

Abandoned Victims of the Genocidal Rape of 1971

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Abstract

Two weapons were frequently used historically to suppress any nation throughout the history of the world. One is the massacre and the other is rape. During the liberation war of 1971, the Pakistanis violated the law of the war committing almost all the possible war crimes, genocide, and rape of Bangladeshi women with the help of local collaborators. Especially mass rape and sexual violence against Bengali women were well planned and they wanted to create a new nation through the systematic destruction of the Bengalis so that Bengali nationalism could never rise again. As a result of genocidal rape many Bangladeshi women got pregnant and gave birth to war babies between 1971 and 1972. From the very birth, these war babies are victimized along with their distressed mothers. Unlike other victims of war, the national and international laws pay very little attention to these unaddressed secondary victims of war. They are denied their socio-legal rights because of having no paternal identity and a traumatized history of their birth. Society, family, and even their mother do not welcome their existence and are ostracized by the community throughout their life. To remove all the socio-legal barriers of war babies, states need to take affirmative action upholding their rights and ensure inclusivity giving them proper recognition.

Keywords: War, Rape, Genocide, Genocidal Rape, War Babies, Victim, 1971 Liberation War

Introduction

Genocidal activities, mass killing, torture, rape, and sexual violence are frequently committed international crimes during wars and conflicts. A defining feature of the Bangladesh Liberation War was the systematic destruction of the Bengali population with genocidal intentions by the Pakistanis with the help of local collaborators. From the very beginning of the war, the Pakistanis sought to exterminate the Bengali people and their nationalistic ideas. As in all genocides, the extermination of the people may take place in multiple forms and methods that often do not directly lead to the death of the victim (David, 2002). In the case of the liberation war of 1971 along with other forms, Pakistanis deliberately choose the action of rape and sexual violence to exterminate of Bengali people and to conduct systematic destruction amounting to genocide. As a consequence of the forced impregnation of Bengali women because of rape committed by the Pakistani military and their collaborators, many war babies were born in Bangladesh. Unfortunately, the rape and torture of Bengali women in the 1971 liberation war were not historically included in the list of genocidal incidents at the initial states. However, the changes in international law and other genocidal events in Rwanda, the Congo, Bosnia, and Darfur have allowed scholars to reconsider and expand the definitions of genocide to include the act of rape and sexual violence (Ouassini A. and Ouassini N., 2019, pp. 40-58). Women and girls against whom rape has been committed with genocidal intention become the primary victim of genocide and the babies born of such genocidal rape, who face equal victimization, also can be considered as the victim of genocide. These unfortunate war babies who are abandoned, face extreme hardship and need appropriate redress just like other victims of genocide.

Firstly, this paper will establish the systematic act of the rape of 1971 committed by the Pakistanis against Bangladeshi women as Genocidal rape. Secondly, it will describe the sufferings of war babies who are also victimized along with their mothers, who can be considered secondary victims. Next, the study will assess the measures taken by the Government of Bangladesh to alleviate the hardships of the victims. Finally, the article will conclude by suggesting some possible measures for ensuring the recognition of war babies as victims of genocide.

Rape of 1971: A Genocidal Rape

Wartime rape is not a new phenomenon in the history of human civilization, but rape and the accompanying torture committed on women acquired new dimensions during the 1971 genocide (Shaha, 2023). Though ethnic rape was a feature of Partition years earlier, what Bengali women experienced was one of the first recorded examples of rape being used as a “consciously applied weapon of war” in the 20th century (Begum, 2023). In his book entitled *Rifle, Roti, Aurat*, Anwar Pasha mentioned that General Tikka Khan had issued a blanket order to set fire to the houses of Bengalis, kill them, rape their women; and turn East Pakistan into a nation of slaves and concubines (Mookherjee, 2015). During the nine-month-long struggle of the Liberation War of Bangladesh, Pakistani armies killed around 30 lacs people, and around 2,00,000 Bangladeshi women and girls were subjected to sexual violence. According to the board's primary survey, the number of rape victims may have been 2,68,200 but the government's official figure stands at 3,00,000 (Promila Kanya, 2022). An Italian medical team said the figure could be 4,00,000, even more (Promila Kanya, 2022). The Commission of Inquiry submitted its findings to the Pakistani government in 1972 where it challenged the figure of 200,000 women being sexually assaulted but admitted widespread killings of civilians, indiscriminate killing of Hindus, and the use of rape and sexual violence for revenge, retaliation, and torture (Rahman, 1974). The torture was not an immediate event or the biological need of the soldiers rather it was well-planned and joined with a great deal of courage and vengeance. This envy is not hatred of women but of the whole Bengali nation. The atrocities faced by the women who were detained in Pakistani camps were ruthless. Some examples of brutality can be found in the writings of Hassan Hafizur Rahman,

