Genocide and Mass Violence in Asia

Genocide and Mass Violence in the Age of Extremes

Edited by Frank Jacob

Volume 1

Genocide and Mass Violence in Asia

An Introductory Reader

Edited by Frank Jacob

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Contents

Section IV: **Memory and Justice**

Frank Jacob

1 Genocide and Mass Violence in Asia: An Introduction

> "A genocide begins with the killing of one [woman or] man—
> not for what [she or] he has done, but because of who [she or] he is."[1]

The late Nobel Peace Prize laureate and former General Secretary of the UN Kofi Annan (1938–2018) emphasized in his Nobel Lecture in 2001 that the "crime of all crimes" often begins with a single murder. This violent act does not only physically destroy a human being, but, as French philosopher Michel Foucault (1926–1984) highlighted, power relations are established and new mechanisms of power are eventually installed or fortified within a society.[2] The 20th century in particular witnessed countless attempts to restructure such power relations and, as a whole, the years between the First World War and the end of the Cold War, i.e. the period Eric Hobsbawm (1917–2012) called the "Age of Extremes,"[3] were perhaps, as Kofi Annan correctly further remarked, "the deadliest in human history, devastated by innumerable conflicts, untold suffering, and unimaginable crimes."[4]

The century was determined by imperial wars, two World Wars, the Cold War, and new wars at its end.[5] These were often accompanied by forms of mass

1 Kofi Annan, "Nobel Lecture," Oslo, December 10, 2001. Accessed February 20, 2019. https://www.nobelprize.org/prizes/peace/2001/annan/lecture/

2 Michel Foucault, "Body/Power [1975]," in idem, *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon Books, 1980), 60; Michel Foucault, "The Subject and Power," in idem, *Beyond Structuralism and Hermeneutics* (Chicago: The University of Chicago Press, 1982), 219. Both also cited in Jacob Maze, "Towards an Analytic of Violence: Foucault, Arendt & Power," *Foucault Studies* 25 (2018): 122–123. Maze extensively discussed Foucault's ideas related to power and violence.

3 Eric Hobsbawm, *Das Zeitalter der Extreme: Weltgeschichte des 20. Jahrhunderts* (Munich: DTV, 1998).

4 Annan, "Nobel Lecture."

5 A survey for the European conflicts is offered in Richard C. Hall, *Consumed by War: European Conflict in the 20th Century* (Lexington: University of Kentucky Press, 2010). A slightly more global discussion, although omitting Africa and Latin America, is provided by Alistair Horne, *Hubris: The Tragedy of War in the Twentieth Century* (New York: Harper, 2015).

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violence, i.e. mass killings or genocides.[6] German historian Christian Gerlach consequently speaks of "extremely violent societies" that determined the course of this "Age of Extremes." Gerlach describes these "extremely violent societies" as

> formations where *various population groups* become victims of massive physical violence, in which, acting together with organs of the state, *diverse social groups participate for a multitude of reasons*. Simply put, the occurrence and the thrust of mass violence depends on broad and diverse support, but this is based on a variety of motives and interests that cause violence to spread in different directions and varying intensities and forms.[7]

Individuals and groups were challenged by political developments, and identity conflicts between, but often also within, societies were the consequences. In Asia, nationalism and anti-colonialism stimulated change, but also opened new conflicts, especially between those who had different concepts of identity that were based on religion, political ideas, or social classes.[8] The Cold War in particular influenced genocidal acts related to the proxy wars of the superpowers in Asia, which is why Immanuel Wallerstein's evaluation of this conflict is correct: the Cold War may have been "cold" in Europe, but in Asia, it was definitely a "hot" war, causing countless casualties and destruction.[9] Regardless of the numerous attempts to contain such violent eruptions and to prevent further genocides, the last two decades of the 20th century made it obvious that the "crime of crimes" did not only determine the last century, but is still a dangerous factor and, as Italian sociologist Franco Ferrarotti emphasizes, "[i]t is significant that genocide[s] occurred after the establishment of human rights organizations [and] after the invention of modern, instantaneous communication technologies."[10] The term "Age of Genocide,"[11] as used

6 Ervin Staub, "Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation," *Political Psychology* 21, no. 2 (2000): 367.

7 Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World* (Cambridge: Cambridge University Press, 2010), 1–2.

8 Staub, "Genocide and Mass Killing," 368.

9 Immanuel Wallerstein, "What Cold War In Asia? An Interpretative Essay," in *The Cold War in Asia: The Battle for Hearts and Minds*, eds. Zheng Yangwen, Hong Liu and Michael Szonyi (Leiden: Brill, 2010), 15–24.

10 Franco Ferrarotti, "On Genocide, Old and New," in *Genocide: Approaches, Case Studies, and Responses*, eds. Graham C. Kinloch and Raj P. Mohan (New York: Algora Publishing, 2005), 81.

11 Peter J. Stoett, "This Age of Genocide: Conceptual and Institutional Implications," *International Journal* 50, no. 3, China and Its Neighbours (1995): 594–618.

by the Canadian political scientist Peter J. Stoett for the last century, obviously stretches into the 21st century as well, especially when considering current cases, like that of the Rohingyas in Myanmar.[12]

Regardless of such contemporary cases of mass violence, the number of genocides since the end of the Second World War is rather low, especially in Asia. This, however, is related to problems with the definition, introduced by Polish lawyer and anti-genocide activist Raphael Lemkin (1900–1959) in the 1940s.[13] When Lemkin defined genocide in 1944,[14] he, of course, coined a term "born from the Holocaust,"[15] which was almost naturally often read in reference to the almost total destruction of the European Jews by the Nazis.[16] Due to the timely context of Lemkin's theoretical concept, as legal scholar Tatiana E. Sainati states, "the Holocaust remains the lens through which other cases of possible genocide are interpreted, [and] which has significantly limited the number of

12 Azeem Ibrahim, *The Rohingyas: Inside Myanmar's Hidden Genocide* (London: Hurst, 2016).

13 On the problems of Lemkin's definition with regard to the Asian cases of genocide and mass violence see: Frank Jacob, "Raphael Lemkin and Asian Genocides: Theoretical Opportunities and Limitations," forthcoming paper for the conference volume "Lemkin. Witness to the Age of Genocide," December 3–5, 2018, Pilecki Institute Warsaw. On Lemkin and his work on the concept of genocide see: Adam Jones, *Genocide: A Comprehensive Introduction* (London/New York: Routledge, 2006), 8–12 and in more detail Raphael Lemkin, *Totally Unofficial: The Autobiography*, ed. Donna-Lee Frieze (New Haven, CT: Yale University Press, 2013).

14 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944), 79–95.

15 Stoett, "This Age of Genocide," 599.

16 In reviews, Lemkin's concept was therefore only considered within the limits of the European context of the Holocaust, and not broadened to include other crimes of mass violence, especially as those committed by the Japanese Imperial Army in Asia during the Second Sino-Japanese War (1937–1945) and the Pacific War (1941–1945). For some of the important reviews of Lemkin's book see: Merle Fainsod, "Review: Axis Rule in Occupied Europe, by Raphaël Lemkin," *Harvard Law Review* 58, no. 5 (1945): 744–747; John H. Herz, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress by Raphael Lemkin," *The American Political Science Review* 39, no. 2 (1945): 366–367; Arthur Leon Horniker, "Review: Axis Rule in Occupied Europe, by Raphael Lemkin," *Military Affairs* 9, no. 1 (1945): 69–73; Arthur K. Kuhn, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress by Raphael Lemkin and George A. Finch," *The American Journal of International Law* 39, no. 2 (1945): 360–362; Linden A. Mander, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress, by Raphaël Lemkin," *The American Historical Review* 51, no. 1 (1945): 117–120; Melchior Palyi, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress, by Raphael Lemkin," *American Journal of Sociology* 51, no. 5, Human Behavior in Military Society (1946): 496–497.

incidents that have ultimately been labeled as genocide."[17] This limitation is, however, in the first place related to Lemkin's original concept as such:

> Genocide is the crime of destroying *national, racial or religious* groups. The problem now arises as to whether it is a crime of only national importance, or a crime in which international society as such should be vitally interested. Many reasons speak for the second alternative. It would be impractical to treat genocide as a national crime, since by its very nature it is committed by the state or by powerful groups which have the backing of the state. A state would never prosecute a crime instigated or backed by itself.[18]

Lemkin consequently argued that it was important to sign the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948 to prevent further genocides in the future.[19]

Nevertheless, his concept has its limitations, namely related to methods of killing[20] and the reasons for it. Although Lemkin wanted to continue his research on genocide and the available project description for a planned global history of genocides[21] implies that the Polish lawyer would have included non-Western and especially Asian case studies as well, it is a fact that the concept as such remained existent in its limited and very Eurocentric form. Today, two conceptions – i.e. a minimalist one, arguing for the pursuance of Lemkin's original definition of 1944 and the UN Convention of 1948, and a maximalist one arguing for the inclusion of "death from state negligence, imperial expansion, economic exploitation, and cultural destruction"[22] – are used to either limit or to broaden the number of genocides.

In particular, mass violence against a group that shares a specific political or gender identity is not covered by the UN Convention, and therefore would rather deserve to be defined as or called "politicide"[23] or

17 Tatiana E. Sainati, "Toward a Comparative Approach to the Crime of Genocide," *Duke Law Journal* 62, no. 1 (2012): 164–165.

18 Raphael Lemkin, "Genocide," *American Scholar* 15, no. 2 (1946): 227–230. Accessed November 15, 2018. http://www.preventgenocide.org/lemkin/americanscholar1946.htm, my emphasis.

19 On the UN Convention see: Jones, *Genocide*, 12–14.

20 R. J. Rummel, "Democracy, Power, Genocide, and Mass Murder," *The Journal of Conflict Resolution* 39, no. 1 (1995): 3–4.

21 Raphael Lemkin, Project Outline, n.d., Raphael Lemkin Papers, New York Public Library, Manuscript and Archives Division, *ZL-273, Reel 2.

22 Stoett, "This Age of Genocide," 600.

23 Barbara Harff and Ted Robert Gurr, "Victims of the State: Genocides, Politicides and Group Repression since 1945," *International Review of Victimology* 1, no. 1 (1989): 23–41. For a short summary see: Jens Meierhenrich, *Genocide: A Reader* (Oxford/New York: Oxford University Press, 2014), 75–76.

"gendercide."[24] Especially in the Asian context, the use of the UN Convention's definition limits the perspective, as mass violence due to political reasons is almost totally excluded,[25] and the case of Cambodia already "illustrates the critical shortfall of the Genocide Convention."[26] The limitations of the 1948 Convention must be understood as a necessity of the time, however, because, as Sainati correctly highlights, the "explicit omission of political groups from the definition of genocide that was enshrined in the 1948 Convention ... exemplifies the practical compromises that were necessary to ensure widespread support in the harsh world of Cold War politics."[27] It is, however, no surprise, that this limitation has been criticized in the decades since the late 1940s, and attempts to change the terminology have been made by many lawyers, historians, and activists alike.[28]

While genocide scholars are very often hesitant to consider politically motivated mass violence as genocide,[29] it has to be incorporated in studies of the phenomenon during the "Age of Extremes," which is why the present volume will not only look at genocide, but also at mass violence in Asia. Since the six "officially accepted" cases of genocide in the 20th century – the Armenian genocide, the Holocaust, the Cambodian genocide by the Khmer Rouge, the killing of the Kurds in North Iraq, the killing of the Tutsi in Rwanda by the Hutu, and the genocide during the Yugoslav Wars[30] – cover only one Asian case, namely Cambodia,[31] it seems to be specifically (but not exclusively) limited with regard to this region. Europeans and North Americans do not usually pay much attention to mass killings of a genocidal caliber in places that are

24 Adam Jones, *Gendercide and Genocide* (Nashville: Vanderbilt University Press, 2011). For a recent discussion of the interrelation of gender and genocide also see: Elissa Bemporad and Joyce W. Warren, eds. *Women and Genocide: Survivors, Victims, Perpetrators* (Bloomington: Indiana University Press, 2018).

25 Robert Cribb, "Political Genocides in Postcolonial Asia," in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 445.

26 Beth van Schaack, "The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot," *The Yale Law Journal* 106, no. 7 (1997): 2261.

27 Sainati, "Toward a Comparative Approach," 165.

28 A survey of this discussion until 2008 is provided in: William A. Schabas, "Genocide Law in a Time of Transition: Recent Developments in the Law of Genocide," *Rutgers Law Review* 61, no. 1 (2008): 161–192.

29 Cribb, "Political Genocides," 446.

30 Brij Mohan, "The Ultimate Oppression: The Urge to Genocide," in *Genocide: Approaches, Case Studies, and Responses*, eds. Graham C. Kinloch and Raj P. Mohan (New York: Algora Publishing, 2005), 66–67.

31 Jones, *Genocide*, 185–211. For more detailed studies see:

geographically and conceptually too far away to care about, which is why forms of mass violence are often not considered when talking about genocide.[32] One such statement is provided by Roger Baldwin, leader of the American Civil Liberties Union in 1947, when he explains in a letter why Japan's use of mass violence within its colonial empire and the countries occupied by the Imperial Japanese Army were hard to consider as genocide:

> I do not think you will get very far with the subject of genocide in relation to the Japanese occupation of Korea. That followed the regular old pattern of imperialism except for the single feature that Korea was annexed as an integral part of Japan. ... I doubt whether you will find anything properly relating to genocide in Korean experience. There was no attempt at exterminating a people on racial grounds.[33]

The obvious fading out of Japanese war crimes[34] from the discussion of genocides after 1945 again highlights the Eurocentric perspective of the definition as it was later accepted by the UN Convention. Many other Asian cases of mass violence would consequently not be considered as genocides, be it due to a lack of interest in the single events or the narrow definition. The present volume will therefore highlight cases of mass violence and genocide – including politicide and gendercide – to provide a broader perspective of the specific Asian context.

In Asia, the 20th century was determined by Western imperialism, the rise and fall of the Japanese Empire during the Second Sino-Japanese and the Pacific Wars, as well as decolonization during the Cold War. In addition, many former colonies went through extreme waves of nationalism and civil wars, while the countries very often also tried to modernize, especially with regard to their economies. Modernization and the use of new technologies, regardless of idealistic ideas, is no guarantee against the abuse of violence by governments, especially since such a "society can be technically advanced and humanly barbaric"[35] at

32 Ferrarotti, "On Genocide," 80.

33 Roger Baldwin to Miss Miriam L. Milliren, New York July 7, 1947, Raphael Lemkin Papers, New York Public Library, Manuscript and Archives Division, *ZL-273, Reel 1.

34 Frank Jacob, *Japanese War Crimes During WWII: Atrocity and the Psychology of Collective Violence* (Santa Barbara, CA: Praeger, 2018). Especially the Rape of Nanking could have been discussed in more detail, since many American observers had written and reported about the events. For a survey of the events and a discussion of the forms of violence used during the Rape of Nanking see: idem, "Banzai! And the Others Die – Collective Violence in the Rape of Nanking," in *Globaly Lynching and Collective Violence*, Vol. 1: *Asia, Africa, and the Middle East*, ed. Michael J. Pfeifer (Urbana: University of Illinois Press, 2017), 78–102.

35 Ferrarotti, "On Genocide," 78. For the Holocaust, the interrelation between genocide and modernity is discussed in Zygmunt Bauman, *Modernity and the Holocaust* (Oxford: Polity Press, 1989).

the same time. It is therefore not the level of scientific development or technological advancement that determines if genocide is more or less likely to occur.[36] It is far more important, as Mark Levene emphasizes, to understand that

> we cannot begin to understand genocide without grappling with history, by which is implied not only the historical context of each individual genocide which necessarily must tell us a special and unique story but rather the macrohistorical record, the broad and moving canvas in which we might chart and hopefully analyze the emergence and development of the current international system.[37]

To accurately deal with mass violence and genocide in Asia, as in other parts of the world, research consequently has to "shed light on the blind spots"[38] and also consider other determining factors of identity than those described in Lemkin's original concept and the UN Convention,[39] especially since, very often, particular "sociocultural factors generate large-scale genocide."[40] It is important to connect the theoretical concept to the problems of the 20th as well as the 21st century and to accept diversities with regard to the single cases, because if we only "understand genocide to be synonymous with mass killing," to quote genocide scholars Douglas Irvin-Erickson, Thomas La Pointe, and Alexander Laban Hinton, "we lay the foundation for understanding genocide as a dwindling phenomenon connected to a distant past, if at all."[41] It is therefore also not surprising that several movements and scholars around the globe have tried to point the world's interest in the direction of so-called hidden genocides.[42]

36 Mark Levene, "Why Is the Twentieth Century the Century of Genocide?" *Journal of World History* 11, no. 2 (2000): 307; Mohan, "The Ultimate Oppression," 65.

37 Levene, "Twentieth Century," 308.

38 Douglas Irvin-Erickson, Thomas La Pointe, and Alexander Laban Hinton, "Introduction," in *Hidden Genocides: Power, Knowledge, Memory*, eds. Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson (New Brunswick, NJ: Rutgers University Press, 2013), 3.

39 Ferrarotti, "On Genocide," 82.

40 Alexander Laban Hinton, "Why Did You Kill? The Cambodian Genocide and the Dark Side of Face and Honor," *The Journal of Asian Studies* 57, no. 1 (1998): 95–96. In the Cambodian case, to name a specific example, the "cultural model of disproportionate revenge (*karsang-soek*) contributed to the genocidal violence that occured" during the Cambodian genocide. Alexander Laban Hinton, "A Head for an Eye: Revenge in the Cambodian Genocide," *American Ethnologist* 25, no. 3 (1998): 353.

41 Irvin-Erickson, La Pointe, and Hinton, "Introduction," 4.

42 Ibid., 1–2.

New conceptual considerations, like democide (domestic killings by a state government),[43] have been introduced to further broaden the understanding of mass violence and genocide during the "Age of Extremes." The discussions will continue, especially since the Eurocentrism of Lemkin's original concept will not suffice to describe the forms of genocidal mass violence, just as they did not suffice, especially in the Asian context, during the last century. Regardless of these theoretical shortcomings, Asia also witnessed and "has also been deeply affected" by a "century of genocide."[44] While Deborah Mayersen and Annie Pohlman discussed the legacies and possible preventions of genocide and mass atrocities in Asia (in their book of the same name), they failed to include Japan, one of the main perpetrator states in the region, omitting the impact of Japan's colonial empire[45] and the legacies of the war crimes trials in the aftermath of the Second World War.[46]

It was the decline of Japan's rule over large parts of Asia, like the end of the British Empire in other regions of the continent, that stimulated "fundamental conflicts over the national character" of the postcolonial nation states, and the protagonists in the evolving struggles "were engaged in a struggle to reshape the fundamentals of national character" and therefore began to destroy enemies who represented a different national idea for the future.[47] In Indonesia, China, and Cambodia,[48] millions of lives were destroyed while the perpetrators, as Robert Cribb put it,

43 R. J. Rummel, "Democracy, Power, Genocide, and Mass Murder," *The Journal of Conflict Resolution* 39, no. 1 (1995): 3–26 tried to introduce this theoretical approach. Rummel argued that "the less democratic a regime, the more unchecked and unbalanced power at the center, the more it should commit democide. Democide becomes a device of rule, as in eliminating possible opponents, or a means for achieving one's ideological goal, as in the purification of one's country of an alien race or the reconstruction of society." Ibid., 5.

44 Deborah Mayersen and Annie Pohlman, "Introduction," in *Genocide and Mass Atrocities in Asia: Legacies and Prevention*, eds. Deborah Mayersen and Annie Pohlman (London/New York: Routledge, 2013), 1.

45 Sandra Wilson and Robert Cribb, "Japan's Colonial Empire," in *Routledge Handbook of Modern Japanese History*, ed. Sven Saaler and Christopher W.A. Szpilman (London/New York: Routledge, 2018), 77–91.

46 Richard Cribb and Kerstin von Lingen, "War Crimes Trials in Asia: Collaboration and Complicity in the Aftermath of War," in *Debating Collaboration and Complicity in War Crimes Trials in Asia 1945–1956*, ed. Kerstin von Lingen (London: Palgrave Macmillan, 2017), 1–18.

47 Cribb, "Political Genocides," 449.

48 Ibid., 450–463.

> saw themselves as shaping the character of their nation by removing a category of people who could never be a legitimate part of it. This category was defined by membership of the communist party in Indonesia and by imputed class membership in China and Cambodia, but the rationale for purging was similar in all three cases. The nation as it was envisaged by those in charge could not survive the presence of masses of people with different national conceptions.[49]

The conflicts since 1945 were further stimulated by the Cold War, since many perpetrators considered their own actions, e.g. in Indonesia, to be backed by the superpowers, whose interests were assumed to be the same when it came to the destruction of the enemy. The mass violence and genocides in the Asian context consequently also need to be embedded into a global perspective, taking into account transnational factors like the Cold War, as well as the UN.

