) in London were apprised of local events and perceptions. Other British players were opposition Members of Parliament (MPs), who pressured the government in the House of Commons and in the media, which itself exerted an independent force by highlighting aspects of the conflict that did not suit the government. For their part, humanitarian and relief organizations mobilized to raise consciousness about the suffering in East Pakistan and India, and to raise and deliver aid to these places. They, too, challenged the government position. The diplomatic and media archives can contribute to laying bare this complexity by showing how observers, like the participants themselves, struggled to grasp and name the conflagration that was unfolding before them.

Of course, civil war was an apposite term, but the genocidal aspects of some Pakistani policies were also hard to deny.

## The Diplomats

The British High Commissioner in Islamabad, Sir Cyril Pickard (1917–1992), a long-serving FCO mandarin, set the government tone. In regular contact with West Pakistan elites, he reminded all that the ‘main point is that President Yahya and his advisers are convinced that it is their duty and within their capability to hold the situation, if necessary by force’. His pragmatic conclusion was that, ‘It would be quite fruitless at this stage and extremely dangerous to our interests to try to persuade them otherwise’. British interests would be served by delivering a ‘personal message of understanding from the Prime Minister’.<sup>3</sup> In the event, Pickard drafted the wording of the message that the British Prime Minister, Edward Heath, sent to Yahya Khan, the Pakistani President.<sup>4</sup> The government’s priorities were the safety of British nationals and their economic interests—they were involved in tea plantations and jute production in the eastern wing.

It was not as if the FCO were ignorant of impending government violence. Experts in its South Asia Department predicted the ultimate outcome of the conflict in early March: ‘It is possible that in the short term he [Khan] and the Army could, with considerable bloodshed, hold down the East for a short period, but they could not maintain this position indefinitely’. Trying to smash the Awami League (the East Pakistan autonomy party and movement) was bound to fail.<sup>5</sup> What is more, the Awami League had told the British of its fears about genocide *before* the army crackdown on 25 March. A senior legal advisor of Mujib (and later Foreign Minister of Bangladesh), Dr Kamal Hossein informed F. C. D. Sargeant, the British High Commissioner in Dacca, that they were convinced ‘that the army intends to maintain the integrity of Pakistan even if it means killing many Bengalis’. He in turn reported Hossein’s message like this: ‘By this means it hoped to be able to convince the world opinion that “genocide” (he insisted on using this term) in Pakistan would be justified’. Hossein implored the British that ‘It was up to the developed countries to bring pressure to bear on the present regime in Pakistan to prevent an impending disaster’.<sup>6</sup> Hossein was merely echoing the global Bengali

diaspora; already on 18 March—a week before the army crackdown—the Hong Kong Pakistan Community cabled the UN with a telegram:

TROOPS ALREADY KILLED UNARMED INNOCENT CIVILIANS IN EAST PAKISTAN STOP EAST PAKISTAN IS NOW FACING GRAVE DANGER OF EXTREME GENOCIDE STOP WE URGE YOU TO EXERCISE YOUR INFLUENCE TO SAVE HUMANITY.

Hundreds like it were sent to the UN.<sup>7</sup>

Even so, the diplomats saw a civil war rather than genocide brewing in March. Reports about two sorts of violence elsewhere in East Pakistan began to arrive regularly: between the army and civilians, and among East Pakistani civilians. A Situation Report on 9 March noted that official casualty figures from clashes between the population and government troops during the previous week were 172 killed and 358 injured, although the Awami League insisted they were higher, and demanded an inquiry into them.<sup>8</sup> Deep animosity felt towards the Army was evidenced in ‘pinpricks from [the] party and public’, and by cutting off food and fuel supplies to its cantonments.<sup>9</sup> British officials were more worried about nationalist students ‘who seem to be increasingly powerful’. On 10 March, they had even set up checkpoints in the capital, though they were prevailed upon to withdraw them. Now they called for a ‘resistance day’ parade to coincide with the Pakistan national holiday on 23 March and Yahya’s visit to Dacca.<sup>10</sup> All the while, they conducted ‘good humoured processions in Dacca, some with members armed with staves and spears, and even .303 rifles’. Despite the carnival-like atmosphere, they ‘remain a constant threat. They now have the use of stolen transport, as well as a variety of weapons’.<sup>11</sup> Earlier, nationalist students had told a British traveller that they robbed laboratories to make weapons and were fortifying buildings for the coming showdown with the army.<sup>12</sup> The army’s ‘restraint’ in the face of such provocations was noted and praised: The Awami League controlled the streets of Dacca while the army was confined to barracks. The situation was explosive—but as a civil war rather than genocide.<sup>13</sup>

