

## Part V

### Chapter II

#### **Alleged atrocities by the Pakistan Army**

As is well known, the conduct of the Pakistani army, while engaged in counter-insurgency measures in East Pakistan since March 1971, has come in for a lot of criticism from several quarters. We had occasion to deal with the subject in Paragraphs 5-8 of Chapter II of Part V of the Main Report. We have examined this question further in the light of fresh evidence recorded by us.

#### **Misdeeds of the Awami League Militants:**

2. It is necessary that this painful chapter of the events in East Pakistan be looked at in its proper perspective. Let it not be forgotten that the initiative in resorting to violence and cruelty was taken by the militants of the Awami League, during the month of March, 1971, following General Yahya Khan's announcement of the 1st of March regarding the postponement of the session of the National Assembly scheduled for the 3rd of March 1971. It will be recalled that from the 1st of March to the 3rd of March 1971, the Awami League had taken complete control of East Pakistan, paralysing the authority of the federal government. There is reliable evidence to show that during this period the miscreants indulged in large scale massacres and rape against pro-Pakistan elements, in the towns of Dacca, Narayanganj, Chittagong, Chandragona, Rungamati, Khulna, Dinajpur, Dhakargaoa, Kushtia, Ishuali, Noakhali, sylhet, Maulvi Bazaar, Rangpur, Saidpur, Jessore, Barisal, Mymensingh, Rajshah?, Pabna, Sirojgonj, Comilla, Brahman, Baria, Bogra, Naugaon, Santapur and several other smaller places.

3. Harrowing tales of these atrocities were narrated by the large number of West Pakistanis and Biharis who were able to escape from these places and reach the safety of West Pakistan. For days on end, all through the troubled month of March 1971, swarms of terrorised non-Bengalis lay at the Army-controlled Dacca airport awaiting their turn to be taken to the safety of West Pakistan. Families of West Pakistani officers and other ranks serving with East Bengal units were subjected to inhuman treatment, and a large number of West Pakistani officers were butchered by the erstwhile Bengali colleagues.

4. These atrocities were completely blacked out at the time by the Government of Pakistan for fear of retaliation by the Bengalis living in West Pakistan. The Federal Government did issue a White Paper in this behalf in August 1971, but unfortunately it did not create much impact for the reason that it was highly belated, and adequate publicity was not given to it in the national and international press.

5. However, recently, a renowned journalist of high standing, Mr Qutubuddin Aziz, has taken pains to marshal the evidence in a publication called *Blood and Tears*. The book contains the harrowing tales of inhuman crimes committed on the helpless Biharis, West Pakistanis and patriotic Bengalis living in East Pakistan during that period. According to various estimates mentioned by Mr. Qutubuddin Aziz, between 100,000 and 500,000 persons were slaughtered during this period by the Awami League militants.

6. As far as we can judge, Mr Qutubuddin Aziz has made use of authentic personal accounts furnished by the repatriates whose families, have actually suffered at the hands of the Awami League militants. He has also extensively referred to the contemporary accounts of foreign correspondents then stationed in East Pakistan. The plight of the non-Bengali elements still living in Bangladesh and the insistence of that Government on their large-scale repatriation to Pakistan, are

factors which appear to confirm the correctness of the allegations made against the Awami League in this behalf.

### **Provocation of the Army**

7. We mention these facts not in justification of the atrocities or other crimes alleged to have been committed by the Pakistani Army during its operations in East Pakistan, but only to put the record straight and to enable the allegations to be judged in their correct perspective. The crimes committed by the Awami League miscreants were bound to arouse anger and bitterness in the minds of the troops, especially when they were not confined to barracks during these weeks immediately preceding the military action, but were also subjected to the severest of humiliations. They had seen their comrades insulted, deprived of food and ration, and even killed without rhyme or reason. Tales of wholesale slaughter of families of West Pakistani officers and personnel of several units had also reached the soldiers who were after all only human, and reacted violently in the process of restoring the authority of the Central Government.