The Contributions

The present introductory reader is intended to provide a first introduction to mass violence and genocide in Asia. In four sections, it will take a closer look at: 1) forms of mass violence and genocide; 2) victims; 3) perpetrators; and 4) memory and justice in Asian countries. The first section begins with an analysis of "crowd violence" in East Pakistan/Bangladesh in 1917/72 by Christian Gerlach. After this first theoretical approach to highlight the diversity of violence used in the context of Asian mass violence and genocide, Anwar Ouassini and Nabil Ouassini discuss the interrelation between genocide and rape during the Bangladesh Liberation War.

The second section will discuss some specific victimologies of mass violence and genocide in Asia. Margaret D. Stetz will highlight new considerations related to the "Comfort Women" issue,[50] due to which young women and girls were forcefully recruited for a military brothel system run by the Japanese Army between the early 1930s and 1945. Samantha Christiansen will then highlight the role of students as an activist and victim group during the Bangladesh Liberation War. These chapters show, as mentioned before, that other victim identities, further to ethnic, national, or religious identities, must be taken into consideration when studying mass violence and genocide, especially in Asia.

49 Ibid., 464.

50 For a recent and detailed discussion of this issue see: Pyong Gap Min, Thomas R. Chung and Sejung Yim, eds. *Japanese Military Sexual Slavery: The Transnational Redress Movement for the Victims* (Berlin: De Gruyter Oldenbourg, 2019).

A closer look at perpetrators in the Asian context will afterwards be taken by Frank Jacob and Marcel Berni. While Jacob provides an insight into some first findings with regard to postwar narratives by Japanese perpetrators and their own perceptions of guilt and justice, Berni provides an analysis of atrocities in South Vietnam (1965–1973) that explains why excessive violence was committed and how it was perceived by the American perpetrators.

The final section will then deal with questions of memory and justice of mass violence and genocide in Asia. Toshiya Ikō will discuss the role of war crimes trials in China and how the postwar society of one of the new main players in the region would deal with Japanese war crimes. Paul Antonopoulos and Drew Cottle then discuss a "Forgotten Genocide in Indonesia," focusing on West Papua and its struggle for independence. They also highlight the impact of these events and how they have been remembered in Indonesia until today. Last but not least, Michael G. Vann shows how Cold War politics shaped the way mass violence and genocide is remembered in museums in Jakarta, Ho Chi Minh City, and Phnom Penh today.

All in all, the present volume should be considered as an introductory reader for those who study mass violence and genocide in its Asian context and want to get an initial overview of recent research findings and approaches related to this topic. It offers a first insight and hopefully stimulates broader interest in questions that deal with the history of the "Age of Extremes" from a non-European or non-Western perspective. Mass violence and genocide were as deadly in Asia as they were and are anywhere else, which is why this region offers a variety of case studies, which, if they are taken as a comparison, can offer a better understanding of these two phenomena within human history from a really universal perspective.

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Section I: **Forms of Mass Violence and Genocide**

Christian Gerlach

2 Crowd Violence in East Pakistan/ Bangladesh 1971–1972

Introduction

Some recent scholarship links violent persecutions in the 20th century to the rise of mass political participation.[1] This paper substantiates this claim by exploring part of a country's history of crowd violence. Such acts constitute a specific form of participation in collective violence and shaping it. There are others such as forming local militias, small informal violent gangs or a guerrilla, calls for violence in petitions or non-violent demonstrations and also acting through a state apparatus, meaning that functionaries contribute personal ideas and perceptions to the action of a bureaucracy in some persecution. Therefore it seems to make sense to investigate specific qualities of participation in crowd violence. Subject to this inquiry is violence against humans by large groups of civilians, with no regard to other collectives of military or paramilitary groups, as large as they may have been.

My approach to this topic is informed by my interest in what I call "extremely violent societies." This means social formations in which, for some period, various population groups become victims of mass violence in which, alongside state organs, many members of several social groups participate for a variety of reasons.[2] Aside from the participatory character of violence, this is also about its multiple target groups and sometimes its multipolar character. Applied here, this means to compare the different degrees to which crowd violence was used by and against different groups and why.

It is evident that the line between perpetrators and bystanders is especially blurred within violent crowds. I have expressed doubts about the usefulness of both terms, "perpetrator" and "bystander," before and prefer to speak, more broadly defined, of "persecutors" rather than "perpetrators," among other

1 See Michael Mann, *The Dark Side of Democracy* (Cambridge et al.: Cambridge University Press, 2005); Christian Gerlach, "Extremely Violent Societies: An Alternative to the Concept of Genocide," in: *Journal of Genocide Research* 8, no. 4 (2006): 461–463. A short version of this paper was presented at the conference, "On Collective Violence: Actions, Roles, Perceptions," Center for Conflict Studies, University of Marburg, October 20, 2016. I am grateful to the participants there and also Axel Paul and Benjamin Schwalb for their comments.

2 Siehe Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World* (Cambridge et al.: Cambridge University Press, 2010), 1.

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things to avoid that responsibility is only placed on (often inferior) executors.[3] However, this does not solve the thorny problem of assigning responsibility concerning crowd violence.[4] Crowds are not one collective agent. Usually not all members of a crowd, and not even all of its armed members, hurt other people with their own hands. Nonetheless, these seemingly non-violent people in an armed crowd may encourage others, directly or indirectly, to commit physical attacks, may intimidate people that become victimized and may prevent the victims by physical or psychological means from escaping. Thus it may be less interesting to assign a term like "perpetrator" to people than to describe responsibilities, concluding from observations of a sufficient number of cases of crowd violence as will be presented here. As spontaneously emerging collectives, crowds have especially little cohesion, which makes motives particularly difficult to identify even though people more or less volunteered to come and institutional and longer-term factors such as subordination to orders and rules and group pressure were less intense.

Thus my contribution will address the following questions: In what situations, where and when was there crowd violence? And when was it relegated to the background, perhaps being replaced by other collective violence? What groups used it against what other groups? What were the discoursive contexts of the violence and the intentions of the gatherings? What can be said (even if information is limited) about the relationship between individuals and the crowd? What was the relationship between actors and the regime? And what pre-existing traditions of violence played a role?

East Pakistan/Bangladesh in 1971/72 serves as a case study. This may be useful because of the multitude of victim groups, including many attacked by crowds, and because of the abundance of incidents. Conflicts in East Pakistan erupted in the wake of the first nationwide bourgeois-democratic elections in Pakistan. This paper may lead to some insights into the relation between mass participation in politics and mass violence in general. After some initial observations regarding traditions of political militancy in East Pakistan before 1971 I trace the occurrence of physical violence from among crowds through different phases from early 1971 to the spring of 1972.

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3 See ibid., 4–5; Christian Gerlach, *The Extermination of the European Jews* (Cambridge et al.: Cambridge University Press, 2016), 15–16.

4 A recent collective volume on crowd violence is Axel Paul and Benjamin Schwalb, eds., *Gewaltmassen: Über Eigendynamik und Selbstorganisation kollektiver Gewalt* (Hamburg: Hamburger Edition, 2015), though only parts of that book address non-organized violence by large collectives. The chapters relevant here are by the editors (pp. 7–18, 383–408), Paul Dumouchel (pp. 103–123) and Ferdinand Sutterlüty (pp. 231–256).

Historical Context

At this point, a brief survey of events in East Pakistan in 1971 is at place. After partition in 1947–48 there emerged the state of Pakistan consisting of two wings that were 1600 kilometers apart and differed widely culturally and economically. A little more than half of the population lived in largely rural East Pakistan (from December 1971: Bangladesh), dominated by a peasant rice economy. Most inhabitants there were Bengali-speaking Muslims. The most important minorities consisted of about 10 million Hindus and between one and two million Urdu-speaking former Muslim refugees from India, dubbed Biharis. The elites in the East that was economically stagnating and in the grip of deepening poverty protested, above all, the marginalization of the Bengali language and culture in the 1950s and economic discrimination in the 1960s. This led to demands for strong autonomy for the eastern part of the country that were championed by the Awami League, a political party under the chairman Mujibur Rahman. In the end of the 1960s, this merged with protests against the military dictatorship that ruled Pakistan since 1958. After the Awami League won the first all-Pakistani bourgeois-democratic elections in the end of 1970, open conflict erupted in March 1971. The military tried to crush the autonomy movement in a bloody crackdown, and, together with supportive local Muslim militias – including Biharis, but also Bengali conservatives – killed, arrested or expelled Awami League functionaries, students, pro-Bengali intellectuals and Hindus. In April, the army also started with massacres in villages, trying to defeat an emerging guerrilla movement with bases in India. Ten million people, mostly Hindus, fled to India, and even more people, largely Muslims, were displaced within East Pakistan. The army and their helpers also committed mass rapes. The number of killings reached hundreds of thousands. But mass violence of different kinds was also committed by civilians, including Bengalis who turned against Biharis and other non-Bengalis as well as Muslims persecuting Hindus, particularly in the countryside. Many rapes occurred also between neighbors and within families. Pakistani rule in Bengal was terminated by an Indian invasion together with Bangladeshi independence fighters in December 1971. Afterwards attacks on Biharis and rapes continued, as did a famine that may have caused more victims than direct violence, especially among returning refugees.

Given that few official Pakistani and Bangladeshi documents are available to scholars, this study is mainly based on observations and statements by East Bengalis, Pakistani army personnel and foreign missionaries, journalists and diplomats. An additional problem is that accounts by Bangladeshis and Pakistanis are often bequeathed in publications where lines between facts and propaganda are blurred and that sometimes convey rumors that are also conveyed in reports

by foreign observers.[5] In a sense, my analysis is merely based on assertions about the occurrence of crowd violence. And yet, these sources are meaningful since it is characteristic how often and in which cases crowd violence was claimed to have taken place. In part of the cases, cross-checking allows for the verification of reports. Unclear language in the sources is another problem. As there is often no exhausting description or analysis of an event, only certain terms used, such as "mob" or "riot," indicate that it involved masses. By contrast, denominations like "gangs" or "goondas" rather point to small groups of actors. Unfortunately, most of the material is insufficient for in-depth microstudies. In particular, one cannot say much about the identity of the people in those crowds – except that by far most were men – and who within a crowd crowd turned violent. And at this point, little can be said about the important inner dynamics within those gatherings. But the material seems comprehensive and dense enough to identify some patterns, including the situations in which crowd violence came about.

Traditions of Political Militancy

Nationalist scholars from Bangladesh have spread the impression internationally that East Pakistan was peaceful and homogenous, except for Pakistani army violence.[6] Nothing could be further from historical reality. Bitter conflicts between social groups and between the sexes, the frequency of riots, aggressive practices of political struggle and repeated occurrences of mass violence in the quarter of a century before 1971 testify to the contrary.

Large parts of the agrarian population of East Pakistan (and thus the overall majority of inhabitants) suffered from lack of land, and land conflicts divided villages and families.[7] Comprehensive serious discrimination against women was common before 1971 and domestic violence widespread.[8] Social

5 A critical evaluation of some of these rumors is in Sarmila Bose, *Dead Reckoning: Memories of the 1971 Bangladesh War* (London: Hurst, 2011).

6 One example is Rounaq Jahan, "Genocide in Bangladesh," in *Genocide in the Twentieth Century*, eds. Samuel Totten and William S. Parsons (New York/London: Garland, 1995), 371–402, esp. 384.

7 M. Ameerul Huq, ed. *Exploitation and the Rural Poor* (Comilla: Bangladesh Academy for Rural Development, 1976) describes the situation in 1974. Although disputes aggravated in and after 1971, they did not differ in principle from earlier years.

8 See Yasmin Saikia, *Women, War, and the Making of Bangladesh: Remembering 1971* (Durham, NC/London: Duke University Press, 2011).

antagonisms led to almost constant unrest. From 1958 to 1966, the number of officially registered riots was at about 5,000 annually, or 14 per day, and they were on the increase. This level was even surpassed by far from 1972 to 1974.[9] From a picture of almost everyday civil disturbances, some periods of mass violence stood out. Between 1946 and 1950 as well as in 1964–1965, many pogroms took place, victimizing mostly Hindus but also other groups such as the small Christian communities. Since 1946, at least four million Hindus fled East Bengal (and in the year of 1970 alone, 248,158 reached West Bengal in India), tens of thousands were murdered.[10] Politics in East Pakistan knew little regard for minorities.[11] Other waves of collective violence included the language riots of 1951, hunger riots and several cumulations of student unrest.[12]

All of these included violence committed out of crowds. From 1946 on, there were mutual collective assaults between Muslims and Hindus in the context of decolonization and partition also in East Bengal. By early 1948, this had forced 800,000 Muslims from India to flee to East Pakistan and one million Hindus in the opposite direction.[13] These conflicts reached their peak in 1950. Masses of angry Muslims torched Hindu houses or entire neighborhoods and/or looted them, especially if Hindus had refused to convert to Islam. Sometimes crowds ransacked all stores run by Hindus. Crowds also attacked steamboats, trains and busses in order to slaughter Hindus. Many Hindu girls and women were raped or abducted. As a result, the refugee wave to India rose.[14] In 1964–1965 there were similar pogroms. This time, Muslims among the work force of factories, including Biharis, were also incited to turn against Hindus and massacred them in some cases. Hundres of thousands of Hindus lost their homes, more than 667,000 took refuge in India in 1964.[15] Unlike in 1950 and 1971, all political parties formed a committee that stopped the riots relatively quickly.[16] What

9 Mohiuddin Alamgir, *Famine in South Asia* (Cambridge, MA: Oelgeschlager, Gunn & Hain, 1980), 139; Omar Noman, *Pakistan: A Political and Economic History Since 1947* (London and New York: Kegan Paul International, 1988), 32. I found no data for 1967 to 1971.

10 See A. Roy, *Genocide of Hindus and Buddhists in East Pakistan/Bangladesh* (Delhi: Kranti Prakashan, 1981), though this is a very biased study; also Muhammad Ghulam Kabir, *Minority Politics in Bangladesh* (Delhi: Vikas, 1980). For 1970, see Marcus Franda, *Bangladesh: The First Decade* (New Delhi: South Asian Publishers, 1982), 103.

11 See Ghulam Kabir, *Minority Politics*.

12 Gerlach, *Extremely Violent Societies*, 131–132.

13 Willem van Schendel, *A History of Bangladesh* (Cambridge et al.: Cambridge University Press, 2009), 131–132.

14 Ghulam Kabir, *Minority Politics*, 108–112, 114, 120–121, 137–143.

15 See Roy, *Genocide*, 10, 33, 38–51; for mass flights, see Franda, *Bangladesh*, 103.

16 Ghulam Kabir, *Minority Politics*, 74–75.

followed in 1968/69 were months of student unrest that was joined by violent protests of workers and peasants that claimed the lives of some local elites.[17]

Through this history of violence certain patterns of assault against some groups had emerged, as had patterns of response. Locally, events had repeated themselves in some places before 1971.[18] It was also known how to avoid fatalities: as a meticulous study of a rural confrontation between over 10,000 Muslims and Hindus in 1954 demonstrates, there was no spontaneous fighting, but after deliberations among local leaders, and in the fighting, the many sickles, knives and spears were used only against arms and legs of opponents.[19] However, past events could also precipitate serious political misjudgments, as the U.S. Consul in Dacca concluded in a telegram in 1971:

> With benefit of hindsight it [is] now evident AL [Awami League] tragically miscalculated its position in its post-1 March confrontation with MLA [Martial Law Authority]. Mujib und AL believed they dealt from position of strength, based not only from overwhelming victory at polls which legitimized position vis-a-vis MLA, but also blind faith in "people power." Strongly held myth here is that masses in 1968–69 anti-Ayub agitation not only successfully confronted police and EPRs [East Pakistan Rifles], but also had the regular army cowed.[20]

Two widely used tactics of political struggle in East Pakistan deserve special mentioning. Relatively often was a *hartal* (general strike) called, locally or regionally, and rigorously enforced, down to stopping car traffic.[21] For a *gherao*, businesses, authorities or residences were surrounded by a crowd in hostile posture in order to get concessions by those encircled before they were given back their freedom of movement. Both tactics took large, aggressive groups of people to the streets.

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17 Van Schendel, *History*, 123; Kalim Siddiqi, *Conflict, Crisis and War in East Pakistan* (New York: Praeger, 1972), 121–131; David Loshak, *Pakistan Crisis* (New York et al.: McGraw Hill, 1971), 32–33.

18 Marian Olson, Bangladesh: Tears and Laughter (Willmar, MN: Willmar Assembly of God, 2002), 104–106 sketches the example of Gopalganj.

19 Beth Roy, *Some Trouble With Cows: Making Sense of Social Conflict* (Berkeley et al.: University of California Press, 1994), esp. 48–73, 81–85.

20 Telegram from about April 1971, quoted in Archer Blood, *The Cruel Birth of Bangladesh: Memoirs of an American Diplomat* (Dhaka: University Press, 2002), 210. Mohammed Ayub Khan was military dictator in Pakistan in 1968–69.

21 See for example Blood, *Birth*, 165.

General Elections and the Consequent Political Crisis, 1970–1971

The nationwide unrest of 1968–69 forced the military government to change its frontman. The new leader of the junta, General Yahya Khan (1917–1980), promised general elections and actually organized them in November 1970. The Awami League won 75 percent of the votes in East Pakistan, which, through the majority voting system, made her claim 160 out of 162 seats from the East (the party did not run in the western part of the country) and, thus, the absolute majority in the Constitutional Assembly in Pakistan.[22] This was an outstanding political victory, but it did not mean that the East Bengalis sided united with one peaceful party. The turnout in East Pakistan was 57 percent of elligible voters, and during the election year, activists and supporters of the Awami League had attacked supporters of other parties also physically in order to intimidate them, and killed some of them.[23]

The leaders of the Awami League deduced from this election victory a claim to speak for, as it was called, the 75 million people in the East, and, as they took the election result as support for their party's platform, also a hardly veiled claim to sovereignty for the East. The will of 75 million was not to be and could not be suppressed.[24] This argument persuaded also Henry Kissinger (b. 1923), the advisor for security affairs of the President of the USA, although Kissinger was not known as a friend of the founding of the state of Bangladesh.[25] The U.S. Consul in Dacca called the Awami League's chairman Mujibur Rahman (1920–1975) by appearance and character a power-hungry man who derived his power from the masses.[26]

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22 Gerlach, *Extremely Violent Societies*, 127.

23 See François Massa, *Bengale: Historie d'un conflit* (Paris: Éditions Alain Moreau, 1972), 141; Hakeem Arshad Qureshi, *The 1971 Indo-Pak War: A Soldier's Narrative* (Oxford et al.: Oxford University Press, 2002), 12; Siddiq Salik, *Witness to Surrender*, 3rd ed. (Karachi: Lancer, 1998), 5 and 15; Government of Pakistan, *White Paper on the Crisis in East Pakistan* (n.p. [Rawalpindi]: Government of Pakistan, 5 August 1971), 6–8. For the turnout, see L.F. Rushbrook Williams, *The East Pakistan Tragedy* (New York: Drake, 1972), 44.

24 See newspaper reports about speeches and interviews by Mujibur Rahman of 1, 21, 22 and 24 March 1971 in: *Bangla Desh Documents* (Delhi: Ministry of External Affairs n.y. [1971]), 189, 257, 261, 267; Peter Hess, *Bangladesh: Tragödie einer Staatsgründung* (Frauenfeld and Stuttgart: Huber, 1972), 57.

25 "[. . .] 75,000 Punjabi cannot govern 75 million Bengalis". Kissinger according to Minutes of Senior Review Group Meeting, 30 July 1971, in: *Foreign Relations of the United States, 1969–1976*, vol. XI (Washington: United States Government Printing Office, 2005), 301.

26 Blood, *Birth*, 47.

When Yahya Khan postponed the meeting of the Constitutional Assembly indefinitely on 1 March 1971 due to discord between the political parties, many Bengalis suspected that fraud was intended. According to pro-Bengali narratives, this triggered an unarmed movement of passive resistance, but in reality it was not peaceful.[27] Mujibur Rahman called the Bengalis to arm themselves and take on the struggle. After the movement had already suffered bloody losses, one could also sustain more of them.[28] Already on 30 December he had announced that "any attempt to delay or thwart [the realization of the] wishes of the people would be resisted to [the] bloody end."[29] During one of the biggest meetings with him on 7 March, where Mujibur Rahman spoke of peaceful non-cooperation, slogans called for the destruction of Pakistani troops.[30] After the military had shot at spontanous, sometimes violent, demonstrations and killed several demonstrators, Mujibur Rahman declared a *hartal* on 2 March that paralyzed public life, was modified on 7 March and then transformed to a parallel rule by the Awami League in East Pakistan including the control of media and financial institutions.[31]

This did not stop at rhetorics. Directly after Yahya Khan's indefinite postponement of the Constitutional Assembly meeting on 1 March, masses of angry Bengalis took to the streets. Many were equipped with bamboo sticks and iron rods. For days, they smashed and looted stores and restaurants run by Biharis and Western Pakistanis, set several places ablaze and attacked opponents of East Pakistani autonomy as well as foreigners. Cars were torched and bricks thrown. Some groups, especially university students, tried to procure firearms, mostly by plundering arms stores. Some manufactured Molotov cocktails.[32]

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27 Unarmed according to: Jahan, *Genocide*, 375. Bose, *Reckoning*, 18 and 24 argues the opposite way.