Violence among civilians in March confirmed this impression. Reports from Chittagong were coming in about conflict between the Bihari minority and Bengalis, which was ‘more bitter than... witnessed before, the arson was greater and in some circumstances Biharis have



firearms which they used to defend themselves against Bengalis'. In the villages, there are 'processions calling for [a] free Bengal and death to the Punjabis'.<sup>14</sup> Non-Bengalis were also being murdered and decapitated in Tongi. The High Commissioner in Dacca noted dryly: 'The Awami League naturally tries to play down this side of the present crisis namely violence against defenceless non indigenous Asians which has been more wide spread than incidents with the Army'.<sup>15</sup> The atmosphere in Barisal was bad, and even westerners were objects of hostility. In Mirpur, near Dacca, Awami League supporters clashed with Urdu speakers about the Bangla Desh flag that the former were flying from their houses.<sup>16</sup>

The diplomats seem to have been surprised by the breakdown of negotiations between the Awami League and Pakistani leaders in late March and the military takeover on late 25th and early 26th March. The situation and extent of violence was unclear for a few days. Largely confined to their offices amid the gunfire, they could do little more than pass on the reports of the media, as journalists were out on the streets observing events: 'Press also reports resumption of shooting last night, Awami League version being coldblooded army killing of unarmed civilians, official version alleging use of Army to restore law and order'.<sup>17</sup> Pickard now feared 'bloodshed on a large scale' and told his staff that 'Our first consideration must be the safety of our own nationals'.<sup>18</sup> The violence was confirmed by the High Commissioner in Dacca who reported his meeting with an Awami League official the next day. He was told that about 300 people were killed on the first night, and asked 'that we should raise the matter in the [UN] Security Council with particular emphasis on genocide'. The Awami League official also told the British that his comrades would abscond to the countryside whence they would fight a war of national liberation.<sup>19</sup>

By now, two days after the crackdown commenced, the High Commissioner had a better idea of the situation in Dacca—there were no communications outside the capital—which exceeded a law and order operation. Unarmed civilians had also been attacked:

[T]he whole area of +Kutch+ [sic] huts and small shops have been deliberately fired and the owners machine gunned. Plans have been laid to deal similarly with another area of the Old Town today and with villages beyond the Culshan area tonight. The campaign is admitted by the Army to be punitive against +enemies of the people+.... The police force is said to have been largely shot down. The firing last night in the East Pakistan Rifle headquarters

suggests that some at least of that force are still resisting. Total casualties are put at about 5000 (five thousand)... The indications are that the army has planned a reign of terror, and in this it has so far been largely successful.<sup>20</sup>

In another telegram the same day, he reported the indiscriminate murder of staff and students at Dacca University and worried about the nearby British Council office, which he recommended closing.<sup>21</sup>

Within a few days, then, the extent of the violence was clearer but, again, it seemed typical of a civil war rather than genocidal—or rather of a heavy-handed government attempt to prevent secession and civil war. East Pakistan police and regiments were attacked, as were the students, who were known to be armed.<sup>22</sup> What is more, Pickard blamed the failure of negotiations on Mujib, whom he regarded as a weak man who had capitulated to his intransigent supporters and demanded too much from Yahya Khan, Zulfikar Ali Bhutto and the army. The army told them and the Americans that they would secure the situation within a few days, though the diplomats continued to think that the army underestimated the extent of popular support for the Awami League.<sup>23</sup> The military governor, Tikka Khan, even addressed the Bengali accusations of genocide that were, for him, linked to wildly exaggerated casualties by the press: ‘Nearly everything in the press is misrepresented and the foreign press has been thoroughly malicious. They talk of genocide when the army kills only 27 people in a thoroughly restrained manner’. Echoing the now common complaint by Pakistan, he said the problem is that ‘correspondents are based in Delhi, where they absorb only the Indian viewpoint’.<sup>24</sup> Awami League’s requests for intervention or intercession fell on deaf ears with the FCO mandarins, because their imperative was the welfare of British nationals, which depended on good relations with the army on which they would have to rely in any evacuation.<sup>25</sup>

Pickard now had no illusions about the violence, but it still seemed essentially political—directed against political enemies—rather than indiscriminately against civilians:

The reaction of some West Pakistanis is more unpleasant to contemplate. Punjabi and Pathan contempt for the Bengali has risen to the surface and there is much talk of teaching them a lesson. It is clear from reports reaching us that the Army is acting with callous disregard for life and is adopting terror tactics to cow the Bengalis. Political leaders are being hunted down and shot (there is no precedent in Pakistan’s history) and I expect to find that much of the Awami League leadership has been eliminated.<sup>26</sup>

Unlike the American diplomats in Dacca, therefore, he continued to cast the conflict in terms of a bloody civil war rather than genocide. This was the message received in London and communicated to the public. As the British Foreign Secretary, Alec Douglas-Home told the House of Commons on 26 April, ‘We reacted very quickly to the horrible events that took place in Pakistan—but these do take place in civil wars’.<sup>27</sup>

The FCO was well aware that the Awami League possessed a mandate for autonomy in Pakistan because it had won a national election late in 1970, and was equally conscious that Pakistan military excesses were making a united Pakistan an increasingly illusory proposition. Hoping for a political settlement, the British advised Yahya to initiate the transition to civilian government by soliciting the support of accessible and supportive Awami League leaders. They consistently pressed Yahya on Mujib’s welfare after he was arrested in the first days of the crackdown. And they said that development aid was contingent on the stability of East Pakistan. They did not like the violence, which reminded them of the police state of 1965—‘I would expect the military to be arrogant, hectoring and very touchy’, wrote Pickard on 29 March—but considered it an inevitable feature in civil war. Nor did they expect much better from the Pakistan state.<sup>28</sup>

The official British line was riddled with contradictions concealed by self-interest and the norms of state legitimacy and non-interference. It saw the Pakistan state as vulnerable and wanted to prevent its dissolution to safeguard British interests. Stability was the imperative. At the same time, it did not think the western wing could defeat the Bengali resistance movement, and feared that ultimately the army would ‘stay secure in their cantonments and let the economic situation look after itself with all that would mean’—in other words, virtual anarchy and the crippling of British economic interests in the country.<sup>29</sup> The commitment to the principle of state sovereignty and the non-interference in internal affairs of another state was hegemonic in the FCO and Tory British government. Besides, it needed the cooperation of the Pakistan army to evacuate British nationals. For this reason, the High Commissioner in Dacca cabled on 29 March to

[A]lert ministers to probable grave consequences for the British communities here if any official criticism of the conduct of the Pakistani Government is voiced at this time, following as it would the bad press which is

developing against the Pakistani Government which will enrage the Army which is in control here and with which we must maintain best possible relations.<sup>30</sup>

And so it resisted calls to condemn the military violence that so alienated the population and rendered unlikely the negotiated settlement. There was no point in pressuring Pakistan by withholding aid, the diplomats and politicians insisted, as Yahya only took advice from friends, and ruining the Pakistani economy benefited no one.

At this point, the British did not foresee the extent of the refugee crisis that would develop in May and June as millions of mainly Hindu Bengalis fled to the Indian border to escape the army's counter-insurgency measures in the countryside, where the conflict endured after the government's capture of urban centres. The refugee issue, which received enormous publicity because the refugees were accessible to journalists, humanitarian relief organizations and visiting politicians in India, generated as much, if not more interest than the army violence. By affecting India so directly, it also engaged that country centrally in the conflict and internationalized it in a way that challenged the Pakistan-British view that it was solely an internal matter for Pakistan.

## Public Justifications and Challenges

Questions were asked in the House of Commons as MPs expressed concern about the violence, the safety of British nationals and, increasingly, about British policy. Opposition Labour MPs led the way. The Leader of the Opposition consistently suggested to the government that it respect the wishes of the 1970 election and support the self-determination of East Pakistan. A group of MPs went on a parliamentary delegation to India and East Pakistan in June 1971 to see for themselves. They returned espousing the Bengali and Indian narrative and contradicted the government's position on every point (Vivekanandan 1973). Where some FCO officials advised the government that the Bengalis possessed negligible forces, Bruce Douglas-Mann told the House of Commons that his talks with 'Mr. Tajrddin Ahmed, Prime Minister of independent Bangla Desh' indicated to him that 'the war will continue until West Pakistan is forced out' because the Bengalis had the capacity to do so. He urged the

cessation of aid and ‘using whatever international pressure we can exert to compel West Pakistan to withdraw its troops from East Pakistan, to allow the Government of Bangla Desh, the Awami League, to take over the administration of East Pakistan’.<sup>31</sup>

Typical of the government’s distance from the British opposition was this exchange in the Commons on 29 March, two days after Pakistan’s crackdown in Dacca:

**Mr Shore:** Will the Foreign Secretary impress upon the Pakistan Government the abhorrence felt by very many people in this country at the brutal and repressive measures which they are taking against the East Bengali people, and will he impress upon them also that we are most concerned that their troops should be withdrawn, that the killing should stop, and that Sheikh Mujib and his followers should not be the victims of repression? Further, will the right Hon. Gentleman do everything in his power to impress upon the Pakistan Government that the people of Bengal have the right to decide their own future, and, if need be, to decide on a separate future for themselves?