### **The Nature of Allegations**

8. According to the allegations generally made, the excesses committed by the Pakistani Army fall into the 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.

### **Substance of Evidence**

9. In view of the seriousness of the allegations, their persistence and their international impact as well as their fundamental importance from the point of view of moral and mental discipline of the Pakistan Army, we made it a point of questioning the repatriated officers at some length in this behalf. We feel that a brief reference to some typical statements made before us by responsible military and civil officers will be instructive, and helpful in reaching the necessary conclusions.

10. Lt. Gen. A.A.K. Niazi, apparently in an endeavour to put the blame on his predecessor, then Lt. Gen. Tikka Khan, stated that "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." While the military action was on, the then Martial Law Administration alienated the world press by unceremoniously hounding out foreign correspondents from East Pakistan, thus losing out in the propaganda war to the Indians completely. He went on to add: "on the assumption of command I

was very much concerned with the discipline of troops, and on 15th of April, 1971, that is within four days of my command, I addressed a letter to all formations located in the area and insisted that loot, rape, arson, killing of people at random must stop and a high standard of discipline should be maintained. I had come to know that looted material had been sent to West Pakistan which included cars, refrigerators and air conditioners etc.” When asked about the alleged killing of East Pakistani officers and men during the process of disarming, the General replied that he had heard something of the kind but all these things had happened in the initial stages of the military action before his time. He denied the allegation that he ever ordered his subordinates to exterminate the Hindu minority. He denied that any intellectuals were killed during December, 1971. He admitted that there were a few cases of rape, but asserted that the guilty persons were duly punished. 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. In Dacca jail we had about 80 persons punished for excesses.”

**11.** Another significant statement was made in this regard by Maj. Gen. Rao Barman Ali, Adviser to the Governor of East Pakistan namely: “Harrowing tales of rape, loot, arson, harassment, and of insulting and degrading behaviour were narrated in general terms. I wrote out an instruction to act as a guide for decent behaviour and recommended action required to be taken to win over the hearts of the people. This instruction under General Tikka Khan’s signature was sent to Eastern Command. I found that General Tikka’s position was also deliberately undermined and his instructions ignored...excesses were explained away by false and concocted stories and figures.”

**12.** About the use of excessive force on the night between the 25th and 26th March 1971, we have a statement from Brigadier Shah Abdul Qasim (witness No. 267) to the effect that “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.” It has also been alleged that mortars were used to blast two Residence Halls, thus causing excessive casualties. In defence, it has been stated that these Halls were at the relevant time not occupied by the students but by Awami League insurgents, and were also being used as dumps for arms and ammunition stored by the Awami League for its armed rebellion.

**13.** Still another significant statement came from Brigadier Mian Taskeenuddin (Witness No. 282): “Many junior and other officers took the law into their own hands to deal with the so called miscreants. There have been cases of interrogation of miscreants which were far more severe in character than normal and in some cases blatantly in front of the public. The discipline of the Pakistani army as was generally understood had broken down. In a command area (Dhoom Ghat) between September and October miscreants were killed by firing squads. On coming to know about it I stopped the same forthwith.”

**14.** Maj. Gen. Nazar Hussain Shah, GOC 16 Division, conceded that “there were rumours that Bengalis were disposed of without trial.” Similarly, Brigadier Abdul Qadir Khan (Witness No. 243) Commander 93 (A)? admitted that “a number of instance of picking up Bengalis did take place.” Lt. Col. S.S.H. Bokhari, CO of 29 Cavalry, appearing as Witness no 244, stated that “in Rangpur two officers and 30 men were disposed of without trial. It may have happened in other stations as well.” An admission was also made by Lt. Col. S.M. Naeem (Witness No 258), CO of 39 Baluch, that “innocent people were killed by us during sweep operations and it created estrangement amongst the public.”

**15.** Lt Col. Mansoorul Haq, GSO-I, Division, appearing as Witness No 260, has made detailed and specific allegations as follows:

“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.”