28 See an article by the *Hindustan Standard*, 11 March 1971, in: I.N. Tewary, *War of Independence in Bangla Desh: A Documentary Study* (New Delhi: Navachetna Prakashan, 1971), 118; Bose, *Reckoning*, 3; Mujibur Rahman's speech, 7 March 1971, in Rafiq ul Islam, *A Tale of Millions* (Dacca: Bangladesh Books International, 1981), 49; Mujibur Rahman's speech, 17 February 1971, according to *Pakistan Observer*, February 18, 1971 in *Bangla Desh Documents*, 165–166.

29 Telegram by U.S. Consul Blood, quoted in Blood, *Birth*, 131.

30 Blood, *Birth*, 173; see "Minority Group Obstructing Transfer of Power", in: *Dawn*, March 8, 1971, printed in: *Bangla Desh Documents*, 218–222, esp. 222.

31 "Mujib strongly condemns firing", in: *The People*, 3 March 1971, and "Mujib gives 10-point programme", in: *Dawn*, 8 March 1971, in: *Bangla Desh Documents*, 192 und 223; see also Blood, *Birth*, 157–158.

32 Bose, *Reckoning*, 23–26; Blood, *Birth*, 156–159; James und Marti Hefley, *Christ in Bangladesh* (New York et al.: Harper and Row, 1973), 13 und 15; Fazal Muqeem Khan, *Pakistan's Crisis in Leadership* (Islamabad et al.: National Book Foundation, 1973), 55–58; Rushbrook Williams, *East Pakistan Tragedy*, 53; "Wave of protests sweeps East Pakistan", in: *The Times*, March 3, 1971; Jahanara Imam, *Of Blood and Fire* (New Delhi: Sterling, 1989), 8–9,

From 2 March onward, violent clashes between demonstrators and the military took place, especially when civilians tried to storm certain public offices or blocked objects. According to the military, 172 persons died from 2 to 4 March, though most in clashes between Bengali and non-Bengali civilians and through police (not army) fire. Such incidents started on 1 March.[33] The Awami League called these numbers grossly understated, and all victims were blamed on the military shooting at unarmed civilians.[34]

In several places there were pogrom-like mass conflicts between Bengalis and Biharis with victims on both sides, but more among the latter. The most lethal happened on 3 and 4 March in the port city of Chittagong, when Bengali demonstrators marched through a Bihari settlement in order to enforce the *hartal*, which was answered by shooting from Biharis. 200 people died on both sides, especially in neighborhoods inhabited by Bihari workers, sites that suggest that Bengalis were on the attack.[35] Other deadly clashes between Bengalis and Biharis in Chittagong followed shortly before 25 March when Biharis wanted to unload a ship of military goods shortly and Bengalis attempted to prevent that.[36] This time it was (at least according to Bengali sources) armed non-Bengali crowds who moved against Bengalis under the wrong assumption that the army would immediately come to their help. Many non-Bengalis were killed instead.[37] In several neighborhoods and suburbs of Khulna, crowds killed at least 57 non-Bengalis with improvised bombs, sickles and spears, mutilating them.[38] Angry crowds also appeared at highways and attacked, among others,

27 (diary entries of March 1 and 16, 1971); *White Paper*, 29–30; Qutubuddin Aziz, *Blood and Tears* (Karachi: United Press of Pakistan, 1974), 21–22.

33 Salik, *Witness*, 48 und 56–57; A.M.A. Muhith, *Bangladesh: Emergence of a Nation* (Dacca: Bangladesh Books International, 1978), 202; *White Paper*, 30.

34 See for example Blood, *Birth*, 161.

35 Secretariat of the International Commission of Jurists, *The Events in East Pakistan, 1971: A Legal Study* (Geneva: International Commission of Jurists, 1972). Accessed January 8, 2008. http://nsm1.nsm.imp.edu/sanwar/Bangladesh%20Genocide.htm, chapter II a; *White Paper*, 31; account by Fazlul Rahman in *The Year That Was*, ed. Ishrat Firdousi (Dhaka: Bastu Prakashan, 1996), 345. A Bangladeshi author confirmed that this happened always in non-Bengali settlements though he claims that there were only Bengali victims: ul Islam, *Tale*, 37–38. Aziz, *Blood*, 54–78 offers much higher victim numbers.

36 Letter by A. Majid from Zurich, in *International Herald Tribune*, 9 August 1971, printed in: *Bangladesh Genocide and World Press*, ed. Fazlul Quader Quaderi (Dacca: Begum Dilafroz Quaderi, 1972), 247.

37 Muhith, *Bangladesh*, 226–227.

38 *White Paper*, 31.

cars that did not carry black flags as demanded by the Awami League.[39] Trains were either stopped by crowds between stations or passengers encircled at stations and alleged or real opponents of political autonomy threatened. According to some sources, passengers of a local bus in Dacca were murdered by a crowd.[40] Violence from amidst crowds originated at several places from the attempt to enforce the general strike, which in turn was supposed to protest anti-democratic measures by the military junta, but also served as vehicle for a creeping political takeover. Such violence built up incrementally.[41] However, it has to be added that witnesses attributed violence against non-Bengalis also often to small armed groups ("gangs"), instead of crowds.[42]

In the days after 1 March, boycotts prevented army units in East Pakistan from the purchase of fresh food and crowds blocked unit movements, often without the military responding violently. The most bloody incident that did happen occurred in the town of Jodevpur on 19 March when there was shooting out of a crowd blocking a railway crossing at army troops which killed several people when returning the fire.[43]

All in all, there were many violent actions out of gatherings and demonstrations in several towns and cities from 1 to 25 March, not only during clashes with the army. Transitions between common practices of political struggle and mass violence were fluent. From about 22 March – three days before the army crackdown – mass assaults on Biharis began on a larger scale than in the weeks before. This can also be read from warnings of Bengali politicians which also indicate that the Awami League started to lose control of the events.[44] In one of the largest riots, 8,000 civilians, many of them armed, attacked residential neighborhoods in or around Saidpur on 24 and 25 March.[45] The excitement and readiness for violence of those assembled sprung from their outrage because of political injustice and oppression, but often it was not directed against functionaries of the state but minorities that were considered alien, even though these were vaguely seen as linked with government and West Pakistani interests.

39 Jim McKinley, *Death to Life: Bangladesh as Experienced by a Missionary Family* (Louisville: Highview Baptist Church, n.y.), 9.
40 *White Paper*, 38; Aziz, *Blood*, 30.
41 In this point the *White Paper*, 29–39, appears realistic.
42 Aziz, *Blood*, 25–43.
43 Blood, *Birth*, 181–182; see details in Bose, *Reckoning*, 32–46.
44 See various articles in *Bangla Desh Documents*, 271–274.
45 *White Paper*, 39.

Crowd Violence in March/April 1971 and Its Suppression

The most common violence committed out of crowds in March and April 1971 were massacres against Biharis.[46] Tens of thousands were killed. The most lethal incidents happened in Chittagong, Khulna, Jessore, Santahar (6,000 to 15,000 dead), in ten settlements in Mymensingh, where the crowds were armed with rifles, swords, spears and daggers (500 to 5,000 dead), and in Dinajpur.[47] Frequently this included the murder of women and children or the abduction of children.[48] In other places, only male adults were targeted. Such events may have been exaggerated in Pakistani propaganda or postwar pro-Pakistani studies (but see the partial confirmation by witnesses from the opposite side mentioned on the following pages). Nonetheless such (pro-)Pakistani reports are significant in that they hold crowds, mostly called "mobs," responsible for attacks on non-Bengali civilians because they attest mass support to the political opponent, which undermines the idea that one should have kept a united state of Pakistan that is usually at the basis of these publications. This lends such reports some credibility.

The slaughter of Jessore on 30 March and its results were observed by foreign journalists. Civilians armed with spears, rifles and other weapons hacked Pakistani soldiers and non-Bengali civilians to death.[49] A crowd of Bengalis was also about to lynch a U.S. missionary as alleged "Punjabi" in a coastal area until a functionary of the Awami League clarified his identity.[50] The Pakistani authorities set up camps for about 25,000 Bihari widows and orphans.[51]

46 Siehe Gerlach, *Extremely Violent Societies*, 148–151; Sumit Sen, "Stateless Refugees and the Right to Return: The Bihari Refugees of South Asia, part I," *International Journal of Refugee Law* 11, no. 4 (1999): 630–631. The strongly propagandistic book by Aziz, *Blood*, argues that there was violence from crowds (and not small armed groups) in many instances. Many of his data lack credibility in regard to timing, victim numbers and the arms allegedly used by attackers, but many of his descriptions also match depictions of the same case in other sources.

47 See *White Paper*, 64–69; for Chittagong and Khulna, see: Aziz, *Blood*, 57–78, 82–93. For Santahar: Michael Hornsby, "Pakistan army intervention set off events which led to vengeance killings in East Pakistan", in: *The Times*, July 12, 1971. For Mymensingh: Blood, *Birth*, 277 (500 to 2,000 dead); *White Paper*, 69. For Dinajpur: Peter Hazelhurst, "Massacre of thousands of refugees by Bengalis alleged", in: *The Times*, 6 April 1971.

48 For the latter point, see Saikia, *Women*, 84 (Saidpur).

49 Nicholas Tomalin, "Mass slaughter of Punjabis in East Bengal", in: *The Times*, April 2, 1971.

50 Hefley and Hefley, *Christ*, 20.

51 Hess, *Bangladesh*, 145.

Pogroms against non-Bengalis have not only been described by Bihari survivors, Pakistani army officers, foreign media reporters and missionaries; they also appear in collections of postwar Bengali memories, such as the mutual pogroms in Khulna with, at least, hundreds of fatalities.[52] A crowd's attack at the Kabuli building in Chittagong, where supporters of the Pakistani government had barricaded themselves (some of them armed) led to them being killed, to looting and to the rape of women by the crowd.[53] In the town of Ishurdi, large groups of people hunted down scattered Pakistani soldiers and Biharis and killed them. Similar things happened in villages close to Lamonirhat near Rangpur.[54] Bengali student Najmul Ansar fled the Pakistani army from Dacca to Comilla, but there he was surrounded by a hostile crowd as alleged Bihari.[55] These reports show also how distrust grew on both sides, many people armed themselves, protective steps were taken, rumors circulated and finally hostile crowds from both sides attacked civilians, as happened in Chittagong.[56]

Military attacks could lead to bloody riots by Bengalis who accused Biharis of signaling to the Pakistani air force.[57] In Lalmonirhat (Rangpur district), the local Bengali pogrom against non-Bengalis took place after Major Ziaur Rahman's (1936–1981) radio speech in which he declared a state of Bangladesh on 26 March. Local Bengalis succeeded to burn down a Bihari neighborhood, but they had severe losses and were afterwards attacked by non-Bengali prisoners freed by the military.[58]

Some sources say that functionaries of the Awami League were responsible for anti-Bihari pogroms. Even a Bangladeshi historian accuses " Awami League volunteers" of a six-day riot against Biharis in Chittagong at the end of March 1971.[59] But there are a number of counter-examples, when Awami League functionaries prevented or stopped riots and mass murder.[60] Already in March 1971, Mujibur

52 Account by Mustafa Kamal in Firdousi, *Year*, 489; see also *White Paper*, 66.
53 A detailed description can be found in the account by Waliul Islam in Firdousi, *Year*, 17–24.
54 Accounts by Arief Razzaque and Golam Sarwar in Firdousi, *Year*, 330, 389–391.
55 Account by Najmul Ansar in Firdousi, *Year*, 406–407.
56 Account by Mohammad Ishaque in Firdousi, *Year*, 25–27; Yaqub Zainuddin's account in ibid., 513–514 portrays probably events in Chittagong as well.
57 Blood, *Birth*, 276–278 (Mymensingh, April 1971).
58 Account by Golam Sarwar in Firdousi, *Year*, 389.
59 Talukder Maniruzzaman, *The Bangladesh Revolution and Its Aftermath* (Dacca: Bangladesh Books International, 1980), 87. See *White Paper*, 31; Aziz, *Blood*, 16.
60 Blood, *Birth*, 275 (Faridpur); Peter Hazelhurst, "Hundreds of non-Bengalis slaughtered in Bangladesh", in: *The Times*, April 6, 1971 (Dinajpur); letter by the Central Committee of the Communist Party of East Pakistan,"On the situation in Bangla Desh", May 3, 1971, in: *Bangla Desh Documents*, 314 (Rangpur).

Rahman had repeatedly warned of rioting against Biharis, albeit in ambivalent statements.[61] Accusations by the Pakistani justice authorities against Awami League functionaries concerning violence against non-Bengalis, West Pakistani and "non-conformists" were mostly vague, and, above all, largely not related explicitly to directing violent crowds. Either this was rare, or the Pakistani authorities wanted to avoid the impression of mass support for such violent acts.[62] If the role of representatives of the leading political party was more conciliatory, this would mean that crowds, and individuals in them, acted rather autonomously.

In several areas, crowds, defying death, but also with the intention to kill, turned also on troops identified as supporting (West) Pakistan (after 25 March 1971, some units supported Bangladesh's independence). Before the army crackdown on 25 March, popular action was directed against the supply and movements of all units, also of those that consisted mainly of supposed Bengalis.[63] Afterwards this changed. Locally, this was organized by a "Liberation War Committee" headed by an Awami League member-elect of the National Assembly in Satkhira.[64] Allegedly, 8,000 people moved against the military base in Saidpur already on 24 March.[65] On 31 March, about 50 Bengali police officers, 100 students and 5,000 peasants attacked an army unit in Kushtia. Instead of a suicidal frontal attack, they surrounded the troops and shot at them with hundreds of previously captured rifles. Peasants hacked those soldiers to death that tried to drive away in panic. 134 military personnel died, 13 were captured.[66] On 2 April, 5,000 people armed with sticks, bows and arrows, spears and firearms stopped an army platoon on the way from Rajshahi to Nababgunj and captured a tank.[67] In Jessore, peasants armed with hoes, truncheons and bamboo spears held a barack under siege in order to kill the soldiers located there.[68] A crowd

61 See for example Blood, *Birth*, 162 and note 29 in this chapter.

62 "Charges against 16 more MNAs", in: *Pakistan Times*, August 18, 1971, Politisches Archiv des Auswärtigen Amtes Berlin (PA AA), B 37/629.

63 Salik, *Witness*, 56–57.

64 Suraiya Begum, "Introduction", in: *Rising from the Ashes: Women's Narratives of 1971*, eds. Shaheen Akhtar et al. (Dhaka: Ain O Salish Kendra and University Press, 2014; first in Bengali 2001), 105.

65 Massa, *Bengale*, 178.

66 "Pakistan. The Battle of Kushtia", in: *Time*, April 19, 1971, printed in: Quaderi, Bangladesh Genocide, 72–75. A unit of 300 men was annihilated in Pabna: Qureshi, *War*, 33.

67 Kalyan Chaudhuri, "Across the Border. The Masses Are Active", in: *Frontier*, May 1, 1971, printed in: *Media and the Liberation War of Bangladesh*, vol. 2, ed. Muntassir Mamoon, (Dhaka: Centre for Bangladesh Studies, 2002), 109.

68 "Pakistan. Death of an Ideal", in: *Newsweek*, April 12, 1971, in Quaderi, *Bangladesh Genocide*, 50.

hacked nine soldiers in Bogra to pieces on 6 April; at about the same time, armed groups moved against local Biharis. Similarly in Ishurdi in the end of March: thousands of village residents made a stand against Pakistani troops, captured three soldiers and killed them later. Then Biharis were murdered and their property looted.[69] In Mymensingh, pro-Bengali troops overpowered their circa 50 West Pakistani comrades, masses of civilians streaming into the base hacked those West Pakistanis to death who tried to flee, murdered their children and wifes and kidnapped some of the women.[70] In the town of Feni, an armed crowd attacked a West Pakistani unit which had barricaded itself in a large building, holding Bengali soldiers prisoner. Many West Pakistanis, but also Bengali soldiers and many civilians died. South of the town, civilians held up a military column in fighting for several days.[71] West Pakistani soldiers and officers who lived outside closed quarters became an easy prey of crowds who massacred them and often also their wives and children.[72] Some Pakistani military personnel moving around alone were also killed by armed groups or crowds between 3 and 25 March.[73] Many of the sites of these actions indicate that the posture of these crowds was not necessarily defensive, but that they pursued military units or men and/or confronted them at a favorable place for an attack. The passionate approach with no regard of one's own life, the low number of prisoners kept and the brutal ways of killing, all of this points to how much people in those crowds felt that their way of action was justified because it was for a just cause. It was widely held that Biharis and West Pakistanis deserved death, a view that was also adopted by some foreign missionaries. One of them wrote in late July 1971: "I became a Bengali ... I revised my theology on the grounds that this business about loving your enemy needs rethinking. It was based originally on the supposition that the enemy is human."[74]

In turn, crowds of non-Bengalis turned against perceived opponents, especially in the wake of brutal army attacks like on 27–28 March in Dacca.[75] In some instances, the Pakistani military distributed arms among Biharis.[76] Large

69 Accounts by Arief Razzaque and Mazudur Rahman in Firdousi, *Year*, 330, 449–450, 453.

70 Bose, *Reckoning*, 83–84; Blood, *Birth*, 276.

71 McKinley, *Death*, 12–13.

72 For an example from Chittagong or Rangamati, see the account by Naseem Rahman in Firdousi, *Year*, 465; see also Gerlach, *Extremely Violent Societies*, 151.

73 Bose, *Reckoning*, 32–33.

74 Letter by U.S. missionary Goedert quoted in Hefley and Hefley, *Christ*, 50. See also Hess, *Bangladesh*, 148.

75 Hefley and Hefley, *Christ*, 18–19.

76 See Zaglul Haider, "Repatriation of the Biharis Stranded in Bangladesh: Diplomacy and Development", in: *Asian Profile* 31, no. 6 (2003): 631.

groups of Biharis acted in hostile ways against Bengalis trying to escape military violence.[77] Violence by Bihari crowds occurred in particular where many Biharis lived, like in (or close to) certain towns and suburbs, and in railway settlements where they often formed the majority of residents.[78] As mentioned before, in Chittagong and its suburbs, there was mutual collective violence between Bihari and Bengali demonstrators. This resembled events in the Khalishpur neighborhood in Khulna and, to a degree, of the Mohammedpur area in Dacca.[79] A rare example of a late lethal pogrom organized by Biharis on Bengalis is known for Chittagong.[80] But overall it is striking that, though Biharis were accused then and in the historiography of having committed atrocities, there is relatively little concrete evidence for Bihari *crowd* violence.

Even more than in the 1950s and 1960s (when also many Hindus were killed), factories and related settlements became the scene of brutal Bengali-Bihari infighting.[81] In many places, Biharis formed a large part of the management, but also of foremen, specialists and other workers. After 25 March, it was often non-Bengalis, and especially superiors among them, who were slaughtered by Bengali workers who sometimes did not spare their opponents' families.[82] People acting out of crowds killed many Biharis and Western Pakistanis, military and civilians plus their families, at the Kaptai power station in the remote Chittagong Hill Tracts on 25 and 26 March.[83] The most deadly of these incidents happened in two jute plants in Khulna around 27 March, when both Bengalis and Biharis armed themselves and barricaded themselves in, the latter lost and many of them were killed, as well as some Bengalis.[84] Even before

77 See Akhtar et al., *Rising*, 17–18, 154.

78 Secretariat of the International Commission of Jurists, *Events*, chapter IIb.

79 Account by Ferdousi Priyobashinee in *Tormenting Seventy One: An account of Pakistan army's atrocities during Bangladesh liberation war of 1971*, ed. Shariar Kabir (Dhaka: Nirmul Committee, 1999), n.p.; this was portrayed as one-sided violence in "Khulna's Says of Terror", in: *Bangladesh Observer*, February 4, 1972. For Mohammedpur, see Qurratul Ain Tahmina, "Zabunessa Begum: A Mother's Struggle for Her Family", in: Akhtar et al., *Rising*, 14–16.

80 Account by Abdul Gofran in Jahan, *Genocide*, 401–402 (events of November 10, 1971).

81 This is emphasized in Aziz, *Blood*.

82 Sen, "Refugees", 631; account by Naseem Rahman (steel workers settlement near Chittagong) in Firdousi, *Year*, 466; account by Premankur Roy (brickworks near Phalpur close to Mymensingh) in ibid., 379. For the 1950s and 1960s, see Sen, "Refugees", 628; Richard Sisson and Leo Rose, *War and Secession: Pakistan, India, and the Creation of Bangladesh* (Berkeley et al.: University of California Press, 1990), 13; for attacks on Hindus, see Roy, *Genocide*, 40–41, 48.