“.....hung naked with thick hair, there was unlimited brutality..... blood of the girls' flesh was cut off in continuous beatings and torture, no one had teeth in front of their mouths, the two sides of the lips were bitten, pulled away, the fingers of the hands and the palms were bruised by the sticks and rods. Their hands and hair were not even opened for a moment, even for a urine closet. They used to urinate while hanging on an iron rod when someone died in torture, other women would be cut off with their knives and thrown in the sack. They were not given any sarees to wear (because they might use sarees to commit suicide), a towel during the day, or blankets at night! When

the bath was needed, three people were tied to the ropes, the Razakars and Pakistanis holding them on one end of the rope took them for the bath ” (Rahman, 1982).

The role of rape in the context of the Liberation War was systematically organized and widespread to destroy the will, self-dignity, and confidence of the Bengali people (Ouassini A and N, 2019 pp. 40-58) and it was one of the prominent features of the genocide of 1971. As the war and genocide continued, the Pakistani military was deliberately directed to commit the act of rape targeting Bengali women with a clear intention to destroy the nation and its future generation. In the subsequent months of the genocide, an estimated one to three million Bangladeshis died (Chaudhuri, 1972 p. 22), millions of refugees fled to India, and anywhere from 200,000 to 400,000 women were raped and kept in camps (Ahmed, 1966 p.99).

As Sharlach (2000 p.90) stated in her overview of rape in the context of genocide in the twentieth century, “In such communities, women in their roles as mothers of the nation and as transmitters of culture symbolize the honor of the ethnic group. When a woman’s honor is tarnished through rape, the ethnic group is also dishonored”. Malik (1972 p.154) mentioned that “the use of sexual violence against Bengali women and children by the military was, thus, one of power, control, and dominance” as one Pakistani soldier stated, “We are going, but leaving our seeds behind”. Seifert (2016, p. 317) mentioned, “For the West Pakistanis, rape in the war of liberation reflects the patriarchal militaristic policies that in targeting women they can counteract the bearers of Bengali culture and thus their elimination either through death, suicide, or forcible impregnation and, for the Pakistani military, the strategy was to destroy the women who are seen as the gatekeepers to Bengali culture and life”. Takai (2011 p.395-396) argues that “There are long-term effects of forced pregnancies, which prevent births in the communities where women were raped and forcibly held. Intended by the West Pakistani regime, the traumatic physical and psychological experiences along with the cultural frameworks made it increasingly difficult for these women to engage in relationships or to conceive”. It was clear from several instances that rape and forced pregnancy were committed deliberately to destroy the Bengali community by ensuring women would be outcasts from their families and communities in the post-war periods and would give birth to a new generation of non-Bengalis (Ahmed, no date).