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. The Comilla Cantt massacre (on 27th/28th of March, 1971) under the orders of CO 53 Field Regiment, Lt. Gen. Yakub Malik, in which 17 Bengali Officers and 915 men were just slain by a flick of one Officer's fingers should suffice as an example.

There was a general feeling of hatred against Bengalis amongst the soldiers and officers, including Generals. There were verbal instructions to eliminate Hindus.

In Salda Nadi area about 500 persons were killed.

When the army moved to clear the rural areas and small towns, it moved in a ruthless manner, destroying, burning and killing. The rebels while retreating carried out reprisals against non-Bengalis.

**16.** Several civilian officers have also deposed in a similar vein, and it would suffice to quote here the words of Mr. Mohammad Ashraf, Additional Deputy Commissioner, Dacca, to whose evidence we have also referred earlier in another context. He stated that "after the military action the Bengalis were made aliens in their own homeland. The life, property, and honour of even the most highly placed among them were not safe. 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... Army Officers who were doing intelligence were raw hands, ignorant of the local language and callous of Bengali sensibilities."

**17.** About the attitude of senior officers in this behalf, Brigadier Iqbalur Rehman Shariff (Witness no. 269), has alleged that during his visit to formations in East Pakistan General Gul Hassan used to ask the soldiers "how many Bengalis have you shot".

**18.** The statements appearing in the evidence of Lt. Col. Aziz Ahmed Khan (Witness no 276) who was Commanding Officer 8 Baluch and then CO 86 Mujahid Battalion are also directly relevant. "Brigadier Arbbab also told me to destroy all houses in Joydepur. To a great extent I executed this order. General Niazi visited my unit at Thakargaon and Bogra. He asked us how many Hindus we had killed. In May, there was an order in writing to kill Hindus. This order was from Brigadier Abdullah Malik of 23 Brigade."

**19.** While the extracts of evidence given above reflect the general position in regard to the allegations we are considering, it appears to be necessary to deal specifically with certain matters brought to the notice of the Prime Minister of Pakistan by the Bangladesh authorities, or which have otherwise been particularly mentioned by certain witnesses appearing before the Commission during the present session.

### **Painting the Green of East Pakistan Red**

**20.** During his meeting with the Prime Minister of Pakistan at Dacca on Friday, the 28th of June 1974, the Bangladesh Prime Minister Sh. Mujibur Rehman, complained inter-alia that Maj Gen Rao Farman Ali had written in his own hand on Government stationery that "The green of East Pakistan will have to be painted red." Sh. Mujibur Rehman promised to supply a photostat copy of this document to the Government of Pakistan." The same has since been received and is added to annexure "A" to this chapter. The insinuation is that this writing amounted to a written declaration of the intentions of the Pakistan Army and the martial law administration in East Pakistan to indulge in large-scale bloodshed in order to suppress the movement for Bangladesh. This writing is being put

forward as a proof of the killings alleged to have been carried out in East Pakistan during the military operations.

21. We asked Maj. Gen. Farman Ali to explain the significance of this writing and the circumstances under which it came to me made by him. He has stated that the words “the green of East Pakistan will have to be painted red” were uttered by one of the NPA leaders in Paltan Maidan, Dacca in a public speech during June 1970. The Martial Law headquarters thought that these words had been uttered by Mr Mohammad Toha of the NAP, and the General was asked to call for the explanation of Mr Tolia and warn him not to say things prejudicial to public peace. To remind himself he wrote these words down on the back of his table diary, when they were repeated to him on telephone by Lt. Gen. Yakub, the then Zonal Martial Law administrator in East Pakistan. Toha later denied having uttered these words and mentioned the names of Qazi Zafar and Rashid Memon in this connection. As these gentlemen had gone underground, General Farman Ali could not take any further action against them. The General has further explained that as Mr Toha and his associates had communist leanings, the words were intended to convey their conviction and objective that East Pakistan would be turned into a communist state, and not that there would be bloodshed. Finally, Maj. Gen. Farman Ali has stated that he did not give any importance to this note and it must have fallen into the hands of his Bengali Personal Assistant, when the diary for the year 1970 was replaced at the close of that year.