83 Secretariat of the International Commission of Jurists, *Events*, chapter IIb.

84 Bose, *Reckoning*, 80–82; Shaheen Akhtar, "Ferdousi Priyobhashini: A Hidden Chapter", in: Akhtar, *Rising*, 144, 155.

26 March, there were apparently massacres by crowds targeting non-Bengalis in factories and factory settlements.[85] Long after the end of the war, on 10 March 1972, thousands of Biharis, including women and children, fell victim to another mass attack by Bengali civilians.[86]

After the Pakistani army had prevailed with brutal means and had all towns again under its control from about 20 April 1971, Bengali crowds apparently no longer dared to turn openly against non-Bengalis (as it had still happened even in Dacca in the night from 25 to 26 March[87]). In Dacca, army fire also stopped further revenge pogroms of Biharis against Bengalis in late April, fueled by stories by refugees from the anti-Bihari pogrom in Mymensingh. Now the troops shot several Biharis,[88] after violent Muslim demonstrations starting from different points and converging at quarters with a population consisting mainly of Hindus and supporters of independence had been permitted on 13 April which led to arson and murder.[89] It seems that the army moved, though reluctantly, against violent Biharis on some other occasions after 25 March. Some killers from their ranks received mild prison sentences.[90] Thereby the military stifled violent crowd action for the time being. Internationally, it wanted to show that it kept law and order, domestically the regime somewhat intensified its efforts to find Bengali allies after 18 April and even university students and certain Awami League members, although without notable success.[91]

To be sure, violence in cities and suburbs continued on a high level, but for the most part as small operations by the army and the militias and "peace committees" supporting the regime who arrested or abducted individuals en masse, tortured and murdered them, abused women and robbed enemy property. Supporters of independence, in contrast, focused on tightly organized guerrilla attacks and bombings, refraining from violent mass demonstrations.[92]

85 Aziz, *Blood*, 44 und 47 (Narayanganj).

86 Bose, *Reckoning*, 159.

87 See Robert Payne, *Massacre* (New York: Macmillan, 1973), 22.

88 Blood, *Birth*, 277 mentions that the army shot seven Biharis on 28 April; see also Imam, *Blood*, 68 und 70 (diary entries of April 23 and 25, 1971).

89 Ahmed Sharif et al., eds., *Genocide '71: An Account of the Killers and Collaborators* (Dhaka: Muktijuddha Chetana Bikash Kendra, 1988), 41–42.

90 Account by Yaqub Zainuddin in Firdousi, *Year*, 514.

91 Blood, *Birth*, 280; FRG Consulate General in Dacca, report, October 28, 1971, PA AA, B37/629.

92 A rare counterexample is mentioned in the account by Masudur Rahman in Firdousi, *Year*, 455 (date and place are unclear). A crowd demanded from three Mukhti Bahini to kill some alleged Pakistani collaborators under their control. The guerrillas only beat and humiliated the prisoners.

In the countryside, the lack of Pakistani government control resulted in possibilities for crowd violence, especially when targeting Hindus. The historiography blames violence there, too, usually on the Pakistani army in connection with local militias (*razakars*) and especially on Biharis. For villages, responsibility is also attributed to Muslim neighbors or Muslims from the area, but the forms their action took is often unclear. One author speaks of "oppression,"[93] others of looting, assault and burning down of Hindu neighborhoods, sometimes apparently carried out by large collectives.[94] Between 1 and 25 March 1971, people from among crowds in the countryside are supposed to have killed political leaders loyal to Pakistan and other persons dubbed as antisocial and to have burned their houses.[95] Given the high density of the rural population, large gatherings were not uncommon. But all in all, there is little information about crowd violence in rural areas. According to one report, in the large village of Sherpur, crowds of Muslim locals went on a pillage of houses by Hindus after being asked by Pakistani troops to do so in late April 1971. After an army massacre at a nearby river, a crowd of villagers from other places coerced relatives of those executed to leave the site because they were afraid of army reprisals if the dead bodies were taken.[96]

We also do not know much about crowd counter-violence by Hindus. Refugees who often moved in large groups – consisting of up to 300,000 people – tried to protect themselves against attacks by small groups, inter alia, by taking women and children in the middle and place men on the sides. It is possible that some of these men were armed. In one case, a local peace committee forced refugees to pay a toll and disarmed them for this purpose. However, if a group of hundreds of thousands accepted such treatment, it was either not disposed toward violent behavior or its members did not feel to be in a position to use violence.[97]

93 Bose, *Reckoning*, 117.

94 See Gerlach, *Extremely Violent Societies*, 160–161; Hefley and Hefley, *Christ*, 46; Peter Kann, "A Nation Divided", in *Wall Street Journal*, July 23, 1971, printed in: *Bangla Desh Documents*, 422. A clear case from the area of Chittagong is in Jeannie Lockerbie, *On Duty in Bangladesh* (Grand Rapids: Zondervan, 1976), 121–122.

95 Maniruzzaman, *Bangladesh Revolution*, 65.

96 Suraiya Begum, "Binapani Saha: The Many Faces of 1971", in: Akhtar et al., *Rising*, 269, 271–72.

97 Partha Mukherji, "The Great Migration of 1971. I – Exodus", in: *Economic and Political Weekly* 9, no. 9 (March 2, 1974): 368.

A Restricted Return to Crowd Violence in Late 1971

When Indian troops attacked together with Bangladeshi independence fighters in december 1971, again there was a power vacuum, chaotic scenes and persecutions of civilians. But who acted was often small groups of armed men who searched neighborhoods for Biharis and alleged collaborators of the Pakistani side, shot men, raped part of the women and plundered, especially at night.[98] Several observers, however, reported also crowd violence in which Biharis were hunted down and their houses burned, but this was often weeks and months after the end of the war in early 1972 and even still in April.[99] Afterwards, Biharis stayed in many places in their own camps or neighborhoods for protection. In the middle of December, an incident was rather exceptional in which armed independence fighters together with a crowd armed with sickles, spears, axes and firearms moved against non-Bengalis; some people were already massacred by the crowd whereas it was smaller groups who later killed women and children that were held captive. The number of dead seems to have run at least into the hundreds. Indian troops liberated the survivors.[100]

One event appears symptomatic. An armed commando under leftist guerrilla leader Kader Siddiqi (b. 1948) presented four alleged collaborators, who were accused of having attacked Bengalis, having looted and tried to abduct two women, to 5,000 in a sports stadium in Dacca on 18 December 1971, tortured and bayoneted them to death for half an hour in front of the cheering crowd. Foreign media representatives filmed and photographed the scene, which was later shown by some Western European TV stations.[101] On a symbolic level, this can be interpreted in a way that the victorious guerrilla fighters who had risked their lives in the fight for independence, which lend them some legitimacy, took the law into their own hands, acting on behalf of the people in a way that was perceived as just. Viewed from another angle, the

98 For Dacca, see the accounts by Afsan Chowdhury, Humayun Kabir und Muneer-u-Zaman in Firdousi, *Year*, 343, 377 und 440; Olson, *Bangladesh*, 207; Julian Kerr, "Mukti Bahini settling old scores in Dacca", in: *The Times*, December 18, 1971. For other places, see Gerlach, *Extremely Violent Societies*, 152; also Sen, "Refugees", 633; Sami Mustafa, "Who Is Conducting a Genocide? ", in: *Pakistan Forum* 3, no. 4 (1973): 15–16.

99 Hefley and Hefley, *Christ*, 86; Ben Whitaker et al., *The Biharis in Bangladesh* (London: Minority Rights Group, n.y. [1977]), 9, 14 und 16 (Dacca and Khulna); Bose, *Reckoning*, 159–160 (Khulna, March 10, 1972); Peter Hazelhurst, "Hundreds of non-Bengalis Slaughtered in Bangladesh", in: *The Times*, May 8, 1972 (Mirpur near Dacca).

100 See the account by Mohammad Jafar Al Khan in Firdousi, *Year*, 521–525.

101 See Hess, *Bangladesh*, 146 and photograph after 144; photographs in Aziz, *Blood*, ix–xii; Bose, *Reckoning*, 156–157; Gerlach, *Extremely Violent Societies*, 152.

others left the reckoning to the armed fighters. Such a procedure reduced the active role of crowds in the violence to being supportive onlookers. It is also characteristic that these atrocities of December 1971 are rarely questioned in Bangladesh collectively until today, whether in the historiography or in public memory, unlike by some, or even quite a few, murderers individually – including Kader Siddiqi, whose pangs of conscience led him, according to his own version, to adopt a traumatized baby orphaned by the war that is perhaps a child of Biharis.[102]

Beyond this single case and phase, in Bangladeshi public memory, Bengali people in violent crowds of 1971/72 were not perpetrators, but victims and heroic resisters. Their violence is being viewed as legitimate as that by Biharis was illegitimate – just like it was apparently viewed then. What prevails is still the "narrative of the enemy."[103] To my knowledge there was no prosecution of this violence in Bangladesh at all (probably not even against Biharis or Bengali supporters of the Pakistani government, because the cases I read of pertained to gang violence and more direct service to the Pakistani army); and, as mentioned, Pakistani prosecution of such cases up until December 1971 was extremely limited. Crowd violence was a crime that went unpunished, mostly due to a fundamental lack of sense of guilt, resulting in lacking will to prosecute and probably only secondarily because it was impossible to identify responsibility.

Conclusion

In East Pakistan/Bangladesh, massive, often deadly violence was committed in many cases out of crowds in 1971/72. How many people were killed this way is hard to tell but the numbers ran probably into the tens of thousands. Such incidents accumulated in specific phases of contested rule with weakened government authority: in March to April 1971 and Dezember 1971 to April 1972. In the meantime this happened only in the countryside where the Pakistani military, with just a few tens of thousands of troops, and the public administration exerted no full control.

102 See (also for Siddiqi's own interpretation of the execution) Saikia, *Women*, 238–239 und 257–258, note 33. General observations as mentioned are in part taken from Yasmin Saikia, "Insāniyat for peace: survivors' narrative of the 1971 war of Bangladesh", in: *Journal of Genocide Research* 13, no. 4 (2011): 481, 488–489.
103 Ibid., 481.

Imaginations about irrational crowds are, to a degree, disclaimed by the evidence for East Pakistan. The incidence of crowd violence was closely related to the overall political situation and mass mobilization and/or self-mobilization during intense political polarization. People responded to confrontations revolving around current questions of oligarchic power vs. democratic system and procedures, national unity of an Islamic state vs. regional popular sovereignty and West vs. East Pakistan concerning the distribution of resources. Both found their demands highly legitimate and near-sacred. Links were also made to traditional social divisions and stereotypes which led to collective ascriptions such as that Hindus (and secular intellectuals) supported Bangladeshi autonomy/independence and Biharis the Pakistani government. Either side found collective violence highly justified and tended to dehumanize the "enemy." The strong emotions involved were expressed in cruel ways of killing, mutilations, the murder of children and few criticisms of such action. But as far as crowd violence is concerned, there were several, but fairly clear conflict lines.

Therefore victims of this violence were mostly members of easily identifiable and located minority groups that were perceived as ethnically, religiously or culturally different. Non-Bengalis (so-called Biharis) and Hindus lived often in separate settlements, neighborhoods or houses. There were relatively weak ties between groups,[104] and ideas about the otherness of certain groups widespread, having in part solidified during former conflicts. Non-Bengalis and West Pakistanis were recognized on the basis of their broken Bengali, West Pakistanis by their fair skin color, male Hindus because they were not circumcized and female ones through their clothing and body painting. Interwoven with ethnoreligious difference was socioeconomic conflict: by the Bengali majority, Biharis and Hindus were still identified with wealth and power although many of the latter groups had lost their elite status before, or their elites had left the country, and many members of these groups had been poor all along.

Those who used the specific form of violence out of crowds, by contrast, belonged mostly to the majority.[105] First of all, for them (Bengalis, Muslims) it was easier to gather masses of people. Moreover, the majority of the population also derived legitimacy from their numbers. The will and demands of the majority played an important role in public discourse. In this context, to belong to

104 See Imam Ali, *Hindu-Muslim Community in Bangladesh* (Delhi: Kanisha, 1992), 87–88, 198, 204–205.

105 This is so although the majority of those killed in the conflicts of 1971 by all kinds of violence were Bengalis.

a crowd reinforced the impression that one's actions were admissible, and violence was very much rationalized by presumedly fulfiing a collective will (that reached beyond the crowd in which one was situated). Many participants of mass gatherings acted with an unshakable feeling of entitlement. Accordingly, violence was often used in brought daylight and in public spaces. It was not by accident that violence came about when the course of action was contested after democratic elections. From this developed a particular idea of *Volksgewalt* (a German term that can mean both "people's power" and "violence by the people"). Tajuddin Ahmed (1925–1975), the Prime Minister of Bangladesh's government when it was not yet internationally recognized, said when he took office in a radio speech on 11 April 1971 that "Quislings ... will be destroyed by the people themselves."[106]

Mass gatherings and collective action also served to enforce unity or at least establish social delimitation and subordination – on the path to a national state. In the short run, such violence prompted millions to flee; in the longer run, it forced Biharis to barricade in refugeee camps and drove Hindus into an inferior social position. The political leadership played a considerable role in this process involving crowds. Accordingly, the Awami League used intimidation for their election victory in November 1970, and Muslim notables in the countryside forced many Hindus to convert to Islam under the threat of collective action (but most revoked their Islamification in 1972).[107]

Though not much can be said about the mechanisms within the crowds it is likely that violence added some cohesion to them as well. This is supported by the infrequency of information, according to which not only individuals[108] but also groups within crowds in East Pakistan opposed violence.[109] Earlier violent mass gatherings tended to solidify collective identity and trained according behavior, which was the intention of

106 Printed in *Bangla Desh Documents*, 282–286, here 285.

107 For the latter point Gerlach, *Extremely Violent Societies*, 146.

108 See for the example of a Bengali neighbor who saved a Bihari girl from a crowd that was about to rape it, from the perspective of one of the girl's abductors, in Yasmin Saikia, "Beyond the Archive of Silence: Narratives of the 1971 Liberation War of Bangladesh," in: *History Workshop Journal* 58 (2004): 285; another example is in the account by Golam Sarwar, in: Firdousi, *Year*, 390.

109 See the account by Yaqub Zainuddin in Firdousi, *Year*, 516. Zainuddin relates that he and other Biharis continued to stab Hindu women and children despite objections expressed by other Biharis, abusing the latter in Urdu as "enemies of our nation". Tahmina, "Zabunessa," 17–19 is also about varying behavior of a Bihari crowd in which some wanted to kill Bengalis, others wanted save them, and some of the rescuers nonetheless looted Bengalis' property.

some of the instigators and organizers of these shows of force.[110] But again, whatever the degrees of intentionality of various actors, it is likely that, much more than consolidating *this* specific collective (the crowd), the violence sent out political messages to broader audiences, restructuring social and geographical spaces and visbly occupying the public sphere. Personal greed resulting in direct plunder played a secondary role.

Minorities mobilized violent crowds only if they felt supported or tolerated by the political regime. This was especially the case for the Biharis until the Pakistani army moved against such mass attacks. Afterwards, Biharis could still denounce adversaries and form militias or informal gangs for violence. Usually it was more the defense of a united Pakistan than of Islam as such that was used as justification of this, in close connection with the defense of the own group as well as its status.

Violence committed out of crowds was a kind of political participation. It was also open to the lower strata of society – many peasants and workers are reported to have taken part in many events. But this was not necessarily about weapons of the weak but rather about the exertion of power. In a strict sense, these were often no peaceful demonstrations. Many participants were armed which points to much readiness for violence from the start. On the one hand, heavy and automatic weapons were not carried which meant that the crowds were clearly inferior to the weaponry of army troops; on the other hand, the arms at hand had a great lethal potential such as knives, axes, sickles, spears, sharpened bamboo sticks, iron rods, hunting rifles, shot guns, self-made bombs and Molotov cocktails. Through these weapons, the violence was rooted in the everyday (and the means were common and easy at hand) and in tradition. In many cases, men were experienced in their use and in their production, also from past civil strife.

It would appear that the subject matter of this paper belongs in the context of a long tradition of political militancy involving masses in East Bengal that stretches to the present. Instead of being restricted to a transitional period to democracy,[111] this specific regional tradition has lasted and evolved over many decades and different political systems: late colonialism, West Pakistani dominance, independent Bangladesh, military dictatorships and formal democracy.

110 This is suggested by the microstudy of Roy, *Cows*, concerning events in 1954.
111 This is the context within which Mann, *Dark Side*, places participatory violence.

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Anwar Ouassini and Nabil Ouassini

3 "Kill 3 Million and the Rest Will Eat of Our Hands": Genocide, Rape, and the Bangladeshi War of Liberation

Introduction

On 26 March 1971, the independence of Bangladesh was declared by Shiekh Mujib Rahman (1920–1975), the eventual first president of the new nation state after he had called for campaigns of civil disobedience and armed resistance against President Yahya Khan's junta in West Pakistan. For the next six months, the Bangladeshi War of Liberation was fought between the Pakistani military junta (West Pakistan) that was unwavering in its possession of "East Pakistan" and Bengali nationalists determined to gain independence in the face of political, economic, cultural, and linguistic suppression. The protracted conflict resulted in numerous violent atrocities that eventually evolved into genocidal violence, mass killings and deportations. One of the unique characteristics of the Pakistani genocide in Bangladesh was the systematic use of rape and torture against the populace. While the rape and torture of women, men, and children in Bangladesh was not historically viewed within the larger discursive repertoire of genocide, the changes in international law and other genocidal events in Rwanda, the Congo, Bosnia, and Darfur has allowed scholars to revisit and expand the definitions of genocide to include components of sexual violence. This chapter explores the role of rape as a tool of war in the context of the War of Liberation in 1971, Bangladesh. In doing so, the paper will first present a chronological description of the conflict, contextualize the historical background, and evaluate the use of racial and religious ideologies that produced the ideological impetus and justification for the genocide; specifically, the use of systematic and targeted rape in the war. The chapter will conclude with a discussion on the lessons from the conflict that the international community can learn from especially in the context of genocidal rape.

Background

The East-West Pakistan conflict and the subsequent War of Liberation (1971) was a direct consequence of the temporal power of the 1947 partition of British India.

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The political and economic structures that were manufactured in East and West Pakistan, favored the Punjabis and Sindhis who dominated West Pakistani politics. After consolidating and centralizing power in West Pakistan, subsequent regimes exploited, dominated, and repressed the East where more than half of the population resided. Moreover, nearly all of the major institutions were filled by West Pakistani elites including the civil service, the military, and the overall administration of government.[1] A system of direct representation would have provided East Pakistan with a concentration of political power and thus, the West Pakistanis instituted a geopolitical program (One Unit) that merged the four major provinces in West Pakistan into one as a counterbalance. This would imaginatively rework East-West Pakistani democracy in favor of the West. These inequalities were also reflected in the economic structures as East Pakistani wealth was consistently transferred and allotted to Western Pakistani projects and investments including the building of the capital, Islamabad.[2]

Although the majority of both West and East Pakistan were Muslim, other ethnic, linguistic, and cultural characteristics overshadowed their shared religious identities. These public disagreements were operationalized around three ideational factors including secularism, language, and culture. For East Pakistanis, independence was perceived by the secular elite as a victory of secularism over Pakistan's religious nationalism.[3] The East Pakistanis were suspicious of the religious parties who often politically campaigned on ethnic differences as opposed to religious principles. Moreover, the secular philosophies emanating from West Bengal, India would have a greater intellectual impact on fellow Bengalis than the religious ideological parties from the Punjab and Sindh provinces of West Pakistan. Secondly, East-Pakistani's resented Mohammed Ali Jinnah's declaration that Urdu would be the official state language of East and West Pakistan as most East-Pakistanis only spoke Bengali. This linguistic policy not only alienated half of the population but also denied participation in Pakistani public or political life. Thus, it is not surprising that it was the status of Bengali language that produced and mobilized East Pakistani political leaders, nationalists, intellectuals, and university students to petition for greater representation and autonomy.[4]

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1 Husain Haqqani, *Pakistan: Between Mosque and Military* (Washington, DC: Carnegie Endowment, 2010), 19.

2 Nigel Kelly, *The History and Culture of Pakistan* (London: Peak Publishing, 2010), 128–133.

3 Shantanu Majumder, "Secularism and Anti-Secularism," in *Routledge Handbook of Contemporary Bangladesh*, ed. Ali Riaz and Mohammad Sajjadur Rahman (New York: Routledge, 2016), 41.

4 Monsur Musa, "Politics of Language Planning in Pakistan and the Birth of a New State," *International Journal of the Sociology of Language* 118, no. 1 (1996): 63–80.

The relationship between the exclaves further deteriorated when West Pakistan failed to deal with a deadly cyclone that displaced millions and killed an estimated half a million East Pakistanis in 1970. Many East Pakistanis blamed the racialized state administration[5] in West Pakistan for not properly alerting the population of the incoming cyclone, moreover, in the aftermath, the widespread negligence of Bengali suffering cultivated new grievances that would eventually lead to calls towards self-determination. Authorities in West Pakistan correspondingly accused the Awami League, the main East Pakistani political party and its leader Shiekh Mujib of exploiting the human tragedy for political gain. Consequently, every critique of West Pakistan emerging out of Dhaka was caricatured as Indian propaganda.