**Alec Douglas-Home:** I do not think it would be helpful for me to comment on those matter at this time. Everyone abhors violence. The President of Pakistan, as we understand it, was faced with a situation in which the country might have been divided in half. We must allow the Pakistan authorities to deal with the matter without our intervention.<sup>32</sup>

Eleven weeks later, the government had to admit that ‘fear’ played a part in the unfolding refugee crisis, though implying it was a subjective construction of the facts. ‘They fled because they felt that the Pakistan Army was using measures to suppress the population which were intolerable to them’, Douglas-Home told the Commons in a contorted statement.<sup>33</sup> The next day, he spoke vaguely of the ‘wounds of civil war [that] are still open’ which hampered [non-existent] political negotiations.<sup>34</sup> The ensuing debate was undertaken against the background of British media reporting of the conflict that highlighted the army’s part in the refugee crisis and the raising of the genocide (‘a genocide of no small magnitude’) issue by US politicians visiting the refugees in India (Hazelhurst 1971i, 1971j). At the same time, journalists also highlighted the Hobbesian nightmare that convulsed the province in which a general civil war and communal violence raged.

Terror stalks every corner of East Bengal today. The Army is shooting Bengalis on sight. The Bengalis are killing non-Bengalis. Non-Bengalis are

hunting down the small number of Bengalis who are still in Dacca; and the Liberation Front is deliberately liquidating its political rivals in the Muslim League. (Hazelhurst 1971h)

Opposition members would not be assured by government dissimulation. John Stonehouse, who enjoyed close links to the English Bengali community, pointed out that by concentrating ‘merely on the problem of the refugees, we could well be diverted from the horrors that are continuing in East Bengal’, and he quoted at length from affidavits obtained from refugees in India that attested to Pakistan army terror.<sup>35</sup> This was not civil war, he was saying, it was genocide:

These declarations and the many other hundreds of thousands of witnesses who have been able to articulate their experiences are witness and evidence to the most awful genocide—that is not too strong a word to use—since Hitler started the extermination of the Jews of Europe. There is surely a point at which the world community must say that this horror and barbarism has passed the stage of no concern to the world at large, has passed the stage of a mere internal affair about which we cannot concern ourselves directly, and becomes a matter which the world community must take note of and must attempt to do something about.<sup>36</sup>

Government members responded by accusing Stonehouse of fanning the flames of ‘communal disturbances’, which they said was really responsible for the refugee crisis. For that reason, ‘the long-term task of reconciliation’ should be emphasized rather than incendiary talk of genocide. Indeed, the core problem was ‘communal riots’ such that a political settlement ‘will not solve the problem, in the sense that those refugees who have left East Pakistan for communal reasons will not go back again’.<sup>37</sup>

Again, the opposition surgically probed the government’s case. Michael Barnes, who had visited refugee camps in India, responded directly.

The Foreign Secretary also spoke about the wounds of civil war. But the civil war proper, such as it was, lasted only a matter of days. The wounds that the refugees bear are not wounds from civil war but wounds from a deliberately unleashed wave of atrocity such as was described by my right Hon. Friend the Member for Wednesbury (Mr Stonehouse).<sup>38</sup>

As to the communal violence thesis, Peter Shore noted that the refugee crisis was not the result of ‘sporadic and uncontrolled explosion of

communal violence'. Reiterating the Opposition's critique, he said 'It has been brought about by the actions of a highly disciplined army'. Regarding the rhetoric of reconciliation, another MP asked plainly 'how a dead person can be reconciled'. Again eyewitnesses—English living in East Pakistan—were quoted alleging the worst:

Until March I reckoned that Pakistan had a better record than India in the treatment of minorities, but now it is genocide, with the killing of Hindus only because they are Hindus and with Muslims killing not only Hindus but their co-religionists as well. The people everywhere are terrorized.<sup>39</sup>

The government was forced to face the question of genocide when a number of Opposition MPs tabled an Early Day Motion for Parliament on 15 June 1971. Likely, the Opposition had been emboldened by a feature in *Sunday Times* two days earlier by a Pakistani journalist alleging genocide.<sup>40</sup> The motion read:

That this House believes that the widespread murder of civilians and the atrocities on a massive scale by the Pakistan Army in East Bengal, contrary to the United Nations Convention on Genocide signed by Pakistan itself, confirms that the military Government of Pakistan has forfeited all rights to rule East Bengal, following its wanton refusal to accept the democratic will of the people expressed in the election of December 1970; therefore believes that the United Nations Security Council must be called urgently to consider the situation both as a threat to international peace and as a contravention of the Genocide Convention; and further believes that until order is restored under United Nations supervision, the provisional Government of Bangla Desh should be recognized as the vehicle for the expression of self-determination by the people of East Bengal.<sup>41</sup>

In response, the Parliamentary Clerk asked the FCO to brief the government's Leader of the House for an answer, advising that the 'line to take' was that the matter should not be considered.<sup>42</sup> The FCO brief encapsulated the incoherence of the government position: refusing to condemn the government violence in public or private, and refusing to countenance UN Security Council involvement, thereby leaving the army in charge while acknowledging its violent practices.

We have had reports that the Pakistan Armed Forces continue to act with brutality against the remaining Hindu members of the population in East Pakistan and in his further confidential message on 11 June to President

Yahya Khan the Prime Minister has urged restraint and the urgent need for progress towards a political settlement and a resumption of normal life and conditions in which the refugees could be encouraged to return from India.<sup>43</sup>

What is more, a minute from a UN official informed the government that 'It could be held that the events in East Pakistan show that the Government of Pakistan are in breach of the Genocide Convention; it would certainly be difficult to argue that they are not'. The good news, though, was that 'the question is academic since the other Government most closely involved, India, will not [really be able to] bring the matter to the International Court', because the consent of all affected parties is required.<sup>44</sup> And that was that, although the government continued to receive reports from Dacca that 'civil war has been waged with murderous severity' by the West Pakistan side.<sup>45</sup>

The government replied consistently that while it deplored the violence, it could and would not interfere in Pakistan's affairs. But the most significant aspect of its stance was the framing of the conflict as a civil war and 'tragedy' brought on largely by Awami League intransigence. There was killing on both sides, they insisted, against the Labour MPs' highlighting of army violence against Bengali civilians.<sup>46</sup> Moreover, since it was first and foremost a domestic matter for Pakistan, the Security Council should not be involved and UN should not play a peace-keeping role as the Bengalis and the Opposition wanted. In substance, the UK position accorded with that of Pakistan itself, which issued a White Paper in August justifying its position (Ministry of Information and National Affairs, Government of Pakistan 1971).

## The Media

On the eve of the violence, the British media was reporting the potential for communal violence on both sides of Pakistan. The rising tension in the East threatened the Bengali minority in the West, whose mistreatment might rebound back onto the non-Bengali minority in the East. Further conveying the impression of an impending civil war, *Times* reported that 'radical groups have started training students in the use of firearms' and a 'people's militia' had been established 'to confront the Pakistan



Army' (Hazelhurst 1971a; Martin 1971). The next day, as reports of the failed negotiations and troop movements trickled through, *Times* correspondent Peter Hazelhurst predicted 'political chaos, violence and secession' (Hazelhurst 1971b). By 30 March, the reporting was conveying the impression of civil war as he framed the drama in terms of the Pakistan army's clash with the 'Liberation Army', East Pakistan Rifles and Bengal Regiment which had defected to the East Pakistan cause. Now based in India after expulsion from East Pakistan, the journalists registered how the Indian press depicted the violence: It gave highly inflated casualty figures and accused the Pakistan army of shooting women and children in mass crimes, while in West Bengal (India), a strike had been called to protest the 'genocide' in the East (Hazelhurst 1971c).

Indeed, the parliament and government of India accused Pakistan of the 'massacre of defenceless people' that 'amounts to genocide'.<sup>47</sup> By the middle of April, Indian officials spoke of 'savage and medieval butchery' and 'preplanned carnage and systematic genocide', while the Soviets complained of 'bloodshed and repression against the people of East Pakistan' (Hazelhurst 1971e; Sterba 1971). Only a few days after the crackdown, the Bangla Desh Students Action Committee in London said the murder of innocent civilians was 'pure and simple genocide' and conducted a hunger strike outside Downing Street to demand the British recognition of Bangladesh, to pressure the Pakistani Government and to raise the matter in the UN under the Genocide Convention. A week later, about 2,000 East Pakistan residents in London protested on the streets (Adeney 1971). Ever even-handed, however, a *Times* journalist also noted the vulnerability of the Bihari minority in the face of Bengali 'revenge', because they were 'culturally and linguistically... aligned with West Pakistan' (Hazelhurst 1971c). Civil war was the term of choice at this time (Clarke 1971a, 1971b).