22. From the photostat copy sent to the Government of Pakistan by the Government of Bangladesh, it becomes clear that the paper on which these words are written was apparently in the nature of a writing pad on which notes are jotted down as an aid to memory. The paper bears the heading:—

**“Governor’s Secretariat, East Pakistan”**

Then there are miscellaneous entries, which do not have any connection with each other, for instance,

**“Siraj-Iqbal Hall, D.C.”**

Below these words a line in ink is drawn and then appear the words “Case against Mr. Toha and others”. These words are followed by the telephone number of the Chief Justice and then by some other entries relating to some accommodation and the name of one Mr. Karamat. Then appear the words in question, enclosed by a circle in black ink. There is a further entry of an Officer’s name below these words, which apparently has no connection with this matter.

23. A perusal of this document leaves no doubt in our mind that it was indeed in the nature of a writing pad or table diary on which the General made miscellaneous notes during course of his work. The words “Case against Mr Teha and others”, appearing in the same page, do support Maj. Gen. Farman Ali’s contention that it was in this connection that he noted these words to remind himself, while confronting Mr Toha as directed by the Martial Law Administrator. We consider that it is highly fanciful to regard this note as being in the nature of a solemn declaration of Maj. Gen. Farman Ali’s intention to shed blood on the soil of East Pakistan. The explanation given by the General appears to us to be correct.

**Alleged Killing of Intellectuals during December 1971**

24. This again is a matter, which was specifically raised by Sh. Mujibur Rehman during his meeting with the Prime Minister at Dacca. According to Maj. Gen. Farman Ali it was on the 9th and 10th of December 1971 that he was rung up in the evening by Maj. Gen. Jamshed, who was the Deputy Martial Law Administrator for Dacca Division and asked to come to his headquarters in Peelkhana. On reaching the headquarters he saw a large number of vehicles parked there. Maj. Gen. Jamshed was getting into a car and he asked Maj. Gen. Farman Ali to come along. They both drove to

Headquarters of Eastern Command to meet Gen. Niazi and on the way Maj. Gen. Jamshed informed Gen. Farman that they were thinking of arresting certain people. Gen. Farman Ali advised against it. On reaching General Niazi's headquarters he repeated his advice, on which Gen. Niazi kept quiet and so did Gen. Jamshed. Gen. Farman Ali has stated that he cannot say anything as to what happened after he came away from the headquarters but he thinks that no further action was taken.

**25.** When questioned on this point, Lt. Gen. A.A.K. Niazi stated that the local Commanders had, on the 9th of December 1971, brought a list to him which included the names of miscreants, heads of Mukti Bahini, etc. but not any intellectuals but he had stopped them from collecting and arresting these people. He denied the allegation that any intellectuals were in fact arrested and killed on the 9th December 1971 or thereafter.

**26.** Maj. Gen. Jamshed has, however, a slightly different version to offer. He says that it was on the 9th and 10th of December 1971 that General Niazi expressed his apprehension of a general uprising in the Dacca city and ordered him to examine the possibility of arresting certain persons according to lists which were already with the various agencies, namely the Martial Law Authorities and the Intelligence Branch. A conference was held on the 9th and 10th of December 1971 in which these lists were produced by the agencies concerned and the total number of persons to be arrested came to about two or three thousand. According to him, arrangements for accommodation, security guards, missing and the safety of the arrested persons from bombing/strafing by the Indian Air Force presented insurmountable problems and therefore, he reported back to Gen. Niazi that the proposal be dropped. He states that thereafter no further action was taken in this matter.

**27.** From the statements made by the three Generals who appear to be directly concerned in the matter, it seems that although there was some talks of arresting persons known to be leaders of the Awami League or Mukti Bahini so as to prevent chances of a general uprising in Dacca during the closing phases of the war with India, yet no practical action was taken in view of the circumstances then prevailing, namely the precarious position of the Pakistan Army and the impending surrender. We consider, 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.