A month after Cyclone Bhola, Pakistan held elections that fiercely pitted Shiekh Mujib's, Awami League against Zulfikar Ali Bhutto's, Pakistan People's Party. The results revealed that the Awami League won 160 out of the 300 available seats in the National Assembly (a landslide victory for East Pakistan). Although the majority win should have conceded the formation of a new government to the Awami League, President Yahya Khan and Bhutto's Pakistan People's Party refused the leadership of an East Pakistani political party over West Pakistan, moreover they rejected any further autonomy for the East, and semantically juggled a proposition of having two Prime Ministers. By March 1971, representatives and leaders from all national parties met in Dhaka and failed to negotiate an agreement. The West Pakistanis refused to negotiate the Six-Point platform offered by Sheikh Mujib that emphasized a federal system with greater political sovereignty and economic self-reliance.

In return, Bhutto and the West Pakistani elites perceived Shiekh Mujib's demands as a form of secession as they rejected the Six Point plan while continuing to delay the convening of the National Assembly. On March 7, 1971, Shiekh Mujib already known as *Bangabandhu* (the friend of Bengal) gave a speech that demanded from West Pakistan the lifting of martial law, withdrawal of the military, and a transfer of power to the democratically elected Awami League. Additionally, Shiekh Mujib called for all the people of Bangla, Hindus and Muslims, Bengalis and non-Bengalis to participate in displays of civil disobedience and protest against the one-sided decisions made by Islamabad.

5 Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960's to the 1990's* (New York: Routledge, 1994), 83.

The Beginning of the War and the Ensuing Violence

As a response to Shiekh Mujib's speech, President Yahya Khan banned the Awami League, ordered Sheikh Mujib's arrest, and launched Operation Searchlight to militarily pacify Bengali nationalist ambitions. The excessive violence in the streets of Dhaka that President Khan unleashed indicated that the chances for a compromise were no longer open and on 26 March 1971, Sheikh Mujib declared Bangladesh independent. In his message to the Bengali people, Sheikh Mujib recognized the violence imposed on the Bengali peoples and encouraged resistance to the occupation by all means. Although many Awami League leaders took refuge in India to avoid arrest, Shiekh Mujib was swiftly arrested from his home by the Pakistani Army and imprisoned in West Pakistan during the rest of the conflict.

From the onset of the war campaign, the Pakistani military intended to exterminate the people and the ideas behind what they viewed as the underlying causes of the Bengali declaration of independence. As the war and genocide continued, the Pakistani military recruited Razakars who included Urdu speaking ethnic Biharis and pro-Pakistani Bengalis to systematically rape and massacre intellectuals, college students, politicians (especially those involved with the Awami League), union leaders, members of the military, and the general civilian population. In the subsequent months of the genocide, an estimated one to three million Bangladeshis died,[6] millions of refugees fled to India, and anywhere from 200,000 to 400,000 women were systematically raped and kept in camps.[7] This level of violence not only destabilized the region but created new questions for academics surrounding the ways that rape and sexual violence is utilized by state actors to destroy the Other.

Genocide and Bangladesh

One of the defining features of the Bangladeshi War of Liberation was the systematic use of genocidal violence by the Pakistani military and their accompanying militias on the Bengali masses. The unrestrained use of violence reflected

6 Kalyan Chaudhuri, *Genocide in Bangladesh* (New Delhi: Orient Longman, 1972), 22.

7 Ahmed Ziauddin, "The Case of Bangladesh: Bringing to Trial the Perpetrators of the 1971 Genocide," in *Contemporary Genocides: Causes, Cases, Consequences*, ed. Albert J. Longman (Leiden: PIOOM, 1996), 99.

the deeply embedded ideological sentiments that have produced religious, legal, and moral justifications for the Pakistani governing elite to employ. As with any form of state sanctioned violence, the ideological frames not only dehumanized the victims in East Pakistan, but also produced brute forms of violence that in the postulated interests of the perpetrator sought to solve the problems associated with the perceived "threat" of the Other.

In understanding this "threat" it is critical to particularize the elements for the potential of genocide to exist in the structured social and political reality of East and West Pakistani relations. These relations were shaped by colonial mentalities and a religious and ethnic chauvinism that reinforced the stark demarcation between and among the socially engineered martial races.[8] The emerging Pakistani state post partition reinforced the hierarchical racialized divisions of British-Indian social strata which always emphasized the differences between the light skinned Punjabis and the dark-skinned Bengalis. Thus, for many in West Pakistan, the idea of a Bengali potentially ruling over the whole of Pakistani society becomes inconceivable. The racial projects that were unearthed and utilized to socially engineer the Pakistani state allowed for the governing elites to link their configuration of racial structure to the Islamic identity and commitments of each ethnic Bengali in East Pakistan. This allowed the state to erroneously racialize the Bengali community as nominally Muslim, which for a state that has built its existence on Islamic ideational norms, places the East Pakistani Bengali on the outskirts of the Pakistani imagined community.

While the underlying premise of the new state of Pakistan was to ensure an independent homeland for the Muslims of the subcontinent, the reality reflected the interests of Muslim elites who lost power under British colonialism and desired to ensure their interests in any post-colonial political arrangement. In this process, the Pakistani ruling elite sought to reinforce its sole claim of representing the subcontinent's Muslim populations. Resistance to the Pakistani project as articulated by the ruling elite was precariously viewed as not only a form of resistance to the state but an indirect opposition to Islam and the idea of an Islamic republic.[9] Thus, in understanding the genocide, one must deconstruct

8 Heather Streets, *Martial Races: The Military, Race and Masculinity in British Imperial Culture, 1857–1914* (Manchester: Manchester University Press, 2004), 1–13.

9 For the Pakistani regime, the success of the independence movement in East Pakistan would breed the failure of the Pakistani national project which was created in order to have a separate, independent homeland for the Muslims of the Indian subcontinent. The Pakistani elites feared the war can potentially have dire consequences not only the region but within West Pakistan as East Pakistan can be the model for other ethnic minorities to seek independence including the Pashtuns in North-West Frontier Province and the Baluchi's in the West.

the paradigmatic processes that facilitated the West Pakistani regime to construct narratives that label anything ostensibly viewed as a threat to the regime's powerbase as resistance to the greater Pakistani project and Islam.

In constructing this narrative, the threat of Hindu India became central to the West Pakistani elites and therefore shaped the strategies and methods that were institutionalized during the pre-and-post War of Liberation. The West Pakistanis characterized the Bengalis as an inferior race who have closer intellectual and cultural links with their Hindu brethren in West Bengal, India. Moreover, since the East Pakistani Awami league was known to have socialist sympathies and deep intellectual links with the Communist Party of India, there was an underlying assumption in West Pakistan that the Bengalis are reflecting the political and strategic interests of India. This caricature of East Pakistan had a far-reaching effect since it allowed the West Pakistanis to exercise full political control and oppose Bengali organizational forms.

In identifying the East Pakistani calls for greater autonomy as an attack on Pakistan and Islam, the West Pakistanis began a campaign to ensure that Indian influence is counteracted on multiple fronts. The first actions in the first days of the war was to eliminate the political and intellectual elites of East Pakistan. On 25 March 1971, the targeted killings began as doctors, students, university professors, political party activists, and social movement workers were killed by the thousands. On this night, one of the first institutions that was attacked and destroyed was Dhaka University in the attempt to kill the "agitators" who were leading the critique and eventual resistance to the idea of West Pakistan. The West Pakistani military along with Islamist and nationalist militias targeted individuals whom the West Pakistani military regime identified as agitators and by extension, non-Muslims. The lists that were employed were produced by West Pakistani intelligence and East Pakistani collaborators who sought to attain political and economic power during the conflict.[10] Moreover, the shameful role that the religious establishment played in legitimizing aspects of the genocide were critical in its "success." In the labeling of these individuals as anti-Islamic activists and apostates, the West Pakistani state along with the religious establishment legitimized the first actions of the genocide. The state sanctioned fatwas (religious rulings from Islamic scholars) that were produced by a number of Pakistani Islamic scholars maintained that the unification of East and West Pakistan was a religious requirement that is

10 Suzannah Linton, "Completing the Circle: Accountability for the Crimes of the 1971 Bangladesh War of Liberation," *Criminal Law Forum* 21, no. 2 (2010): 14–16.

essential for the survival and prosperity of the subcontinent's post-partition Muslims.

By arresting and killing the political and intellectual elites, the West Pakistanis believed they can undergo the restructuring of Bengali society and remove the deep grievances that were viewed as being linked with Indian strategic and national interests. The targeted killings of the elites in the early part of the war sought to destroy and inhibit any potential transition towards an independent Bengali state. Moreover, the regime believed that once the elites were no longer active in the political and civil sphere, the resistance to West Pakistan and the Islamic republic would also wither with them. However, as the insurgency gained a foothold and the Bengali populace actively supported the liberation war, the West Pakistani regime began to shift their military tactics along with their pervasive religious and racial propaganda.

Once the targeted elites were overwhelmingly killed. The West Pakistani military regime led by West Pakistani President Khan began to target the ordinary masses who overwhelmingly supported the Awami league's calls for self-determination and independence. The goals were as President Yahya Khan stated, to "kill three million (Bengalis)... and the rest will eat out of our hands."[11] This racial, ethnic, and religious chauvinism expressed the extent the regime was willing to go to maintain military and political control in East Pakistan. This ideological narrative that justified the dehumanization and genocide against East Pakistani Bengalis reflected the internalized British racial ideologies of the martial races in which previous President Ayub Khan expressed the Bengalis are a "conquered peoples, while the inhabitants of West Pakistan were the descendants of conquerors."[12] President Yahya Khan, the person conducting the war in East Pakistan described East Bengalis as having "all the inhibitions of downtrodden races ... their popular complexes, exclusiveness and ... defensive aggressiveness ... emerge from this historical background."[13]

Violent episodes would be reproduced in nearly every town and city in Bangladesh as the West Pakistani regime fought to cleanse the Bengalis and maintain a firm grasp over East Pakistan. The killings included mass executions, the burning of homes, destruction of economic institutions, and brutal forms of sexual violence. In one narration Payne retells what he witnessed:

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11 Philip Hensher, "The War Bangladesh Can Never Forget," *Independent Online*, February 19, 2013. Accessed January 29, 2019. http://www.independent.co.uk/news/world/asia/the-war-bangladesh-can-never-forget-8501636.html

12 Robert Payne, *Massacre* (New York: Macmillan, 1973), 41.

13 Hensher, "The War Bangladesh Can Never Forget."

> The military authorities conducted experiments in mass extermination in places unlikely to be seen by journalists. At Hariharpara, . . . they found the three elements necessary for killing people in large numbers: a prison in which to hold the victims, a place for executing the prisoners, and a method for disposing of the bodies. The prison was a large riverside warehouse, or godown, belonging to the Pakistan National Oil Company, the place of execution was the river edge, or the shallows near the shore, and the bodies were disposed of by the simple means of permitting them to float downstream. The killing took place night after night. Usually the prisoners were roped together and made to wade out into the river. They were in batches of six or eight, and in the light of a powerful electric arc lamp, they were easy targets, black against the silvery water. The executioners stood on the pier, shooting down at the compact bunches of prisoners wading in the water. There were screams in the hot night air, and then silence. The prisoners fell on their sides and their bodies lapped against the shore. Then a new bunch of prisoners was brought out, and the process was repeated.[14]

The toll that the genocidal violence had on the population of Bangladesh was telling as millions were displaced, killed, and raped generating new questions surrounding exactly how to define and categorize violence of all kinds in the context of war.

Rape as a Tool of War

The use of sexual violence was incorporated as a tool of war by the West Pakistanis to reinforce the ideological paradigms pursued by the Pakistani state. As in all genocides, the extermination of the "Other" takes on multiple forms and methods that often do not directly lead to the death of the victim.[15] Although the Genocide Convention (1948) does not include rape in its definition of genocide, it has been included in the definition of crimes against humanity in Article 7 of the Rome Statute of the International Criminal Court. One of the key elements to understanding the way genocide functions is through the perspective of purposeful logic that reveals the perpetrators intentions in the destruction of the "Other," whether the result is death, physical impairment, or trauma. In evaluating rape (collective rape in the context of war) as an action that targets the collectivity as opposed to the individual allows rape to be subsumed in the larger category of

14 Payne, *Massacre*, 55.

15 David Maybury-Lewis, "Genocide Against Indigenous Peoples," in *Annihilating Difference: The Anthropology of Genocide,* ed. Alexander L. Hinton (Berkeley: University of California Press, 2002), 43–53.

genocide especially when implemented to accomplish political, social, and economic ends. When evaluating the intentions behind the West Pakistani state policy in pursuing genocidal violence and more specifically the use of gender selective extermination and forcible rape we find that in a traditionally conservative Muslim cultural context like East Pakistan, it's essentially an acknowledged death sentence for the victim. The strategic use of sexual violence by the West Pakistanis sought to destroy and supplant the Bengali population while reinforcing a perception of dominance over the women and men of East Pakistani society. The strategy behind the rapes and other forms of sexual violence was to kill, maim, and in many cases forcibly impregnate women in order to carry the offspring of what was often pronounced as the next generation of Pakistanis. This policy included both racial and religious ideological justifications.

Once the West Pakistanis realized that the war was not going to end after the systematic campaign of targeting the elites, the Pakistani military and their militias shifted course and began to actively target the female Bengali population. The policy was driven in the hopes of psychologically breaking the men and women of Bengali society. As Sharlach (2000) 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."[16] Moreover, various actors within the Pakistani military believed that the rape of the women and children would impart the racialized characteristics of the perceived image of the masculine Pakistani martial race. This form of violence sought not only to control the Bengali peoples but also cleanse the population from what was perceived as Bengali ethnic and racial impurities which the Pakistani's believed allowed the Indians to control and dominate Bengali culture and political frameworks. The rape of Bengali women would purportedly counter the feminine culture of the Bengal, in order to be able to withstand Indian influences. 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 related "we are going, but we are leaving our seeds behind."[17]

For the West Pakistanis, rape in the war of liberation reflects their patriarchal militaristic policies that in targeting women they can counteract the

16 Lisa Sharlach, "Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda," *New Political Science* 22, no. 1 (2000): 90.

17 Amita Malik, *The Year of the Vulture* (New Delhi: Orient Longman, 1972), 154.

bearers of Bengali culture and thus their elimination either through death, suicide, or forcible impregnation.[18] As Brownmiller quotes in one narrative,

> Two [Pakistani soldiers] went into the room that had been built for the bridal couple. The others stayed behind with the family, one of them covering them with his gun. They heard a barked order, and the bridegroom's voice protesting. Then there was silence until the bride screamed. Then there was silence again, except for some muffled cries that soon subsided. In a few minutes one of the soldiers came out, his uniform in disarray. He grinned to his companions. Another soldier took his place in the extra room. And so on, until all the six had raped the belle of the village. Then all six left, hurriedly. The father found his daughter lying on the string cot unconscious and bleeding. Her husband was crouched on the floor, kneeling over his vomit.[19]

For the Pakistani military, the strategy was to destroy the women who are seen as the gatekeepers to Bengali culture and life and, thus, as Seifert states, rape as a tool of war are essentially, "culture-destroying actions with strategic rationale."[20] This rationale was expressed as Das notes through, "the woman's body. . .(which) became a sign through which men communicated with each other."[21] This communication by the Pakistani elite was with Pakistani and Bengali society that in sexually controlling the lives of Bengali women they are able to "imprint" Pakistani "racial qualities" onto Bengali society and thus reinforcing a permanent and lasting memory of Pakistan in Bangladesh.

Another ideological component that shaped the actions and justifications of the Pakistani military regime was religion. Beyond the racialized justification, the military sought to use rape and sexual violence in order to purify the Bangladeshi peoples from Hindu influences. A number of religious figures along with the military facilitated rape and sexual violence by putting forth the argument that the resistance to West Pakistan was a form of apostasy as one was aiding "Hindu India's" political and militaristic agenda against the Islamic republic. This resistance against Pakistan supposedly places the Bengali Muslim population outside of the fold of Islam and consequently are no longer protected and are open to plunder and pillage by the Pakistani Army and its Islamic allies. As Firdousi Priyabhaani, one of the first women to testify against the West Pakistani soldiers describes in her experience with the perpetrators,

18 Ruth Seifert, "War and Rape: A Preliminary Analysis," in *The Criminology of War*, ed. Ruth Jamieson (New York: Routledge, 2016), 307–326.

19 Susan Brownmiller, *Against Our Will: Men, Women and Rape* (Newburyport: Open Road Media, 2013), 82.

20 Seifert, "War and Rape," 317.

21 Veena Das, *Critical Events: An Anthropological Perspective on Contemporary India* (Delhi: Oxford University Press, 1995), 56.

"There were four or five people who raped me all together . . . They kept shouting at me 'You are a Hindu. You are a spy.' After they gang-raped me they took me to a bunker."[22] In utilizing rape, the military sought to impose on the women new Muslim guardians who would produce the next generation of Pakistanis that would have loyalty to Islam and Pakistan. The female body became the site in which Islamic identity and politics was to be imposed. This had a dual function to, "First, make them Muslims," as General Yahya Khan once quoted while pointing at a Bengali crowd. Second, to impose the idea that being a Muslim in the subcontinent necessitated loyalties to the Pakistani state which was the authoritative voice of Islam. The West Pakistani regime further entrenched its Islamic legitimacy through the voices of Islamic Bengali political parties who backed the West Pakistani narratives and opposed Bengali independence. Moreover, these parties remained mute in the labelling of their fellow Bengalis as non-Muslims, which legitimated the rape and sexual violence imposed by the West Pakistani regime. In fact, the role of Islamic Bengali parties in the liberation war recently made international headlines as the former leader of the Jamaat Islami political party, Mir Quasem Ali was executed in 2016 for war crimes committed during the 1971 war.

Forcible Impregnation and the Genocide

The targeting of women of all social, political, and economic statuses reflected the directed policy of inflicting long-term trauma on the psyche of the Bengali people. This is particularly significant in conservative societies where chastity is tied to one's honor and dignity. The act of rape sought to reinforce a narrative of dominance over the population while emasculating the Bengali male population in the hopes of changing the ethnic and religious loyalties towards West Pakistan. 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. Thus, the rape and forced impregnation of Bengali women not only traumatizes the women; it also

22 Yasmin Saikia, *Women, War, and the Making of Bangladesh: Remembering 1971* (Durham, NC: Duke University Press, 2011), 133–134.

relinquished the womb to the West Pakistani occupation and force the Bengali community to live with the trauma post-independence.[23] Moreover, Takai argues that there are long term effects of forced pregnancies, which actually prevent births in the communities where women were raped and forcibly held. As 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 and/or to conceive (Takai 2011, 395–396).[24]

The role of rape in the context of the War of Liberation was systematically organized and widespread with the intention of destroying the will, self-dignity, and confidence of the Bengali peoples. The ideologies that justified the genocide and the multiple forms of sexual violence was in part utilized to maintain control and dominance over East Pakistan while simultaneously dismissing their religious, racial, and cultural frameworks. The racial projects (corrupted religious ideology and colonial racial mentalities) employed by the West Pakistani state provided insight to the methodological tools of genocide and more particular the way sexual violence was institutionalized. Moreover, the actions by West Pakistan reflected the weakness of the West Pakistani state as their ability to defeat the Bengali resistance waned, there were increased war crimes in relation to the policies that enforced sexual violence on the Bengali community.

In the aftermath of the war of liberation, not one Pakistani military official was held responsible for the genocidal violence committed in Bangladesh. For the women and children who were sexually assaulted and raped, the difficulties were compounded when trying to reenter into society and reconcile with families who view rape and babies out of wedlock as a dishonor. The government made an initial effort to deal with the trauma of sexual violence collectively by labelling victims of the sexual violence as *birangonas* or war heroines for their struggle in defending their homeland. This was an attempt to change the discourse, mentalities, and culture surrounding the female victims of sexual violence. This approach also facilitated for the conservative Bengali context a way to deal with the sexual violence by embedding a new collective memory surrounding their horrific experiences. While still perceived as victims, the *birangonas* would be seen as heroes rather than dishonored individuals as a result of their victimization. The *birangonas* discourse remained a couple of years

23 Alexandra Takai, "Rape and Forced Pregnancy as Genocide before the Bangladesh Tribunal," *Temple International & Comparative Law Journal* 25 (2011): 395.
24 Ibid., 395–396.

after the end of the war, however the plight of the hundreds of thousands of women who were raped and sexually abused has been an ignored issue since. The *birangonas* whom Sheikh Mujib called his "daughters" immediately after the war, would be isolated and demonized in their local communities. The contradictory rhetoric emerging from the state forced women to give up their babies as they were viewed by the state as "bastard children" who, "were not welcome in Bangladesh and (actually) created a policy that forced women to either obtain abortions or give their 'war babies' up for adoption in other countries."[25] In many cases, the lack of institutional support for many women resulted in these women being accused of dishonor leading many *birangonas* to commit suicide or flee to West Pakistan to start a new life.[26]

Bangladeshi Independence

Throughout the conflict, the international community pressured Pakistan to free Sheikh Mujib and cease the hostilities against the civilian population, but West Pakistani authorities continued to rebuff the overtures. In the first few months of the war, the Pakistani Army was successful in pushing the Mukti Bahini out of the major cities in East Pakistan and into the countryside. In doing so, they were able to impose the genocidal violence with no impunity as resistance was non-existent. As the number of Bengali refugees increased in the borders shared with India and the stories of massacres and incessant rape dominated the headlines, Prime Minister Indira Gandhi made a calculated decision to fully assist in the war of Bengali independence against West Pakistan. The Indian military began to train and coordinate the disorganized efforts of the Mukti Bahini and prepared for the eventual military conflict against West Pakistan. The Research and Analysis Wing (RAW), the agency for external intelligence in India provided reports to Bengali guerillas on Pakistani military movements and worked to disrupt their supplies and troop movements. Through its own intelligence and skirmishes, the Pakistani Army were aware of India's involvement in the conflict and planned pre-emptive air strikes against various Indian bases commencing what became the two week Indo-Pakistan War.