Simon Dring's report for the 30 March bulletin of the *Daily Telegraph* suggested that the violence exceeded a civil war with its connotations of symmetry and reciprocity. It depicted innocent civilians as the object of army violence in the course of subduing the Bengali 'uprising', and he noted that:

Hardly anywhere was there evidence of organized resistance to the troops in Dacca or anywhere else in the province. [...] Only the horror of military action can be properly gauged—the students dead in their beds, the

butchers in the markets killed behind their stalls, the women and children roasted alive in their houses, the Pakistanis of Hindu religion taken out and shot en masse, the bazaars and shopping areas razed by fire and the Pakistani flag that now flies over every building in the capital. (Dring 1971a)

The next day he reported 'killing was on a mass scale' (Dring 1971b).

The mixed messages continued over the following days. On 31 March, Nicolas Tomalin reported in *Times* that Bengalis were engaging in 'wholesale killing of Punjabis' accused of collaborating with the army in a southern city. Gesturing to the communal violence narrative, he noted that this sort of revenge killing had 'not been seen in the Indian subcontinent since the Hindu-Muslim riots during the partition' (Hazelhurst 1971d; Tomalin 1971). Directly below this article, by way of contrast, Louis Heren began his own by writing 'The Pakistan Army is alleged to have waged a war of genocide in East Pakistan. The objective is said to be the elimination of the political and intellectual leadership and it might well have been achieved'.<sup>48</sup>

By April, journalists were gaining increasing access to eyewitnesses who survived the initial attacks, and even used the term 'holocaust' for the violence on various occasions (Hazelhurst 1971f). But whenever Hazelhurst highlighted Pakistan army violence, he also reported the fate of non-Bengalis in East Pakistan, for example, writing of the admissions that 'East Pakistan Rifles and Bengali volunteers were raiding and killing the minority community of Bihari Muslims "because they are spies and have sided with Pakistan"' (Hazelhurst 1971g).

As might be expected, the Pakistan Foreign Secretary complained to Pickard about the BBC's use of Indian sources in its reporting of the conflict. Pickard answered that the British government did not control the BBC but did his best to placate his host, writing to London that he 'should be grateful too for anything which could be done with the British press to ensure their reports are reasonably balanced at this critical stage'.<sup>49</sup> There was little chance of the government line being toed when English journalists were eyewitnesses, as we can see when Sargeant wrote to his superiors from Dacca.

Simon Dring of the *Daily Telegraph* escaped the round-up of journalists in Dacca by the Army and is hiding in the Inter-Continental Hotel.... He witnessed the destruction of the offices of *The People* and he has seen the charred bodies at the *Sittefaq* newspaper building which he has described

to us as ‘cold-blooded murder’. He has also seen the shambles at the Iqbal University Student Hostel where 200 students are believed to have died. When Dring gets out our relations with Pakistan will take a plunge for the worse.<sup>50</sup>

The genocide narrative was strengthened in mid-June when Anthony Mascarenhas, assistant editor of the *Morning News* in Karachi and an official war correspondent in East Pakistan, fled to London to report what he had seen. The *Sunday Times* devoted two sections plus an editorial to this story, one about him, and a long article in his own words, both under the prominent headlines of ‘Genocide’ (Mascarenhas 1971). While it was true that Bengalis engaged in retributive killing of non-Bengalis, the editors wrote, ‘When all this has been said, there is no escaping the terrible charge of deliberate premeditated extermination leveled by the facts against the present Pakistani Government’ (*The Sunday Times* 1971). This was a conclusion to which the newspaper came based on Mascarenhas’s first-hand account of the Pakistani army’s campaign, which he described as effecting a ‘final solution’ of its ‘East Bengal problem’ by targeting Hindus in particular (Mascarenhas 1971). These articles were a slap in the face of the British government. All the while, relief organizations such as Oxfam raised money and delivered aid, and by September publicly moved into the political realm by campaigning for a political solution to the crisis (Rashid 1995).