#### **Killings During Disarming of East Pakistan Units**

**28.** In the evidence specific allegations were made before the Commission that Lt. Col. Yakub Malik, CO of 53 Field Regiment was responsible for the killing of 17 Officers and 915 other ranks at Comilla Cantt., while disarming 4 EBR, 40 Field Ambulance and Bengali SSG personnel. An explanation was accordingly called from this officer, in which he has denied the allegation, and has asserted that resistance was put up by the particular units aforementioned as a result of which casualties were sustained on both sides. He asserts, however, that in April 1971 when the situation stabilised a large number of disarmed Bengali personnel detained in the barracks were reported to Headquarters 9 Div., thus implying that no such killing took place during the disarming process towards the end of March 1971.

**29.** Similar allegations have also been made before the Commission regarding the disarming of East Pakistani personnel of 29 Cavalry at Rangpur, although the number of persons said to have been killed is mentioned as being only two officers and 30 other ranks. An explanation was called from the Commanding Officer, Brigadier, Saghir Hussain and he has denied the allegation stating that all the personnel, barring a few who had either deserted or did not return from leave, were safely evacuated to West Pakistan under arrangements of Eastern Command, and they were later repatriated to Bangladesh along with other East Pakistani personnel.

**30.** The evidence before the Commission in respect of these allegations is obviously not conclusive. It is possible that there may have been other instances of casualties inflicted during the disarming of East Pakistani personnel. The Commission feels that the Army authorities must conduct a thorough inquiry into these matters so as to elicit the truth and fix responsibility.

### **Magnitude of Atrocities**

**31.** In the circumstances that prevailed in East Pakistan from the 1st of March to the 16th of December 1971, it was hardly possible to obtain an accurate estimate of the toll of death and destruction caused by the Awami League militants and later by the Pakistan Army. It must also be remembered that 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, not only in order to cause panic and disruption and carry out their plans of subversion, but also to punish those East Pakistanis who were not willing to go along with them. In any estimate of the extent of atrocities alleged to have been committed on the East Pakistani people, the death and destruction caused by the Awami League militants throughout this period and the atrocities committed by them on their own brothers and sisters must, therefore, always be kept in view.

**32.** According to the Bangladesh authorities, the Pakistan Army was responsible for killing three million Bengalis and raping 200,000 East Pakistani women. It does not need any elaborate argument to see that these figures are obviously highly exaggerated. So much damage could not have been caused by the entire strength of the Pakistan Army then stationed in East Pakistan even if it had nothing else to do. In fact, however, the army was constantly engaged in fighting the Mukti Bahini, the Indian infiltrators, and later the Indian army. It has also the task of running the civil administration, maintaining communications and feeding 70 million people of East Pakistan. It is, therefore, clear that the figures mentioned by the Dacca authorities are altogether fantastic and fanciful.

**33.** Different figures were mentioned by different persons in authority but the latest statement supplied to us by the GHQ shows approximately 26,000 persons killed during the action by the Pakistan Army. This figure is based on situation reports submitted from time to time by the Eastern Command to the General Headquarters. It is possible that even these figures may contain an element of exaggeration as the lower formations may have magnified their own achievements in quelling the rebellion. 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. An important consideration which has influenced us in accepting this figure as reasonably correct is the fact that the reports were sent from East Pakistan to GHQ at a time when the Army Officers in East Pakistan could have had no notion whatsoever of any accountability in this behalf.

**34.** The falsity of Sheikh Mujibur Rahman's repeated allegation that Pakistani troops had raped 200,000 Bengali girls in 1971 was borne out when the abortion team he had commissioned from Britain in early 1972 found that its workload involved the termination of only a hundred or more pregnancies.