As the Indo-Pakistan War commenced, the Indian military focused on disrupting the communications between West Pakistan and its troops in East Pakistan. Through superior air power, the Indian Air Force controlled the Bengali air space

25 Ibid., 394.
26 Ibid.

and used its navy to close all possible escape routes for the remaining Pakistani military and the Razakar. The battle and eventual loss of Dhaka to the Indian Army allowed the Mukti Bahini to force West Pakistan to surrender by mid-December. The Instrument of Surrender signed by Pakistan's Armed Forces is celebrated on 16 December as Victory Day in Bangladesh. The humiliating defeat lead to President Khan's resignation and as Zulfikar Ali Bhutto assumed the presidency; he warily released Sheikh Mujib. For Bangladeshis, the Independence of Bangladesh came at a cost in which the genocidal violence enforced on the Bengali community was never held to account. The millions of Bangladeshis killed and displaced and the hundreds of thousands of victims of sexual violence were never able to hold the perpetrators accountable. The Pakistani military and their militias were able to go home with impunity while leaving Bangladesh burning. The decision which led the Bangladeshi government to accept the conditions set forth by Pakistan and India was primarily driven by the political elites in Bangladesh in seeking international recognition for their newly established state.[27]

Despite the complicated geopolitical context of the Cold War, India and the Soviet Union's consistent political and military assistance throughout the war of independence and the establishment of diplomatic relations since the onset of the War of Liberation rendered Bangladesh an immediate antagonist of Pakistan's American and Chinese allies. In order to guarantee Bangladesh's official recognition, India, Bangladesh, and Pakistan signed the Simla (1972) and Dehli (1973) Agreements. The agreements assured that Pakistan would acknowledge Bangladeshi independence and begin to normalize relations when the Indian Army returned the nearly 90,000 Pakistani prisoners of war, many of who were complicit in war crimes. The agreements also ensured that President Bhutto would not indict Bengalis in West Pakistan because of Bangladeshi threats to prosecute captured Pakistanis for war crimes. In 1973, the UNHCR oversaw the repatriation of 108,744 Pakistanis to Pakistan and 121,695 Bengalis to Bangladesh.[28] In one of the most controversial decisions, the Indian Army also released around 200 senior Pakistani officials that were accused of breach of conduct and war crimes without any assurances to prosecute the suspects in Pakistan or pay reparations to the Bengali victims of genocide.[29] This contentious agreement still impacts the status

27 Gary Bass, "Bargaining Away Justice: India, Pakistan, and the International Politics of Impunity for the Bangladesh Genocide," *International Security* 41, no. 2 (2016): 148.

28 UNHCR. "Addendum to the Report of the United Nations High Commissioner for Refugees," 1975, http://www.unhcr.org/en-us/excom/unhcrannual/3ae68c6f0/addendum-report-united-nations-high-commissioner-refugees.html

29 Jordan J. Paust and Albert P. Blaustein, "War Crimes Jurisdiction and Due Process: The Bangladesh Experience," *Vanderbilt. Journal of Transnational Law* 11, no 1 (1978): 31–36.

of the genocide in contemporary Bangladesh as attempts for reconciliation and truth are warrantless. Moreover, the cold war framework along with weak international institutions have allowed the perpetrators of the genocide to never be held to account. The anger of the Bengali people and the lack of justice received from the parties to genocide allowed many Urdu speaking communities situated in Bangladesh like the Biharis to be attacked, killed, and raped by Bengali mobs and individuals linked to the Mukti Bahini.

In the post war context, the Awami League formed Bangladesh's first national government with Sheikh Mujib as its president. The president encountered numerous challenges as the new nation tried to relocate millions of refugees, deal with the impact of violence and sexual violence on the population, clear out mines left during the war, confront shortages in food and medicine, while simultaneously seeking to rebuild the economic sectors that still struggled from the devastation of Cyclone Bhola and disintegration because of the conflict. The nation's agricultural output suffered as result of the West Pakistani Army's burning of agricultural fields along with the consistent flooding that has damaged the agricultural industry causing the Bangladesh Famine, killing tens of thousands of people. Along with rebuilding society in the post conflict context, the process of bringing the perpetrators to justice has always overshadowed his reign in power. The most contentious issue Sheikh Mujib confronted was the prosecution of collaborators that abetted West Pakistan's war against the Bengali people. By presidential order, Sheikh Mujib signed the Collaborators Act of 1972 to pursue collaborators through the formation of tribunals. According to Linton, some claim that 30,471 were arrested and charged, 2,848 were tried, and 752 convicted over a six-month period while others claim that 11,000 suspects were arrested with 73 tribunals instituted.[30] The following year, Sheikh Mujib declared a sudden amnesty that released most individuals that were either detained or convicted.[31] In 1973, the government adopted the International Crimes Tribunals Act to detain, prosecute, and punish any person involved with war crimes irrespective of their nationality. Around 11,000 prisoners that were held under the Collaborators Act of 1972 were about to be tried until Sheikh Mujib was assassinated, the law repealed, and all suspects were released.[32]

Sheikh Mujib's assassination by military officers transformed the Bangladeshi republic. In the night of 15 August 1975, officers raided the presidential palace

30 Linton, "Completing," 15.
31 Ibid.
32 Ibid., 21–22.

called the *Bangabhaban* and killed Sheikh Mujib, nearly all his family members (including his wife and three sons), staff, and other government officials. His daughters Hasina and Rehana were the only ones to survive since they were overseas at the time of the assassination. The leader of the coup, Khondaker Mostaq Ahmad took control of the government and declared himself Bangladesh's second president. Soon he signed the Indemnity Ordinance granting Sheikh Mujib's assassins immunity from prosecution. For the next 15 years, Bangladesh descended into political disarray and autocratic rule as coups/counter-coups and assassinations became the norm in Bangladesh. It was not until 1991 that Bangladesh was to finally hold democratic elections giving its citizens hope to build on the struggles and sacrifices of the War of Liberation.

In 2008, the electoral victory of Sheikh Hasina and the Awami League promised to bring war criminals who collaborate with the West Pakistani military and militias to justice. One of Shiekh Hasina first acts in power was to create a war crimes committee who essentially identified suspects to be tried under an updated version of the International Crimes Tribunal Act of 1973. The indictments were subsequently issued against two former ministers of the Bangladesh National Party but primarily focused on the leaders of Jamaat-e-Islami, an Islamic political party that sided and collaborated with Pakistan against Bengali aspirations for independence. Most of the accused were found guilty of war crimes and executed. However, there has been doubt about the impartiality and fairness of the trials as human rights organizations have held that these tribunals were motivated by politics rather than a sense of justice.[33]

Conclusion

One of the most controversial decisions made by India, Sheikh Mujib, and the first Bangladeshi government was to not pursue justice against the perpetrators of genocide. This was fairly the norm in South and Southeast Asia that governments in transitioning out of war often sought to actively forget the memories of genocidal violence. In the Bangladeshi case, the government selected an

33 International Justice Resource Center, "Bangladesh International Crimes Tribunal Sentences Two to Death for 1971 Killings of Pro-Independence Intellectuals," November 5, 2013. Accessed January 29, 2019. http://www.ijrcenter.org/2013/11/05/bangladesh-international-crimes-tribunal-sentences-two-to-death-for-1971-killings-of-pro-independence-intellectuals/; Human Rights Watch, "Bangladesh: War Crimes Verdict Based on Flawed Trial," March 3, 2016. Accessed January 29, 2019. https://www.hrw.org/news/2016/03/22/bangladesh-war-crimes-verdict-based-flawed-trial

expedient route towards international recognition by abandoning criminal accountability. This strategy was reasonable given the context of the Cold War; Pakistan had strong allies in the United States, China, Saudi Arabia, and the Muslim world, which explains why the Bangladeshis were willing to turn a new page and only focus on the collaborators within. In retrospect, this approach failed to achieve peace nor justice. The murder of Sheikh Mujib and the experience of genocidal violence in all forms has plunged the country into instability as numerous coups, assassinations, and military regimes persisted during the subsequent years. The question of accountability still lingers in Bangladeshi society as the memories surrounding the genocide shapes the contemporary political, economic, and social systems. One of the ways societies attempt to heal the wounds of genocidal violence is to understand the core causes, while reconciling the realities of the impact of the war on all communities. While this paper only provides one perspective on the genocide in Bangladesh, it does address many of the key components of the War of Liberation that deconstructs the issues and questions surrounding the multiple forms of violence used during the genocide, including rape. This paper revealed how West Pakistani racial projects utilized during the war dehumanized and categorized the Bengalis as racially inferior, which produced the policies that later gave way to brutal forms of violence. Moreover, we showed how religious ideologies were employed by the state to determine and shape what and who were considered Muslim and a part of the Islamic faith tradition. This approach to the conflict gave the Pakistani state authority to label the Bengalis as non-Muslim and therefore formulated the legitimacy needed for both the military and the militias to pursue rape as a tool of war. While Bangladesh may never truly face the effects of the genocidal violence on their collective memory head on, there are many components of the genocide and the accompanying sexual violence that the contemporary global system continues to suffer from. Including the conflict surrounding ISIS in Iraq and Syria and their religious ideological justifications for sexually enslaving Yazidi women and girls, to neighboring Myanmar where thousands of Rohingya have been killed, raped, and maimed by the democratically elected, National League of Democracy party. The lessons of Bangladesh will continue to inform present and future conflicts and genocides.

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Section II: **Victims**

Margaret D. Stetz

4 Reframing the "Comfort Women" Issue: New Representations of an Old War Crime

The end of 2016 marked several important anniversaries for the so-called "comfort women" issue – that is, the subject of Asian women who were used by the Imperial Japanese Army as military sex slaves. Twenty-five years earlier, in August 1991, what George Hicks later called "a turning point" occurred, when an elderly Korean woman, Kim Hak Sun (1924–1997), "announced her willingness to testify publicly about her experiences as a comfort woman, raising the issue to the level of formal legal action."[1] She told of being imprisoned in "comfort stations" for sexual exploitation during the Second World War and, with other girls, being shipped across China to be used by Japanese soldiers near the frontlines of battle.[2] With her testimony, as well as that of other survivors who soon began to come forward, "groups in both Korea and Japan ... prepared a lawsuit" against Japan, demanding compensation for the irreparable damage they suffered to their bodies and minds.[3] As Bonnie B. C. Oh reports, this led to a formal request from the government of the Republic of Korea for Japan "to conduct an investigation into the 'comfort women' system."[4]

But there is also another anniversary to consider. The end of 2016 marked one year since the surprise announcement of an agreement between the governments of President Park Geun-hye of the Republic of Korea – who would wind up being impeached in 2017 – and of Prime Minister Abe Shinzō of Japan that supposedly would put to rest a dispute between the two nations over what the Japanese military did in Asia more over seventy years ago, as well as what it still owes to those who were harmed by the "comfort system." As revealed to the public on 28 December 2016 by the foreign ministers of both nations, this

1 George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War* (New York: W. W. Norton, 1997), 188.

2 Ibid., 189.

3 Ibid., 190.

4 Bonnie B. C. Oh, "The Japanese Imperial System and the Korean 'Comfort Women' of World War II," in *Legacies of the Comfort Women of World War II*, eds. Margaret Stetz and Bonnie B. C. Oh (Armonk, NY: M. E. Sharpe, 2001), 16.

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alleged "breakthrough" involved promises of "Tokyo apologizing and agreeing to pay $8.3 million into a fund for remaining victims."[5]

From the perspective of more than a quarter-century later, it is clear that the testimony of Kim Hak Sun did prove tremendously important in giving greater visibility and political impetus to the movements for official apologies and redress to the "comfort system" survivors, who were forcibly confined to military brothels during the Second World War by the Imperial Japanese Army, raped, and in many cases beaten or otherwise abused for periods ranging from months to years. The hopes, nonetheless, for legal redress came to nothing, for the lawsuits initiated in a number of countries eventually failed. No one responsible for designing, implementing, or administering the "comfort system," which trafficked thousands of military sex slaves across Asia by land and sea, has ever been prosecuted or punished.

Similarly, from the distance of more than one year after the agreement between the Republic of Korea and Japan, it is obvious that what was meant to resolve the "comfort women" question did not accomplish what those who drafted it may have hoped. As Justin McCurry reported in the British newspaper, the *Guardian*, on 26 January 2016, Prime Minister Abe extended an apology "'to all of the women who underwent immeasurable and painful experiences and suffered incalculable physical and psychological wounds as comfort women.'"[6] At the same time, as this reporter pointed out, "Tokyo also acknowledged that its wartime military authorities had played a role in the women's sexual enslavement, but avoided any admission of legal responsibility"; thus, the simultaneous announcement that the Japanese government would contribute to a South Korean fund, to be established in aid of the aged survivors, could not be interpreted as payment of reparations, but instead was offered as "a humanitarian gesture."[7]

This agreement was immediately condemned by a number of organizations supporting the survivors and denounced by the survivors themselves, who expressed their fury over not having been consulted about the terms of the pact, and who rejected any money, unless it was paid directly to them by the

5 Anna Fifield, "South Korea, Japan Reach Settlement on Wartime Korean Sex Slaves," *Washington Post*, December 28, 2015. Accessed March 24, 2017. https://www.washingtonpost.com/world/south-korea-japan-reach-settlement-on-wartime-korean-sex-slaves/2015/12/28/e0578237-0a00-4f10-8491-1d85e72890b3_story.html?utm_term=.12cf25a06234.

6 Justin McCurry, "Former Sex Slaves Reject Japan and South Korea's 'Comfort Women' Accord," *Guardian*, January 26, 2016. Accessed March 24, 2017. https://www.theguardian.com/world/2016/jan/26/former-sex-slaves-reject-japan-south-koreas-comfort-women-accord

7 Ibid.

Japanese government – not through a fund under the auspices of the Korean government – as compensation for the crimes to which they had been subjected. Meanwhile, the agreement certainly has led to no equivalent arrangements between Japan and any of the other nations in which "comfort stations" were established, including the Philippines, China, Taiwan, and Indonesia. The aging survivors there, too, still call for and await official apologies and reparations from the Japanese government.

At the present moment, matters are really no further along, in terms of legal or political solutions, than they had been in 1991 when Kim Hak Sun came forward. Comfort women survivors and supporters remain at loggerheads with the government of Japan. Even in matters regarding education and historical memory, nothing has been decided, for the bilateral pact between South Korea and Japan made no mention of the so-called textbook controversies. It did not require the story of the "comfort system" to be incorporated into state-approved textbooks in Japan, or to be presented in educational settings there as an example of forcible sexual enslavement, rather than as voluntary prostitution by well-paid sex workers – which is the way it has been framed and thus dismissed by some Japanese nationalist factions and still is being described publicly by certain segments of the Japanese political right.

The December 2015 agreement with Korea also failed to forbid Japanese officials from interfering with how the issue would be taught in *other* nations, as they had in fact tried to do earlier the same year. As Martin Fackler had reported in the *New York Times* on 25 January 2015, representatives from the "Japanese Consulate-General in New York had met with McGraw-Hill officials ... to demand revisions" to a textbook issued by the American firm – "a high school history textbook published by McGraw-Hill Education" – that contained the following sentence: "The Japanese Army forcibly recruited, conscripted and dragooned as many as 200,000 women aged 14 to 20 to serve in military brothels."[8] Indeed, so personally incensed was Prime Minister Abe about the circulation of that statement in American classrooms that he had denounced the textbook at a meeting of the Diet, Japan's Parliament.[9] But under the pact made in December 2015 between Korea and Japan, such attempts at intervening in foreign education and at pressuring foreign publishing businesses evidently still could go on unhindered. While the two-nation agreement, according to the *Wall Street Journal*, was intended to ensure that both the

8 Martin Fackler, "U. S. Textbook Skews History, Prime Minister of Japan Says," *New York Times*, January 29, 2015. Accessed March 24, 2017. https://www.nytimes.com/2015/01/30/world/asia/japans-premier-disputes-us-textbooks-portrayal-of-comfort-women.html?_r=0

9 Ibid.

Republic of Korea and Japan would "refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations,"[10] nothing in it prevented the Japanese government from attempting to censor unwelcome comments in print anywhere about the "comfort system," or from trying to control and sanitize Japan's image in history, whether at home or abroad.

And yet, it would be wrong to imagine that no significant developments have occurred in the past quarter of a century, where the "comfort women" issue is concerned. Although movement in the quest for justice through legal channels may have been negligible, progress in the sphere of *representation* has been enormous. When it comes to the cultural work that is being done around this topic, there is reason for real optimism, for important changes have been happening – changes of the sort that are influencing public opinion globally today, and that promise to have a lasting impact in the future.

One of those changes – the reframing of the historical situation to bring greater attention to the role in it that was played by age – has been especially significant. In her deliberately inflammatory polemic, *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan* (2008), C. Sarah Soh has (in one of her few non-controversial statements) pointed to a shift in nomenclature, which took place around the time that Kim Hak Sun came forward to give her testimony and jumpstarted the movement for redress, both in the Republic of Korea and around the world:

> Since the issue was internationalized, "comfort women" has become the standard English translation of the Japanese euphemism *ianfu*. Previously, however, Dutch- and English-speaking soldiers and writers alike had translated the term as "comfort girls" . . . "Comfort women" may generally sound more respectful than "comfort girls," although the latter is more accurate in the cases of many teenage *ianfu*.[11]

Many international scholars and activists who, in the 1990s, first encountered the stories of this war crime did indeed hear and write about it as an example of *sexual violence against women* – a phrase that correctly singles out gender as the primary defining factor for who was targeted for the "comfort system," although other factors, such as ethnicity and working-class status, were equally

10 *Wall Street Journal* Staff, "Japan Real Time: Full Text: Japan-South Korea Statement on 'Comfort Women,'" *Wall Street Journal*, December 28, 2015. Accessed March 24, 2017. http://blogs.wsj.com/japanrealtime/2015/12/28/full-text-japan-south-korea-statement-on-comfort-women/

11 C. Sarah Soh, *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan* (Chicago: University of Chicago Press, 2008), 69.

crucial components in the selection process.[12] Using the term "comfort women" and linking it, either implicitly or explicitly, to the broader topic of sexual violence against women – that is, to a long history and a wide variety of assaults and abuses, whether organized or not – was a politically sound decision. It encouraged feminists and human rights activists to see the subject of captive Asians raped in military brothels as part of a larger pattern and to advocate on behalf of the survivors who were, at that point, certainly women – elderly ones, in fact – and who were living with the physical and mental consequences of having been subjected, fifty years earlier, to numerous daily rapes; to beatings; to near-starvation; to sexually transmitted diseases and to the crude medical treatment of them; and to forced abortions.

But the term "sexual violence against women" papers over a brutal reality. As Radhika Sanghani noted in the British newspaper the *Telegraph* on 29 December 2015, when reporting on the agreement between South Korea and Japan, the "majority" of those who were "forced to become slaves to the Japanese military and subjected to horrific cruelty" had "barely hit puberty." They were between "13 and 16" years old, although "some [were] as young as 10 when they were taken to 'comfort stations.'"[13]

That so many "comfort women" were actually *children* has been affirmed in statements by numerous survivors, as well as by historians such as Yuki Tanaka.[14] How did this important fact get lost? As the Japanese historian Yoshimi Yoshiaki reminded readers in his 1995 study *Comfort Women*, which was translated into English and published in the U.S. in 2000, "at the time when military comfort stations were beginning to be built, even in Japan, people were defined as minors until they reached the age of twenty-one."[15] Moreover, in 1910, Japan had been a signatory to the International Convention for the Suppression of White Slave Traffic," which stipulated, in one of its provisions, that "Whoever, in order to gratify the passions of another person, has

12 For more about these intersecting categories of identity in the selection of victims of the "comfort system," see Margaret D. Stetz and Bonnie B. C. Oh, "Introduction," in *Legacies of the Comfort Women of World War II*, eds. Margaret Stetz and Bonnie B. C. Oh (Armonk, NY: M. E. Sharpe, 2001), xi–xiv.

13 Radhika Sanghani, "The Horrific Story of Korea's 'Comfort Women' – Forced to Be Sex Slaves During World War Two," *Telegraph*, December 29, 2015. Accessed March 24, 2017. http://www.telegraph.co.uk/women/life/the-horrific-story-of-koreas-comfort-women—forced-to-be-sex-sl/

14 See, for instance, Yuki Tanaka, *Japan's Comfort Women: Sexual Slavery and Prostitution During World War II and the US Occupation* (London: Routledge, 2002), 46 and 49.