Although the Convention on the Prevention and Punishment of the Crime of Genocide (1948) does not directly mention rape in its definition of genocide, it falls within the category mentioned under the Article 2(b) of the genocide convention, which says, “Causing serious bodily or mental harm to members of the group, with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”. Rapes committed in East Pakistan were ‘genocidal rape’ not because they occurred at a large scale during the liberation war, but because of the testimonies of the survivors and witnesses which demonstrate the clear intention of destroying the Bengali population. Brownmiller (1975 p.85) also notes that the rapes were so systematic and pervasive that they had to be a conscious Army policy, planned by the West Pakistanis in a deliberate effort to create a new race. Alongside the killings, soldiers carried out a violent campaign of mass rape against Bengali women and girls, in what many historians believe amounted to a direct policy under General Ayub Khan’s command to impregnate as many women as possible with ‘blood from the West’ (Begum, 2023). Rummel (1994) notes that the Hindu populations among the Bengalis were targeted specifically. Jahan (1997) describes organized and systematic rape to have been the second phase of the conflict when the Pakistani army decided to use it as a strategy. D’Costa (2014) documents the targeting of women as a deliberate strategy in her article named “Victory’s Silence”, mentioning West Pakistan’s General Yahya Khan’s quotes pointing towards a Bengali crowd, “*Pehle inko Mussalman karo*”, meaning “First make them Muslims”. This account is critical to understanding how the Pakistani army carried out Yahya Khan’s orders to ‘convert East Pakistan through engendering true Muslims’, meaning forced impregnation (D’Costa, 2014). Malik (1972 p.154) mentioned, as quoted by a West Pakistani soldier in Urdu during their surrender to the Indian troops, “*Hum ja rahe hain. Lekin beej chhor kar ja rahe ain*” meaning “We are going but we’re leaving our ‘seeds’ behind”. She also describes this as one of the most “savage, organized and indiscriminate orgies of rape in human history, rape by a professional army, backed by local collaborators” (Malik, 1972 p.154).

It is very evident from the statements mentioned that the act of mass rape and sexual violence during the liberation war of Bangladesh constitutes an act of genocide falling under Article 2(b) of the Genocide Convention.

Abandoned Victims of the Genocidal Rape

The traumatic historical events of sexual violence, abduction, confinement, rape, murder, and forced pregnancies inflicted on women by the Pakistani army during the Bengalis' struggle for independence, led to the birth and abandonment of many "unwanted" babies of the liberation war. The discomfort associated with the condition of birth of the war babies who were allegedly fathered by the oppressive Pakistani military personnel resulted in social derision which forced several women to commit suicide in occupied Bangladesh. In many cases, the lack of institutional support for many women resulted in these women being accused of dishonor leading many rape victims to commit suicide or flee to West Pakistan to start a new life (Takai, 2011, p.395). According to Nilima Ibrahim, the intense form of social ostracization compelled many of these women to migrate to Pakistan with the soldiers who had raped them even while knowing that they would have to take up the profession of prostitution for the sake of their survival (Shaha, 2023). Promila Kanya (2022) mentioned in her writing that

“One of the policies of the West Pakistani state in the systematic use of sexual abuse and rape was to force women who became impregnated by the militias and soldiers to keep their babies and forbid them from performing abortions. The logic employed reflected the idea that first, it is religiously prohibited to perform abortions; second, the pregnancies purified the Bengali race; and third, the Pakistani Army would imprint an enduring mark on Bengali society through the womb of the women”.

Many of these rape victims were not only labeled as prostitutes but were also considered to be traitors for having sexual relations with the enemy-Pakistani army and their collaborators (Shaha, 2023). However, unfortunately, instead of being appreciated for her sacrifice, she was labeled as a collaborator of the enemy (Mookherjee, 2015). Social stigmatization and shame associated with these traumatic events led to the lack of documentation especially concerning matters of sexual violence.

The exact number of raped women who became pregnant during the nine months of persecution is still unknown. Many other women, immediately after their release from the army, voluntarily disappeared to avoid ostracism from their community. Australian surgeon and director of the International Planned Parenthood Federation (IPPF) Dr Geoffrey Davis, who came to

Bangladesh in 1972, said more than 2,00,000 women had become pregnant (Promila Kanya, 2022). Chowdhury (2016) estimated that 5,000 people were born as war babies in 1971 and 1972. Twenty thousand of the women who survived the rape are reported to have conceived (Brownmiller, 1975 p.84). The actual information and documents regarding many war babies are available in government and private organizations and some are available to foreign missions and missionary organizations. In this context, Dr. Davis said,

"Before we became aware of the problems that existed, about 4,000 women were aborted under the pressure of the inevitable and unwanted situation. Thousands of abortions were done publicly at the service centers, but most of the victims did not come to the clinic (Banglar Bani, 1972).