### **Question of Responsibility**

**35.** For almost three years now, the world has repeatedly heard a list of 195 names said to have been prepared by the Dacca authorities in connection with the commission of these atrocities and crimes. As the Commission has not been supplied with a copy of this list, it is not possible for us to comment upon the justification or otherwise of the inclusion of any particular names therein. It is, however, clear that the final and overall responsibility must rest on General Yahya Khan, Lt. Gen. Pirzada, Maj Gen. Umar, Lt. Gen. Mitha. It has been brought out in evidence that Maj. Gen. Mitha was particularly active in East Pakistan in the days preceding the military action of the 25th of

March 1971, and even the other Generals just mentioned were present in Dacca along with Yahya Khan, and secretly departed there on the evening of that fateful day after fixing the deadline for the military action. Maj. Gen. Mitha is said to have remained behind. There is also evidence that Lt. Gen Tikka Khan, Major Gen. Farman Ali and Maj. Gen Khadim Hussain were associated with the planning of the military action. There is, however, nothing to show that they contemplated the use of excessive force or the Commission of atrocities and excesses on the people of East Pakistan.

**36.** The immediate responsibility for executing the plan of this action fell on Lt. Gen. Tikka Khan who succeeded Lt. Gen. Mohammad Yakub on the 7th of March 1971 as Zonal Administrator, Martial Law, as well as Commander Eastern Command. This last responsibility was passed on by him to Lt. Gen. A.A.K. Niazi on the 7th of April 1971. From that day until the day of surrender the troops in East Pakistan remained under the operational control of Lt. Gen. Niazi who also assumed powers of the Martial Law administrator on the appointment of a civilian Governor in August 1971. It is a question for determination as to what share of responsibility must rest on these commanders for the excesses allegedly committed by the troops under their Command. It is in evidence that Lt. Gen. Tikka Khan was always willing to redress grievances and take disciplinary action whenever complaints of excesses were brought to his notice. It has also to be said that both these Generals had issued repeated warnings to troops to refrain from acts of violence and immorality. At the same time there is some evidence to suggest that the words and personal actions of Lt. Gen. Niazi were calculated to encourage the killings and rape.

**37.** The direct responsibility of the alleged excesses and atrocities must, of course, rest on those officers and men who physically perpetuated them or knowingly and deliberately allowed them to be so perpetuated. These officers and men not only showed lack of discipline in disobeying the directives of the Eastern Command and Zonal Martial Law Administrator, but also indulged in criminal acts punishable under the Army Act as well as the ordinary law of the land.

### **Conclusions and Recommendations**

**38.** From what we have said in the preceding paragraphs 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 exaggerated. Some of the incidents alleged by those authorities did not take place at all, and on others fanciful interpretations have been deliberately placed for the purpose of maligning the Pakistan army and gaining world sympathy. We have also found that the strong provocation was offered to the army owing to the misdeeds of the Awami League. 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. No amount of provocation by the militants of the Awami League or other miscreants could justify retaliation by a disciplined army against its own people. The Pakistan Army was called upon to operate in Pakistan territory, and could not, therefore, be permitted to behave as if it was dealing with external aggression or operating on enemy soil. 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 this who were responsible for the commission of these alleged excesses and atrocities.

### **Inquiries and Trials**

**39.** On the basis of the evidence coming before the Commission, we have been able to indicate only in general terms the direct and indirect responsibility of certain senior commanders and others, but the question of fixing individual responsibility and awarding punishment appropriate thereto need to be determined according to the prescribed procedures available under the Pakistan Army Act and other applicable laws of the land. We would, accordingly, reiterate the recommendation made by us



in Paragraph 7 of Chapter III of Para V of the main report that the Government of Pakistan should set up a high-powered Court or Commission of Inquiry to investigate these allegations, 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.

**40.** The Commission feels that sufficient evidence is now available in Pakistan for a fruitful inquiry to be undertaken in this regard. As the Government of Bangladesh has been recognised by Pakistan, it may be feasible to request the Dacca authorities to forward to this Court of Inquiry whatever evidence may be available with them.