15 Yoshimi Yoshiaki, *Comfort Women: Sexual Slavery in the Japanese Military During World War II*, trans. Suzanne O'Brien (New York: Columbia University Press, 2000), 157.

procured, enticed, or led away, even with her consent, a woman or girl under age for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries."[16]

Thus, we have a situation in which those considered minors under Japanese law were used in military brothels and were also trafficked; yet no one was prosecuted. How were Japanese nationalist deniers able to ignore this fact and, over the last few decades, shift the focus of debate, arguing that "comfort stations" were sites of voluntary sex work where adult women allegedly chose of their own free will to become paid prostitutes? Did the use of phrases such as "sexual violence against women," or even of the broader term "violence against women and girls," which has also been employed, play into the hands of those deniers, by obscuring the record of "under age" sex traffic – indeed, of enslaving children?

More than twenty-five years ago, when Kim Hak Sun and other survivors came forward publicly, the initial response, especially of those sympathetic to the movement for apologies and redress, was to focus on their age at the time of giving their testimony and joining class action lawsuits. Many commentators, therefore, emphasized that these were elderly women, a number of whom were in poor health – suffering from ailments that, in some cases, dated back to their wartime abuse. Their advancing age was the impetus for arguing that their legal claims should be settled rapidly, before their deaths. Indeed, Kim Hak Sun died in 1997. We can see this laudable effort to imprint on public consciousness the image of elderly women, fighting in vain for justice, in important statements such as Dai Sil Kim-Gibson's 1997 article in the journal *Positions*, "They Are Our Grandmas." There, Kim-Gibson encouraged readers to identify with them as exemplars of determination, pursuing their just cause regardless of age and debility: "I am proud that they are my grandmothers, Koreans, women, female warriors."[17] The unintended result of such powerful rhetoric, however, was to associate the "comfort system," in the global imagination, with *women* – especially with the elderly ones speaking out against it – and to mask the issue of child sexual exploitation.

This same effect has also been reinforced by more recent projects, such as the 2010 volume *Comfort Women*, issued in the Netherlands, which records an exhibition of photographs by Jan Banning, with text by Hilde Janssen, of "comfort system" survivors from Indonesia. These images are stunning close-ups – full-page

16 Ibid., 156.

17 Dai Sil Kim-Gibson, "They Are Our Grandmas," *Positions* 5, no. 1 (1997): 274.

portraits of the wrinkled, aged faces of eighteen subjects looking straight into the camera lens. The first sentence of the Dutch publisher's bilingual back-cover copy announces, in English, "Raping women seems to be a normal byproduct of wars."[18] Only from the final eight pages, set in small type, of this more than eighty-page-long book, do readers learn that one so-called "comfort woman" after another was raped and enslaved as a minor. For example, one was "Recruited as [an] 11-year-old girl, transported to Borneo under pretext of available work and forced into prostitution for three years in a military brothel."[19]

A short biographical entry for "Kasinem" from Central Java begins, "At age 13, Kasinem was summoned by the village chief and forced into prostitution by the Japanese in a military brothel in Solo. She received the Japanese name 'Kanaku' and had to service three or four men every day ... [in] the brothel, where another 30 women were kept."[20] The conflation, in this latter instance, of a thirteen-year-old girl with "another 30 women" underlines the problem. To make visible the faces of the survivors from the former Dutch East Indies as they are now, still bearing witness and still demanding justice, is a powerful political act. Yet it also turns the audience's gaze – quite literally, given the primacy of the photographic images – away from the words, which appear almost as an afterthought, that reveal the experiences of underage girls, who were subjected to the kind of sexual violation and exploitation forbidden by an agreement ratified by the Japanese government fully thirty years before the war in the Pacific.

Notwithstanding the emphasis of this Dutch project on, as its very title suggests, *Comfort Women*, a change in representation is now occurring. With new language and, what is more, with new visual images, this shift rightly brings to public attention the "comfort system" as a site of child sexual abuse and sex trafficking. In doing so, it both implicitly and explicitly rebuts the claims of deniers, who continue to insist that this was an undertaking in which Asian "women" exercised free choice and agency to become paid prostitutes. As the International Convention for the Suppression of White Slave Traffic made clear, where the subject is a "girl under age," matters of so-called "consent" are irrelevant. Those who designed, ran, or otherwise maintained the "comfort system" were guilty of criminal violations of this Convention. As the plans for and administration of this system went to the highest levels of the Imperial Army and

18 Anon., "Back Cover Text," of Jan Banning and Hilde Janssen, *Comfort Women/Troost Meisjes* (Utrecht: Ipso Facto/Seltmann, 2010).

19 Jan Banning and Hilde Janssen, *Comfort Women/Troost Meisjes* (Utrecht: Ipso Facto/Seltmann, 2010), 86.

20 Ibid., 87.

of the Japanese government, so, too, the responsibility went all the way to the top.

Before this change in representation could happen on an international scale, moving the focus from *women* as the victims of Japanese military sexual violence to a growing acknowledgment that this was often a crime against *girls*, a more general critical consciousness had to emerge about the importance of girlhood as a distinct category, especially in wartime. We can locate the beginnings of this evolution a decade ago with the Second International Policy Conference on the African Child, held in Addis Ababa in May 2006. The theme of this conference, sponsored by the African Child Policy Forum, was "Violence Against Girls in Africa." Out of this forum came a report published by the International Committee of the Red Cross, *Violence Against Girls in Africa during Armed Conflicts and Crises*, which looked at the particular ways in which girls are vulnerable to being targeted and harmed, including through sexual violence. Its principal author, Florence Tercier Holst-Roness, asserted that "Humanitarian organizations should therefore pay greater attention to children, especially girls, in armed conflicts and local and national authorities should adopt specific measures to protect them."[21]

Interest in what happens to girls in wartime did not end there, nor was it confined to an African context. In her 2010 study *Nimo's War, Emma's War: Making Feminist Sense of the Iraq War*, Cynthia Enloe, the prominent political scientist and feminist theorist, devoted an entire chapter to the experiences of adolescent Iraqi girls during the U. S. invasion and occupation, as well as during its equally violent aftermath. As she wrote, "In the last decade we have learned to pay a lot more attention to girls in war . . . [and] to beware of lumping girls and boys together as 'children' when we are trying to understand how wars are launched, how wars are waged, and how wars sputter to their often inconclusive ends."[22] During wartime, "peacetime inequalities" are exacerbated; "That is, when war breaks out, it does not start from an ungendered childhood blank slate."[23] Enloe reminds readers, "Girls are more likely than boys to be internationally trafficked"; they are also "more likely than boys and men to be the wartime targets of sexual assaults."[24] What happens to a girl

21 Florence Tercier Holst-Roness, *Violence Against Girls in Africa during Armed Conflicts and Crises* (International Committee of the Red Cross, 2006) 7. Accessed March 24, 2017. https://www.icrc.org/eng/resources/documents/report/violence-girls-conference-110506.htm

22 Cynthia Enloe, *Nimo's War, Emma's War: Making Feminist Sense of the Iraq War* (Berkeley, CA: University of California Press, 2010), 83.

23 Ibid., 84.

24 Ibid.

matters, not only to her individually but, if she survives, to a nation as whole: "her memories and her lessons," based on these experiences of violence, "are likely to influence her adult efforts to shape her country's future," for she is a "dynamic, complicated" participant in history.[25] In other words, the damage done to a girl will blight her homeland's prospects.

Not long after the release of Enloe's book, the African American pop singer, Beyoncé, had a huge international hit with her 2011 song, "Run the World (Girls)." No one should discount the importance of Beyoncé as a cultural barometer, reflecting major developments in the social climate that also affect political action. In the accompanying music video, Beyoncé led an all-female and unarmed group of dancers, who confronted male soldiers in uniform, as the lyrics celebrated the power of girls. The video was the creation of the Austrian-born Francis Lawrence, who went on to direct three of the four film adaptations of Suzanne Collins's dystopic *Hunger Games* novels,[26] featuring a sixteen-year-old female protagonist forced to act as a gladiator-figure for a television audience that wishes to see children in mortal combat against one another. The success of the *Hunger Games* series, too, as both fiction and film from 2008 through 2015 tapped into a growing interest in the roles that girls occupy in war, whether as victims or as combatants. Simultaneously, the real-life plight of the Chibok schoolgirls, who were kidnapped by Boko Haram militants in Nigeria in 2014, became an international *cause célèbre* through the "Bring Back Our Girls" movement. Meanwhile in the U.S., the experiences of Liberian girl soldiers in 2003 inspired Danai Gurira to write her play *Eclipsed*, which opened on Broadway to enormous acclaim in 2015 with Lupita Nyong'o as the star. With this background of attention over the past decade to the fates of girls in armed conflict, we can begin to understand why the experiences of *girls as girls* within the "comfort system" have increasingly come to the fore as a subject for representation.

As these new images of World War II-era Asian girl victims and/or survivors circulate in a variety of media, they are altering how transnational audiences envision and conceive of this particular set of war crimes. Among the examples of works that have been changing the public's understanding is a 2012 novel, published by Amazon Digital Services and sold as a Kindle book, by an American journalist, Roger Rudick. Titling his novel *Story of a Comfort Girl*, Rudick claims to have based this project on the firsthand accounts of survivors

25 Ibid., 92.

26 Suzanne Collins, *The Hunger Games* (New York: Scholastic, 2008); *Catching Fire* (New York: Scholastic, 2009); *Mockingjay* (New York: Scholastic, 2010).

collected by the "Council for Korean Comfort Women's Issues"[27] (which is Rudick's rendering of the name of an actual organization, the Korean Council for Women Drafted for Military Sexual Slavery by Japan). Indeed, Rudick's fictional protagonist, named "Ji In-Sil," a seventy-year-old survivor, begins her first-person narration by saying that she has been inspired to share her history after seeing Kim Hak Sun testify on Korean television. The novel is, therefore, a blend of fact and imagination – as one would expect, with any work of historical fiction. Readers who know the published compilations of testimonies, such as *True Stories of the Korean Comfort Women*, edited by Keith Howard, or Sangmie Choi Shellstede's *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military*,[28] will recognize many of the details and situations, although these have been fleshed out and reshaped to make the narrative arc suspenseful and to allow various events to be assigned credibly to a single character.

Most significant, however, is that the central character is indeed a "comfort girl" – not a "comfort woman," meaning an autonomous adult, with the legal capacity to make decisions for herself. She is only sixteen-years-old and living in Chinju, Korea, with her father up until the time when she and another adolescent are driven away and then forced aboard a ship by Japanese soldiers, who transport them along with other Korean girls to a military brothel in a location described only as "an island someplace off the coast of China."[29] There, she is first raped by an officer and then used, month after month, by ordinary soldiers who pay in tickets. Her only recourse is to engage in small acts of defiance, many of which result in violent retaliation:

> If a soldier said, take off your clothes, I would take off only one item of clothing and make him ask again. If a soldier said "lie down," I did, but with my back to him, so he would then have to turn me over. One cruel soldier, named Honda, would slap me when I resisted like that. He would say: "don't make me ask for everything!" Then he would hit my body and face. But it was worth the stings, to know he was perturbed by my actions. The more he complained, threatened, and hit, the more determined I became not to serve him easily. If a soldier asked for tea, I spat in it when he wasn't looking. Sometimes I would take a handful of sand and, after they were asleep, put a little in their shorts. Or

27 Roger Rudick, "Prologue," *Story of a Comfort Girl* (Kindle edition, 2012), n.p.

28 See Keith Howard, ed., *True Stories of the Korean Comfort women: Testimonies Compiled by the Korean Council for Women Drafted for Military Sexual Slavery by Japan and the Research Association on the Women Drafted for Military Sexual Slavery by Japan* (London: Cassell, 1995) and Sangmie Choi Shellstede, ed., *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military* (New York: Holmes & Meier, 2000).

29 Rudick, *Story of a Comfort Girl*, ch.4.

> some salt. If a soldier asked us to pleasure him, we always looked into his eyes with such fury.[30]

Unlike her one close companion among the girls who are confined to this brothel, the protagonist survives to see the end of the war. When American forces bomb the Japanese military encampment, the soldiers abandon it, leaving the prisoners of the "comfort station" behind to fend for themselves. Eventually, Ji In-Sil is found by American soldiers who, however, have no interest in hearing about what was done to her or to the other girls. When she is at last able to return to Korea, she discovers that her beloved father was murdered, his property was confiscated and sold, and she is both literally and figuratively homeless. All that remains is "the pain of rape":

> It has been nearly 50 years since I left the comfort station. Yet every morning I wake up and I feel as if part of me is still there. I am always afraid. Always with that sickening feeling that my time, my body, my breath—nothing at all is my own. Anything that I have or that I am can be taken away. There is no line that can not [sic!] be crossed. No place where there is sanctity. Never have I known true peace since then.[31]

It is impossible to say whether Roger Rudick means us to regard this irreparable trauma as compounded by the young age at which the protagonist was subjected to the inhumanity of the "comfort system." Nonetheless, readers are left with the sense of a life that was, in effect, ended before it began, followed by fifty years of suffering – not only *in* silence, but *because* of silence, as there was no one, until 1991, willing to listen to what had happened to a mere girl.

Drawing upon and fictionalizing many of the same testimonies as Rudick, the South Korean screenwriter and director Cho Junglae [a.k.a. Cho Jung-rae] has also put the issue of age squarely before the public in a film that was released commercially in 2016. In an interview conducted with Amy Qin of the *New York Times*, Cho has said that some of his research was done through conversations with the group of elderly survivors now living together at the House of Sharing, located in the province surrounding Seoul, to whom "he had become close . . . through his time volunteering" there.[32]

The resulting film, which has been given the English-language title of *Spirits' Homecoming*, begins in Korea in the year 1991, as an aging woman

30 Ibid., ch.6.

31 Ibid., ch.27.

32 Amy Qin, "From Cho Junglae, A Film on Japanese Wartime Brothels," *New York Times*, March 24, 2015. Accessed March 24, 2017. https://www.nytimes.com/2015/03/25/movies/from-cho-junglae-a-film-on-japanese-wartime-brothels.html?_r=0

working as a seamstress watches Kim Hak Sun testifying on television, even as the audience watches along with her. After this, the next images are dramatizations of the past, which place us in the year 1943 and in the rural countryside of Gochang, Korea. It is an idyllic pastoral world, and the cinematography romanticizes the landscape as green, lush, and unspoiled in a way that recalls the opening shots of Oliver Stone's 1993 *Heaven and Earth There*, a film set in wartime Vietnam, where such images also serve as a prelude to scenes involving the violent rapes and physical abuse by soldiers of a very young girl.

In these initial scenes from *Spirits' Homecoming*, the director emphasizes the representation of Jung-Min, the protagonist, as just on the verge of adolescence in 1943, but still as unmistakably a child. We see her and her friends playing hide-and-seek. She and two other girls quarrel over a bet that ends with her stripping them of the good luck charms that their mothers have sewn for them. She is chastised by her mother, who beats her with a switch and says threateningly, "Nothing will work out for you, and you will never get married."[33] But juxtaposed with this mother-daughter conflict is the loving, harmonious relationship of Jung-Min with her father, who calls her his "little puppy," and who gives her a piggy-back ride home through the verdant landscape. (Again, this is a relationship that seems to echo the bond between Le Ly and her adoring father in Stone's *Heaven and Earth*.)

Cho's final nostalgic image of a lost paradise, and of lost youth, has Jung-Min strolling down the road toward her home, while butterflies flutter around her. On the soundtrack, we hear a female voice plaintively singing the folk song "Arirang," which has long been identified with Korea's cultural heritage. Then, as Jung-Min's house comes into view, both she and the spectator see her parents kneeling on the ground, begging a group of soldiers not to take away their daughter. "Oh, what will become of a young child like you?" wails her mother, as she frantically prepares Jung Min to leave with the soldiers, and gives her a good luck charm made of fabric, insisting that keeping it with her will make her safe.

Throughout the rest of the film, viewers move frequently and abruptly between the years 1943 and 1991. In further scenes from 1991, another young girl becomes the focal point – a girl who was both subjected to violence and a witness to murder. Raped in her own home by an intruder, she then watched as he stabbed her father, who managed to kill the rapist, too, before dying. This traumatized girl, who has not spoken since, is brought by her mother to live with a woman *shaman*. There, she manifests her own shamanistic powers, as

33 Cho Junglae, director, *Spirits' Homecoming* (2016; Seoul, JO Entertainment).

someone who can see the dead and channel their words to the living. At the film's conclusion, she will become the medium through which to reunite the spirit of the dead Jung-Min, killed by a Japanese soldier, with her friend, Young-Hee – who survived the "comfort system" – and thus bring peace to the latter. The elderly woman first seen watching the real-life televised testimony of Kim Hak Sun turns out to be Young-Hee, with whom Jung-Min was sent to a "comfort station" in Jilin, China, just over the border from Korea.

Most of the events that take place in 1943 in the "comfort station" are unrelievedly terrifying, and the viewers' horror is exacerbated by the director's emphasis on the age of the girls who are subjected to such brutality. We become spectators to the first assault, by the drunken commander of this military encampment, as he gloats over his prize – "A fourteen-year-old virgin. Nice." When she tries to escape, he punches her repeatedly in the face until she is unconscious, then strips and rapes her. The camera soars above the cubicles of the "comfort station" and, in a panning shot, reveals similar beatings and rapes in every one of them.

Among the organizing themes of *Spirits' Homecoming*, moreover, is the disposal of these girls when, because of physical illness or mental breakdowns, they become useless to the "comfort system" – at which point they are driven away in a truck and shot to death, their corpses burned in a pit filled with bodies clad in the Japanese kimonos that they must wear in the brothel. Using the image of these murdered girls' spirits as butterflies, Cho will end the film with panoramic views of the Korean countryside, covered with large white wings fluttering, as clouds of butterflies are drawn toward their homes, while "Arirang" once again plays on the soundtrack. The final scene is a fantasy sequence that returns Jung-Min to her idyllic youth and to the arms of her parents, who are in the midst of preparing a feast outdoors. Then the camera rises to the mountain, which is covered in greenery, before the fade out.

Spirits' Homecoming is an incendiary work. While Cho creates a wrenching scene of the elderly Young-Hee confronting callous Korean bureaucrats, when she goes to a government office in 1991 to register officially as a "comfort system" survivor, much of the film's punch derives from the director's unsparing focus on the sexual torture of very young girls by the Japanese military. In this fictionalized version of a "comfort station," there is certainly no depiction of a Korean who is anything but an underage minor. Here, cinematic representation stands as a deliberate political challenge and, in particular, as a rebuke to the Japanese national revisionists, who continue to insist on the "comfort system" as having been built on prostitution by adult women, who were allegedly able to choose their own way of earning a livelihood.

Cho's film, which has enjoyed considerable commercial success in Korea and has been screened around the U.S. on a variety of college and university campuses, has been winning, as the saying goes, both hearts and minds. In the sphere of representation, as opposed to that of international tribunals, a victor is emerging. At the same time, the two-nation pact between Japan and the Republic of Korea appears to be in limbo. With the remaining survivors of the "comfort system" accepting neither Prime Minister Abe's version of an apology, nor the offer of money to be funneled through a foundation set up by the Korean government, it is hard to imagine what actions can or will go forward.

Perhaps more interesting, however, is the uncertain fate of another provision of the agreement – one that was a most surprising inclusion from the start. As the *Wall Street Journal* reported, when printing the full text of the original announcement released by the foreign ministers of both nations,

> The Government of the ROK acknowledges the fact that the Government of Japan is concerned about the statue built in front of the Embassy of Japan in Seoul from the viewpoint of preventing any disturbance of the peace of the mission or impairment of its dignity, and will strive to solve this issue in an appropriate manner through taking measures such as consulting with related organizations about possible ways of addressing this issue.[34]

This is very puzzling. The statue in question that has so "concerned" the Japanese government was installed in 2011 by the same activist group, the Korean Council for Women Drafted for Military Sexual Slavery by Japan, that for two-and-a-half decades has spearheaded the famous "Wednesday demonstrations" – weekly protests since 1992 by survivors and their supporters in front of the Japanese embassy in Seoul. Why would Prime Minister Abe's government focus exclusively on a mere statue as the chief problem? Why would it not demand an end to the Wednesday demonstrations instead? What is it about this 51-inch-tall inanimate bronze object alone, created by a Korean artist, Kim Unseong, that could make the sight of it such a flashpoint, such an irritant to the Japanese government, and such a bone of contention between nations?

Meant to memorialize the "comfort women," and positioned in a chair facing the Embassy of Japan as an emblem of their unsatisfied quest for justice, its subject is not, in fact, a woman at all. It is instead an image of a young girl wearing the clothes of a schoolgirl – barefoot, with short hair and hands folded, silently and impassively seated next to a second chair that is empty. There is nothing to indicate that the girl is suffering or has been injured in any way. But what is plain, nonetheless, is that she is a very young girl, an *underage* girl,

34 *Wall Street Journal* Staff, "Japan-South Korea Statement on 'Comfort Women."

and thus an accusation in visual form of perhaps the worst war crime of all – i.e., child rape – as well as a reminder of the many violations of the 1910 International Convention for the Suppression of White Slave Traffic, throughout the "comfort system." There is no ambiguity to this message in material form. Like the film *Spirits' Homecoming*, the statue that looks across at the Embassy of Japan, and thus forces those inside the Embassy to stare back at it, embodies an important change in the terms of representation.