## Conclusion

The integration of popular voices is certainly important in any cultural and social history of this conflict. It would have to draw on oral history, as some researchers have done in relation to the question of mass rape of East Pakistani women in 1971 (D’Costa 2011; Saikia 2011b). Such approaches can destabilize the victorious nationalist narratives of official Bangladeshi and Pakistani self-representations as much as they challenge the method of international history I use here. For instance, while women feature as heroic freedom fighters and victims of rape in the Liberation War Museum in Dacca, the fact that women from all groups were opportunistically raped by men from all groups (i.e., not just by the Pakistani soldiers) is not mentioned (Bose 2007; Debnath 2008).<sup>51</sup>

It is not just a matter of including ‘subaltern’ voices. A historiography that moves beyond, indeed undermines, the myth-making positions of political elites needs to scrape beneath the simplifying slogans of genocide claimed by Bangladesh on the one side, and national emergency by Pakistan on the other, to reveal the multiple conflicts that raged in 1971: not only between East Bengalis (Hindu and Muslim) and West Pakistanis (known to the former collectively as ‘the Punjabis’), between West Pakistanis and Indians (after Indian forces invaded in December 1971) and between the Biharis and Bengalis, as well as between Bengalis loyal to Pakistan and nationalist Bengalis; but also class-based plundering, looting and outright criminal gang behaviour, as well as Maoist insurgency that do not always map onto tidy ethnic divisions (Bose 2011b).

Any task of reconciliation (Saikia 2011a) would need to register these multiple axes of conflict. Unfortunately, the genocide trials underway in Bangladesh since 2011 for the crimes of 1971 suggest that they are an occasion to restage the 40-year-old conflict. They were a 2008 election campaign promise of Sheikh Hasina, leader of the Awami League and daughter of Mujibur Rahman, the victorious national liberation leader of 1971 and first president of Bangladesh who was murdered during a military coup in 1975. In many ways, she was continuing his legacy, as Mujibur had wanted trials of alleged Pakistani military war criminals as well as their local Bengali and Bihari ‘collaborators’ who perpetrated much of the violence and assisted the army. Ironically, the British refusal to invoke the Genocide Convention in 1971 despite evidence for its relevance was in part because ‘persons charged with genocide are in the first instance to be tried either by a competent tribunal of the state in the territory of which the act was committed or by an international penal tribunal’.<sup>52</sup> In the event, diplomatic wrangling with Pakistan and India meant that the relevant legislation of 1973 was never used; no trials were held (Moses 2011). Effectively reprieved, many of the local suspects enjoyed successful political careers in Islamic parties.

Now a handful are being prosecuted for war crimes, crimes against humanity and genocide in what seem to be popular trials, although of course the Awami League’s political opponents—and international observers—denounce them as politically motivated (Bangladesh Trial Observer; Bergsmo and Novic 2011). The death sentence handed out to Abdul Qader Mollah in September 2013 drew criticism from Human

Rights Watch and Amnesty International who do not oppose the trials as such but fault their application of the death sentence and use of retroactive laws (Human Rights Watch 2013). That the trials are animated more by the aura of 1971 than the integrationist imperatives of the 21st century is evident in the judges' maudlin rhetoric that repeats the one-sided Bangladeshi liberation narrative evident in the petitions to the UN in early 1971 (International Crimes Tribunal 2013, paras 3–11). As might be expected, the sentences provoke protest from the targeted opposition parties, suggesting that they reinforce the lines of civil war—and genocide—rather than weaken them. If so, the potential for both remains potent in Bangladeshi society.

## Notes

1. <http://www.un.org/en/documents/charter/chapter1.shtml>. Accessed 23 June 2014.
2. United Nations Archives, Geneva, Pakistan Mission to the United Nations, 14 April 1971, SO 215/1, General Complaints, Reel 108.
3. British National Archives (NA), FCO 37/878, Pickard to FCO, 7 March 1971.
4. NA, FCO 37/887, FCO to UK Missions, 11 June 1971.
5. NA, FCO 37/878, I. J. M. Sunderland, 'Islamabad Telegram No. 289: East Pakistan', 11 March 1971.
6. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Situation in East Pakistan', 12 March 1971, 2.
7. See United Nations Archive, Geneva, SO 215/1 PAK, Reel 112.
8. NA, FCO 37/878, I. J. M. Sutherland, 'Pakistan—Situation Report', 9 March 1971.
9. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 22 March 1971. The army's version is reported by Sargeant two days later. It stressed that the army acted in self-defence. Sargeant to FCO, 24 March 1971.
10. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'East Pakistan Situation', 19 March 1971.
11. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Political talks in Dacca', 23 March 1971.
12. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Situation in the Interior of East Pakistan', 14 March 1971.
13. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Military Board Administration in Pakistan', 14 March 1971; Sargeant to Islamabad Mission and FCO, 'Political Talks in Dacca', 19 March 1971.
14. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Situation in the Interior of East Pakistan', 14 March 1971.

15. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Situation in East Pakistan', 17 March 1971.
16. NA, FCO 37/878, Sargeant to Islamabad Mission and FCO, 'Situation in East Pakistan', 25 March 1971.
17. NA, FCO 37/878, Small, Islamabad, to FCO, 'East Pakistan Situation', 26 March 1971.
18. NA, FCO 37/879, Pickard to FCO, 'President's Speech', 26 March 1971.
19. NA, FCO 37/879, Dacca Mission to Islamabad Mission and FCO, 'Political Situation', 27 March 1971.
20. NA, FCO 37/879, Sargeant to Islamabad Mission and FCO, 'Situation in East Pakistan', 28 March 1971.
21. NA, FCO 37/879 Naylor Bico, Dacca Mission, to Islamabad Mission and FCO, 29 March 1971.
22. NA, FCO 37/879, Sargeant to Islamabad Mission and FCO, 'Situation East Pakistan', 27 March 1971.
23. NA, FCO 37/879, Pickard to FCO, 'East Pakistan', 27 March 1971.
24. NA, FCO 37/879, Pickard to FCO, 27 March 1971.
25. NA, FCO 37/879, Sargeant to Islamabad Mission and FCO, 'President's Speech', 28 March 1971.
26. NA, FCO 37/879, Pickard to FCO, 'East Pakistan', 29 March 1971.
27. House of Commons Debates, Vol. 186, 26 April 1971, Chapter 29.
28. NA, FCO 37/879, Pickard to FCO, 'M. I. P. T. East Pakistan', 29 March 1971.
29. NA, FCO 37/879, Pickard to FCO, 'East Pakistan', 29 March 1971.
30. NA, FCO 37/879, Sargeant to Sir Stanley Tomlinson, 29 March 1971.
31. House of Commons Debates, Vol. 817, 14 May 1971, Chapter 761.
32. House of Commons Debates, Vol. 814, 29 March 1971, Chapter 1150.
33. House of Commons Debates, Vol. 818, 8 June 1971, Chapter 867.
34. House of Commons Debates, Vol. 818, 9 June 1971, Chapter 1066.
35. Stonehouse was a trustee of a fund to help refugees and 'freedom fighters': Government Public Leaders, National War Museum, Dhaka. <http://www.liberationwarmuseum.org/liberation-war/62-govt-and-public-leaders>. Accessed 1 December 2010.
36. House of Commons Debate, Vol. 818, 9 June 1971, Chapter 1096–1098.
37. Cf. Speeches of John Wilkinson and Sir Frederic Bennett: House of Commons Debate, Vol. 818, 9 June 1971, Chapters 1100–1101, 1112–1113.
38. House of Commons Debate, Vol. 818, 9 June 1971, Chapter 1108.
39. House of Commons Debate, Vol. 818, 9 June 1971, Chapter 1117, 1123.
40. Discussed below.
41. 'Genocide in East Bengal and the Recognition of Bangla Desh', *Notices of Questions and Motions*, no. 592, 15 June 1971, 10898.
42. NA, FCO 37/888, M. E. Howell, Parliamentary Clerk, to H. C. Byatt, South Asia Department, 15 June 1971. To ignore such motions was the common practice. The clerk's memo was a standardized form.

43. H. C. Byatt, Early Day Motion No. 592: Genocide and East Bengal and the Recognition of Bangladesh/Brief for the Leader of the House (Confidential), 16 June 1971.
44. NA, FCO 37/888, K. G. MacInnes, UN (E&S) Department to Mr Byatt, South Asia Department, 'Pakistan: The Genocide Convention', 17 June 1971, 2.
45. NA, FCO 37/888, Sargeant to R. A. Burrows, 'The Political Crisis in East Pakistan', 5 June 1971, 6.
46. House of Commons Debates, Vol. 817 Chapters 753–847, Richard Wood, Minister for Overseas Development, 14 May 1971.
47. See Schanberg (1971). He reported that India regarded the operation as genocide.
48. See Heren (1971). The article was continued on a subsequent page under the title of 'War of Genocide in East Pakistan'.
49. NA, FCO 37/879, Pickard to FCO, 'British Subjects in East Pakistan', 27 March 1971.
50. NA, FCO 37/879, 28 March 1971.
51. <http://www.liberationwarmuseum.org/liberation-war/65-role-of-woman>.
52. PRONA, FCO37/888, 'Notes for Supplementaries', Point 18, 7 (no author).

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