According to the commentary of contemporary journalist, Justice KM Sobhan, and Sister Margaret Marie, thousands of abortions have been performed at various clinics in Dhaka. Many abortions were not possible and as a result, those children were born as 'war babies'. The Canadian UNICEF chairman mentioned about 10,000 war children after the war in his report. According to Susan Brownmiller, the number of 'Biranganas' who gave birth to children, is twenty-five thousand (Brownmiller, 1975 p. 46-51).

The rape victims who want to keep their war babies face extreme disparity when return to society and their families. Because people in our society view rape as an incident of extreme dishonor for the family of victims and do not accept any children born out of wedlock. From the testimony of an unfortunate lady who has mothered a war baby, it is known that to hide the public exposure she conjured up a story of marriage, and pregnancy to legitimize the presence of both the mother and the daughter in the society (Shaha, 2023). This was done to preserve their honor and enable their daughter to lead a dignified life (Saikia 2011). To escape the grievous situation numerous pregnant women have gone to India or somewhere else to conceive in secret. Many children were born in the house to the midwife having no record. The sad part is that we have no reliable and error-free statistics, so we have to rely on basic assumptions and assumptions for the number of children in war.

In the social and religious reality of Bangladesh, at that time these children had created terrible crises in society. Some call these children 'unwanted children', some say 'illegitimate

children’, and others say ‘enemy children’. Many newborns were poisoned, and submerged in water, and above all, the state was not willing to allow them to live in this country. In addition to being victims of genocidal rape, survival of war children becomes even more difficult. Considering the offspring of Pakistanis and the bearer of enemy blood, these war children were abandoned by society, even by their families including the mother. Thus the genocidal rape and forced impregnation not only traumatized the raped victim; it also outraged the innocent babies who had nothing to do with their shameful birth history. For the rest of their life, these babies go through distressful and offensive situations without having any fault of their own and have to live with the same trauma as their mother. In Bangladesh, such stressful circumstances led to the war babies being ostracized by their surrounding people, and their upbringing was annihilated by humiliation. Having no family member or person to take care many war babies had to grow up as orphans. The unreceptive situation forced women to give up their babies as they were viewed by the state as ‘bastard children’ who were not welcome in Bangladesh and a policy was created that forced women to either obtain abortions or give their war babies up for adoption in other countries (Takai, 2011 p. 394).

Comparing the huge sufferings of raped women and their babies, only negligible actions are taken to save them from victimization. Among the measures adopted to rehabilitate the victims, abortion seemed the most controversial as it was introduced as a quick measure to cleanse the odious Pakistani presence from the midst of Bangladeshi society (Shaha, 2023). Not all the pregnant rape victims were willing to have an abortion but were forced to do so in the absence of any other viable option. Shaha (2023) argued “Although it was claimed on the part of the state that these measures were adopted to enable women to regain their lost honor, they were completely deprived of any agency in the decisions that governed their lives” and the program was intended to create a new Bangladesh removing the darkness of past. Mookherjee (2015) noted that the widespread use of abortive techniques in Bangladesh in the early 1970s perhaps served as a precursor for the international legislation on abortion in circumstances of forced pregnancy in the 1990s.

Initial Measures for Rape Survivors and War Babies

After the independence of Bangladesh, the rape victims and the war babies who reported were taken to safe shelters provided by the new government in 1972. The government made an initial effort to deal with the trauma of sexual violence collectively by labeling victims of the sexual violence as *birangonas* or war heroines for their struggle to defend their homeland (Ouassini A and Ouassini N, 2019 pp. 40-58). This was an attempt to change the discourse, mentalities, and culture surrounding the female victims of sexual violence and such an approach also facilitated the conservative Bengali context as a way to deal with sexual violence by embedding a new collective memory surrounding their horrific experiences (Ouassini A and Ouassini N, 2019 pp. 40-58). While still perceived as victims, the birangonas would be seen as heroes rather than dishonored individuals as a result of their victimization. Begum (2023) mentioned,

“Sheikh Mujibur Rahman, the founding father of the nation, granted them the honorific of Birangona (war heroine), who are entitled to be respected as freedom fighters, and established a rehabilitation program for the women. The rehabilitation program provided shelter, counseling, and training for survivors while entrusting medical practitioners with the task of dealing with unwanted pregnancies.....Two things then happened: temporary legislation to allow later abortions and an international adoption campaign for babies that had been abandoned”.

Sultana Kamal said about the naming of Birangana, "The sympathy of the women, who were physically tortured, raped, tortured at that time in the War of Independence, and unable to protect them was an unbearable shame for the nation....they were named ‘Birangana’ from a very emotional attitude”(Mamun, 2013 p. 44, 48). This same adjective was also used in the case of other women who participated in the liberation war considering the term synonymous to ‘Heroic’. But now the concept has changed and now this term is only used to denote the women who were raped in the liberation war of 1971. The larger society was not yet ready to accept it, and many times it was used in a derogatory way that was a source of great shame and pain. The birangonas whom Sheikh Mujib called his “daughters” immediately after the war, were traumatized and criticized by the people of society.

It was only Bangabandhu who thought of rehabilitating those women and children. He decided to send them out of the country so that they could grow up with honor as they would not be able to get any paternal identity in this country (Ibrahim, 1999 p.18). In that context, that decision might have been right because this crisis was a national crisis. Bangabandhu then requested the Geneva International Social Service to 'do something' for the war children. To allow foreign nationals to adopt children of war easily, the Bangladesh Abandoned Children (Special Provisions) Order, 1972 was passed by the president. It was promulgated as part of a broader program designed to deal with the issue of children, known as 'war babies', conceived or born as the product of the rape of Bangladeshi women by Pakistani soldiers and Bengali collaborators. As a consequence, the children of war with the help of the ISS and Bangladesh Central Organization for Rehabilitation were being adopted by the foreign parents (Ibrahim, 1999 p.48, 49). The first country that came forward to provide shelter to those children was Canada. Later on, countries that adopted war children were the United States of America, the United Kingdom, France, Belgium, the Netherlands, Switzerland, Sweden, and Australia. The newly formed government had enabled the facility of abortion, keeping in mind the circumstances of the mothers who were already suffering from post-traumatic symptoms and were vulnerable to social stigmatization.

Mother Teresa also worked for the adaptation of war children. For the protection of war babies, arrangements were made for their adoption with the personal efforts of Mother Teresa and her colleagues at the Missionaries of Charity and Families for Children (FFC), a Canada-based charitable association for global and interracial adoption. Sr. Margaret Mary, then Superior of the Missionaries of Charity, ensured all incoming clients at Seva Sadan that proper care would be taken of all babies who would survive the abortion attempts. Many of them lived a decent life with their adoptive parents but some faced difficulties for their backgrounds and the fate of many war children who were adopted is unknown. Many raped women and their newborns were allowed to live anonymously in Seva Sadans, Women's Rehabilitation Boards, Shishu Bhavans, Shishu Bhavans and other temporary shelters. The rest of the children who were not reported continued to live in disgrace and the government did not take any initiative to upgrade their position.

Advancement Regarding Recognition of War Babies

A long time has passed but no exemplary steps have been taken for the recognition and rehabilitation of Biranganas and war children in Bangladesh. Although in 1972 father of the nation Bangabandhu Sheikh Mujibur Rahman declared to put his name as the father's name for every war child, as the days passed the temporary honor of being a *Birangana* faded away because of the degrading treatment from the society. Sufferings of the raped women and the war babies continue and the state takes no significant affirmative actions to remove the difficulties of these victims of genocide.

After almost 42 years of our Liberation War, when the judgment of The Chief Prosecutor vs. Syed Md. Qaiser's (2013) case was pronounced, Prosecutor Tureen Afroz, who conducted the said case, dedicated the judgment to the war babies and “Biranganas” of 1971. This particular case is regarded as the first case before International Crimes Tribunal (Bangladesh) in which a rape victim and a war baby testified to their tragic and traumatic experiences, about the horrors they were subjected to during and after the Liberation War (Hossain, 2016). A news report titled ‘War Crime Trial of Qaiser: Prosecution Seeks Death Penalty’ (The News Today, 2014) mentioned that “the war baby Shamsunnahar has broken the silence for the first time in history by claiming justice at the International Crimes Tribunal, Bangladesh, thus making the issue of war babies visible to international humanity as she suffers social ostracism and isolation for being a war baby of 1971”. To bring about a change in such perceptions, the learned Prosecutor Tureen Afroz demanded that the war babies should be called ‘Victory Babies’ (Banglamail24.com, 2016).

In the judgment of the landmark Qaiser (2013) case, the tribunal recognized that war children were the secondary victims of sexual violence caused during the Liberation War of 1971 and directed the Ministry of Liberation War Affairs,

"to initiate prompt and necessary steps first, in a coordinated way, to identify wartime rape victims and 'war babies' as the secondary victims of rape and then to formulate effective programs aiming to honor them and reduce the problems they sustained from the trauma and stigma, and also to make an arrangement of providing monthly

honoraria. It is to be done to remove the scar imprinted not only to rape victims but to society and the nation” (Qaiser Judgement, 2014, para 991).

Almost ten years have passed since the directive was issued, but the necessary measures of justice have not been taken. Chowdhury (2016) said, “The social stigma regarding war children exists to this day. The government has not done anything yet to welcome them (the ones who were adopted by couples abroad) back to Bangladesh, or at least give a proper welcome to those who come back to Bangladesh in search of their roots”.

For the 1st time in the history of Bangladesh Merina Begum, a baby, appealed to the Ministry of Liberation War Affairs, seeking state recognition in September 2022. In her appeal, Merina said she no longer wanted her children to be embarrassed about their mother's birth history, she wanted them to feel proud because they too, were a part of the Liberation War and claimed state recognition as a war child (Promila Kanya, 2022). Promila Kanya (2022) mentioned in her writing that in response to Merina’s appeal AKM Mozammel Haque, Liberation War Affairs Minister, assured that,

“War children will not need to put in a father's name for job applications, etc, simply stating N/A will be enough. It will be mentioned in their NIDs (National Identity Cards) as well. They can apply for government jobs too. Not being able to put in a father's name will not stop them from getting what is rightfully theirs”. He also said “Biranganas are treated the same as freedom fighters and those who are registered receive a government allowance of Tk 20,000 every month....If Birangana's children are registered, they too will receive the allowance. If they are not registered, there is not much we can do”.

Based on Merina Begum's appeal, in October of this year, the Jatiya Muktijodhha Council proposed giving state recognition to war children so they are no longer required to put a father's name on any application and have rightful access to state facilities. A gazette will be published once the cabinet approves the proposal (Promila Kanya, 2022).

Conclusion

Other than the adoption arrangement there are no other major steps taken by the government of Bangladesh for the betterment of war children. The International Crimes Tribunal (Bangladesh) was set up in 2009 to investigate and prosecute suspects for crimes against humanity committed in 1971 by the local collaborators of the Pakistani Army during the Liberation War. A good number of indictments and charges of war crimes and genocide are dealt with by this tribunal but only a few cases involved the issue of war children. Moreover, till now Bangladesh did not receive any formal apology for the mass rape and sexual violence committed by Pakistanis. Long after World War II, Korean and Filipino women who were raped by the Japanese demanded that the Japanese government should apologize. So, Bangladesh had the opportunity to formally ask Pakistan to apologize for the crime of genocide committed in Bangladesh. “It has been 52 years and we still haven’t received an apology from Pakistan for the horrendous war crimes it committed against the Bengali people,” says Saida Muna Tasneem, Bangladesh’s high commissioner to the UK. She added, “Lack of recognition remains an open wound for the millions who were directly impacted by the atrocities that took place, many of whom are still alive today and this dark chapter of history has been kept in the shadows for too long”.

The State shall endeavor to ensure reparatory justice for the rape victims and war babies of 1971. Placing the narratives of these raped women, war babies and other victims of other genocides across the world reiterates the appeal to the conscience of the international community to initiate measures that would reduce the suffering of these victims of genocide. Bangladesh has already succeeded in getting genocide recognition from the Lemkin Institute for Genocide Prevention and Genocide Watch, and the US Congress recently introduced a historic resolution recognizing that a genocide occurred in 1971 (Begum,2023). The government is now lobbying for the UN and the international community to recognize that genocide was committed during the liberation war. Additionally, the state shall draw the attention of the International community seeking formal recognition of Pakistan for committing genocidal rape and to ensure justice for the remaining victims of genocide including rape victims and war babies of 1971.

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