Whether Korean, Filipina, Indonesian, Chinese, or Taiwanese, the survivors of the "comfort system" almost surely will never get their wish for redress, for Japan will not admit legal responsibility or pay direct compensation. But there are other ways in which the victims and the survivors of the "comfort system" may see justice done. Even now, large segments of the population, especially younger people in the West, are still unaware of this history. In Fall 2016, when I taught the memoir *Comfort Woman* by Maria Rosa Henson,[35] the wrenching first-person account of a Filipina who was forced into a Japanese military brothel at age fifteen, an Asian American undergraduate at the University of Delaware wrote the following in an unpublished essay: "It is hard to believe that I have never learned about this issue until recently, in this class ... I am greatly disturbed by the fact that this important part of history is left out of our textbooks."[36] That lack of exposure will change.

Today, writers are creating novels about young girls in the "comfort system"; directors and screenwriters are making films about them; and copies of the statue that overlooks the Japanese Embassy in Seoul are proliferating and being exhibited everywhere from Sydney, Australia, to Washington, DC.[37] International outrage, generated by recognizing that the sexual exploitation of underage girls was endemic to the "comfort system," is spreading. All over the globe, the sound of butterfly wings beating the air is rising. The spirits are coming home.

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35 Maria Rosa Henson, *Comfort Woman: A Filipina's Story of Prostitution and Slavery Under the Japanese Military* (Lanham, MD: Rowman and Littlefield, 1999).

36 Judy Yang, "A History That Occurred," November 17, 2016, 6–7.

37 See, for instance, Danuta Kozaki, Nicole Chettle, and Staff, "Sydney 'Comfort Women' Statue Sparks Dispute Between Korean and Japanese Activists," ABC News (Australian Broadcasting Corporation), August 1, 2016, accessed March 24, 2017. http://www.abc.net.au/news/2016-08-01/wwii-comfort-women-memorial-sparks-dispute-in-sydney/7676310; and Armando Trull, "Statue on National Mall Honors Korean World War II Comfort Women," WAMU American University Radio, December 8, 2016. Accessed March 24, 2017. http://wamu.org/story/16/12/08/statue-national-mall-remembers-korean-world-war-ii-comfort-women/

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Samantha Christiansen

5 From Student Activists to *Muktibahini:* Students, Mass Violence and the Bangladesh Liberation War

And the students at the university
Asleep at night quite peacefully
The soldiers came and shot them in their beds
And terror took the dorm awakening shrieks of dread
And silent frozen forms and pillows drenched in red

Bangladesh, Bangladesh
Bangladesh, Bangladesh
When the sun sinks in the west
Die a million people of the Bangladesh[1]

This chapter examines mass violence in the context of the War of Liberation of Bangladesh (1970–1971) with a particular focus on the way that students of Dhaka University were particularly targeted as victims of the violence. While the mass violence that occurred in the 1971 war between West and East Pakistan was by no means isolated to students, there was a particularly transformative effect on students' political identity as a result of the violence. For decades prior to the war, Dhaka University students were at the forefront of numerous social and political mobilizations in East Pakistan. In light of the long running political disputes between East and West Pakistan, the sudden and violent outbreak of armed warfare precipitated a necessary shift from a Dhaka University student activist culture that was oriented around strikes, marches, and political agitation to one of *muktibahini* (freedom fighter) that was enacted in armed resistance and guerrilla warfare.

Background and Context: The Struggles in and of Divided Pakistan

Dhaka University was not always a contentious place, nor were the students known to be particularly troublesome to the ruling regime. In fact, the University

1 Joan Baez, "Song of Bangladesh," Chandos Music, 1972.

https://doi.org/10.1515/9783110659054-005

was established during the colonial period as a reward for Muslim elites in East Bengal who remained loyal to and supported the British during the attempted Bengal Partition of 1905–1911. While resistance to the administrative partition of Bengal had been fierce in Kolkata, in East Bengal the Muslim population saw the split as a potentially positive change that would increase economic and political representation for Muslims. When the political mobilization of West Bengal successfully pressured the British to annul the Partition, many Muslims in East Bengal felt betrayed. The British appeased the bitter East Bengalis by promising to build an educational institution to rival that of the great universities of Kolkata, and to base it in Dhaka. The university was actually not built until 1920, but even at this point of the height of nationalist agitation in West Bengal (and throughout much of the subcontinent), Dhaka, and the Muslim intelligentsia in particular, remained largely supportive of the British colonial regime and even, at times, agitated for the need to be more explicit in the Muslim League's loyalty to the British.

As the Nationalist movement gained steam across the subcontinent, and following the Lahore Resolution in 1940, in which the Muslim League argued for independent Muslim states, the faculty and students of Dhaka University shifted and in turn were highly supportive of the independent Pakistan project. The campus population became vocal supporters of the Muslim League and the leadership of Mohammad Jinnah as the "father of Pakistan." At independence in 1947, the new nation of Pakistan was created into two wings (East and West Pakistan). Dhaka became the provincial capital of the Eastern wing and Dhaka University became the leading institution of higher education for East Pakistanis.

Almost immediately after independence, however, the relationship between the two wings of East and West Pakistan deteriorated. Despite a larger proportion of the total population residing in the Eastern wing, power was heavily concentrated in the western wing, with most of the political posts were held by individuals from the western portion. In addition, in 1947 East Pakistan was verging on a severe food crisis, and memories of the 1943 Bengal Famine were still fresh. The population was anxious to avert another calamity on the scale of the disaster just four years before, and panic and hoarding became increasingly widespread. The new government's response was inconsistent and vacillated between utter disinterest and ineffective implementation of policies in addressing the inflated prices of food in East Pakistan and in addressing the rumors of impending disaster.[2]

2 For a more comprehensive treatment of the formation of East Pakistan see Willem Van Schendel, *A History of Bangladesh* (New York: Cambridge University Press, 2009), 105–130.

Students at Dhaka University took the lead role in agitating for food relief for the rural areas, organizing meetings, demonstrations, and building some of the movement culture that they would rely on for the larger, and more politically difficult battle of the *Bhasha Andolan* (Language Movement) of 1952. The Language Movement, from 1952–1956 was the first major battle between Dhaka University students and the government of Pakistan – and the students won. When Pakistani officials announced in 1952 that the singular national language of Pakistan was to be Urdu, the students in East Pakistan shifted from food issues to that of language and identity. Over the next several years students mobilized around the issue of language and continued to be dismissed by a series of government leaders. Dhaka University became the central meeting point and the general starting point of most marches and demonstrations.

Then, on 21 February 1952 a number of students were gunned down by police at a demonstration for Bangla as a national language. As news of the killings spread, the city of Dhaka was in chaos. Riots and spontaneous demonstrations broke out across the city, and people swarmed toward the campus of Dhaka University. In the evening of the attacks, several students constructed a monument on the campus entrance to those killed in the protest. The police destroyed the monument almost immediately. Within hours, *Shaheed Minars* (Martyr Memorials) had sprung up all over the campus. Riots continued for several days, and sporadic violence erupted all across the campus and government office quarters. At the national level, the effect of the *Bhasha Andolan* would take years to flesh out and would feed larger movements to follow. At the local level, however, the effect was much more immediate. As the physical hub of the student movement, and the origin of the strikes that were met with violence, Dhaka University became directly linked as the *place* of the *Bhasha Andolan*. It also established students as the self-appointed representatives of the larger population – and this becomes acutely relevant as the Pakistani state struggled to be seen as such. Eventually, Bengali was recognized as a national language of Pakistan, only further legitimizing the political identity of the Dhaka University students.

Shamshul Alam has argued that *the Bhasha Andolan* represents the first moment of "counter-governmentality" in the newly formed Pakistani state.[3] Following the Bhasha Andolan, as tensions between the east and west wings of Pakistan continued to fester, students of Dhaka University were at the front of

3 S. M. Shamshul Alam, *Governmentality and Counter-Hegemony in Bangladesh* (New York: Palgrave Macmillan, 2015). See also: idem, "Language as Political Articulation: East Bengal in 1952," *Journal of Contemporary Asia* 21, no. 4 (1991): 469–487.

major mobilizations. Throughout the 1960s, Dhaka University students had also become increasingly associated with the major political parties, especially the Awami League, that were making demands for representation. The leader of the Awami League, Sheikh Mujibar Rahman (Mujib), (1920–1975), had become politically visible as a result of his participation in the Bhasha Andolan – while a student at Dhaka University. He held a close relationship with students, and even relied on their support when he was imprisoned for his political activity. Dhaka University students were also heavily involved in the campaign known as Mass Upsurge, which occurred across both wings in order to overthrow the military dictatorship of Ayub Khan (1907–1974); when he announced that he would not run for election in 1969, the Dhaka University students counted this as a massive victory and felt legitimized as the political voice of East Pakistan.

The role of Dhaka University students was clearly that of political agitators and their activities were largely non-violent and consistent with the multitude of other student movements flourishing across the world in the 1960s. After Ayub's resignation, his successor Yahya Khan (1917–1980) ruled while preparations for national elections were made. Students put all of their support behind Mujib, the Awami League candidate. Mujib and the Awami League ran a highly successful campaign across all of East Pakistan, and students played important roles.

On 12 November 1970, just before the elections were scheduled to take place, East Pakistan was hit with a terrible cyclone. *Time* magazine described Cyclone Bhola as "the worst natural disaster of the 20th century – and one of the worst of all of recorded history."[4] It is estimated to have killed somewhere between 300,000 and 500,000 people. The devastating cyclone was unprecedented and still holds the place as the deadliest cyclone on record.[5] In another article, *Time* magazine illustrated the attitude taken by the Western controlled Pakistani government,

> . . .Pakistan's government proved shockingly inept and many of its people cruelly callous. . . Though people were reported floating alive offshore three days after the cyclone, the Pakistani navy was never ordered to search for survivors. Some 500,000 tons of grain were stock-piled in East Pakistan warehouses, but the 40-odd Pakistani army helicopters that could have air-lifted them to the delta sat on their pads in West Pakistan. . . Yahya

4 "Pakistan: When the Demon Struck," *Time* 96, no. 22, November 30, 1970, 16–19.

5 "1970: The Great Bhola Cyclone," *Hurricanes: Science and Society*. University of Rhode Island Graduate School of Oceanography and the National Science Foundation, accessed March 20, 2018. Accessed January 29, 2019. http://www.hurricanescience.org/history/storms/1970s/greatbhola/.

> Khan waited a total 13 days before making a formal visit to the Ganges area to see for himself.[6]

Yahya, quoted in a later *Time* magazine in response to a question on "[t]he slow flow of cyclone aid to East Pakistan. . .," coldly stated, "My government is not made up of angels."[7] The elections were delayed until December, but the latent anti-West Pakistan sentiment to which Mujib and the Awami League had been appealing during the campaign was heightened drastically by the merciless stance of the West Pakistani government during the cyclone.[8]

The results of the December elections reflected that outrage. The Awami League won 167 out of 169 seats in the east while the western 144 seats were split up between competing parties. This effectively placed control of the Pakistani government in the hands of the Awami League, and for the first time, there was a chance of a government that was controlled by East Pakistan. According to the original plan that Yahya had put forth when planning the elections, the next step in the transfer to civilian rule would be for Yahya to designate a time for the Assembly to meet and it would then have 120 days to draft a constitution.[9] What followed instead was a renewal of the fierce debate over details of the constitution and handover of power after several rounds of failed negotiations, on 2 March 1971, Yahya decided to postpone the calling of the Assembly indefinitely.[10]

This postponement was interpreted by the vast majority East Pakistan as a way for West Pakistan to deny their right to control the government. Mujib gave a speech on in protest, in which he stated "I have mentioned many times the fact that a conspiracy is going on in this country. There was a general election and the people have elected us and we have a responsibility towards them. But in spite of the clear verdict in our favor the conspiracy has struck at its root."[11] He also called for a general strike that shut down large parts of East Pakistan and advocated a massive non-cooperation movement until Yahya called the Assembly and ended martial law.

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6 "East Pakistan: The Politics of Catastrophe," *Time* 96, no. 23, December 7, 1970, 28–31.

7 "Good Soldier Yahya Khan," *Time* 98, no. 5, August 2, 1971, 26.

8 International Commission of Jurists, ed. *The Events in East Pakistan, 1971: A Legal Study* (Geneva, 1972), 12. Full text of report available at International Commission of Jurists, Publications: Thematic Reports. Accessed January 29, 2019. https://www.icj.org/the-events-in-east-pakistan-1971-a-legal-study/

9 Ibid., 13.

10 Richard Sisson and Leo E. Rose, *War and Secession: Pakistan, India, and the Creation of Bangladesh* (Berkeley: University of California Press, 1990), 53–110.

11 Ramendu Majumdar, *Bangladesh, My Bangladesh* (New Delhi: Orient Longman Ltd, 1972), 77.

Students on Dhaka University exploded with anger at the news. *The Pakistan Observer* reported,

> Immediately after the announcement was read out in a special radio broadcast on Monday, the students from different residential halls of Dacca University and other educational institutions of the city and the people from all walks of life ... came out on the roads brandishing bamboo sticks ad iron rods and chanting various slogans in protest of the postponement.[12]

Jahanara Imam lived near Dhaka Univeristy during the years preceding and during the war, and both her son and daughter were student activists on the campus. Rumi, her son, was killed in the war. Her memoir, *Ekatturer Dinguli* (The Days of Seventy One)[13] is perhaps the most widely circulated and read account of the war period from the campus perspective. In her entry for 2 March 1971, she describes the flurry of activity in the wake of the postponement,

> After finishing his tea Rumi said: "I'm going to the University. The Students League and DUCSU [Dhaka University Central Student Union] are holding a meeting under the Banyan tree [the Amtolla of past mobilizations]." I protested, "Why do you need to walk all the way there? You are not even a member of those parties? Why do you have to attend these meetings?" Rumi replied, "Things are no longer confined to any party, Mother. Now the fire has spread everywhere." ... I glanced through the newspapers. All the student, labour and political parties have called meetings today. The East Pakistan Student League and the Dhaka University Central Student Union have called a joint meeting under the banyan tree at the University at 11 o'clock and at 3 o'clock at the Paltan. The NAP will hold a meeting at the Shaheed Minar ... [it] enjoys the support of the East Pakistan Student Union ... the newly formed Forward Students Block will also hold a meeting at Baitul Mukarram at 4 o'clock. All the meetings will end in protest marches. By postponing the parliament session, President Yahya has disturbed a hornet's nest.[14]

The choice of meeting spaces on the campus that were linked to previous mobilizations reflected the centrality of the campus space to the protests and the prominence of students in the political reaction. As one Dhaka University librarian recalls,

> There were so many people who gathered and occupied the school for many days. Every day, I could not see any grasses in the yard, because they were so loosely packed.

12 *The Pakistan Observer,* March 2, 1971. Bangla Academy Archive Collection.

13 Jahanara Imam, *Ekatorer Dinguli* (Days of Seventy One) (Dhaka: Sandhanee Prokashanee, 1986).

14 Ibid., 10–11.

> Those people who not come into the school overflowed in the streets around the school. I have never seen so many people gathered together in my life.[15]

The protests grew in size and fury. By 4 March sixteen students had been killed by police.[16] The reports of injuries in across the eastern wing numbered in the hundreds in only a few days.[17] Despite the scattered violence that flared up between police and protesters however, the movement was largely non-violent. Students however, were anxious to see change and growing impatient. Hassan, a student at Dhaka University, remembers that "We were ready to finish what had begun in 1969. We were ready for independence. Mujib had to be convinced."[18] Dhaka University students of all of the major student organizations held a public meeting on 6 March with the express purpose of convincing Mujib to escalate the situation and declare an independent Bangla Desh (as the name had come to be rumored) the next day at his planned speech at the racecourse. The students urged Mujib to set up a provisional government and appealed to the international community to recognize that their movement was for justice and freedom.[19]

The next day, the students' influence on Mujib was clear. While he stopped short of fully declaring secession, Mujib noticeably catered to the outrage of the students. In his famous speech, attended by over 300,000 people, he declared a full boycott of all government institutions and economic activity. He said,

> … now, with great sadness in my heart, I look back on the past 23 years of our history and see nothing but a history of the shedding of the blood of the Bengali people. Ours has been a history of continual lamentation, repeated bloodshed and incessant tears. We gave blood in 1952, we won a mandate in 1954. But we were still not allowed to take up the reins of this country. In 1958, Ayub Khan clamped Martial Law on our people and enslaved us for the next 10 years. In 1966, during the Six-Point Movement of the masses, many were the young men and women whose lives were stilled by government bullets. After the downfall of Ayub, Mr. Yahya Khan took over with the promise that he would

15 Quoted in Kitamura Yuto, "The Student Movements in Bangladesh: The Role of Students and Student

Organizations at Dacca University during the Independence Movements between 1947–1971" (PhD thesis, University of California, Los Angeles, 2000), 136.

16 *The Pakistan Observer*, March 5, 1971. Bangla Academy Archive Collection.

17 Badruddin Umar, *The Emergence of Bangladesh*, vol. 1: *Class Struggles in East Pakistan (1947–1958)* (Oxford: Oxford University Press, 2003), 293.

18 "Hassan," Personal interview, 2010.

19 Kitamura, "Student Movements in Bangladesh," 139; Badruddin Umar, *The Emergence of Bangladesh*, vol. 2: *Rise of Bengali Nationalism (1958–1971)* (Oxford: Oxford University Press, 2004), 293–295.

> restore constitutional rule, that he would restore democracy and return power to the people. We agreed. But you all know of the events that took place after that . . .[20]

Mujib's references to the movements that had been lead by students positioned these victories as precursors to the current struggle and tapped into the sense of trajectory that the students themselves felt in their outrage.

Finally, although Mujib declared early in the speech that he hoped that there was still a possibility for a united solution of autonomy, he ended his speech with the declaration, "The struggle this time is for emancipation! The struggle this time is for independence!"[21] Some students interpreted this as a declaration of independence; others saw it as a mild threat with insufficient force.[22] Imam describes that among students, including her son Rumi and his friends, debates on the issue of autonomy versus independence were common in days following the racecourse speech. She claims that there was no real consensus among the students, although she depicts a revolutionary influence in the tone of the conversations, recalling, "Karl Marx, Engels, Lenin and Mao Tse Tung are the subjects of the constant discussion. Jami [the younger brother of Rumi who listens in on the Dhaka University students' conversations] has not read their works but Che Guevara seems to interest him a lot."[23] Either way, whether Mujib had been pushed by the radical students to move toward independence or if he still believed a united solution based on autonomy was possible and added the threat to appease the demands of students, the political influence of students is clear.

The days that followed were filled with tension. Yahya declared that meetings would be held with the intention of seating the government on 25 March. Negotiations were no success. Mujib's non-cooperation campaign was successfully causing economic ripples in the west, and the two sides seemed to be at a standstill. Then suddenly, without explanation, Yahya abruptly broke off the meetings on 25 March 1971 and flew back to West Pakistan.

20 "The Speech Text," 7th March Foundation. *A*ccessed March 20, 2017. https://www.7thmarch.com/the-speech-text/

21 Ibid.

22 Imam, *Ekatorer Dinguli*, 22–25.

23 Ibid., 23.

Operation Searchlight: The War and Dhaka University

As Yahya left Dhaka and ended the negotiations, a new approach was on the horizon. No longer was Yahya content to find a civil solution, and instead he turned to what he knew best: a military approach. Over the course of the night the nature of the situation changed irreversibly as West Pakistani soldiers moved across the city in the military attack known as Operation Searchlight. *Time* magazine described how the night unfolded as Yahya left,

> Five hours later, soldiers using howitzers, tank, and rockets launched troop attacks in half a dozen sections of Dacca . . . Swiftly Yahya outlawed the Awami League and ordered the armed forces to 'do their duty.' Scores of Awami politicians were seized, including Mujib. . . on charges of treason." [24]

There were numerous accounts of the atrocities that followed as part of the military "crackdown" on East Pakistan. Stephen Shalom Rosskamm described how "In the center of Dacca, the main city in East Pakistan, the army set fire to 25 square blocks and then mowed down those trying to escape."[25] In another account, an American working in a rural area of East Pakistan described the carnage:

> The Army simply loosed a reign of terror against all Bengalis on the theory that if they were sufficiently savage and brutal, they would break the spirit of Bengali people, and not only stop the rebellion, but ensure that it would never happen again. In the beginning this reign of terror took place in and around the cities. Prime targets of the army were anyone who were or could be leaders; Awami League politicians, professors, students, businessmen. But any Bengali was fair game for a soldier.[26]

The concentration of violence on the night of 25 March was particularly focused at Dhaka University and the students. As the Army moved to make a statement of force, the recognition of the symbolic importance of the campus as a space of contentious politics is clear. As Sarmila Bose has argued,

> If there is a single event in the military action that has captured the imagination of critics around the world as symbolizing "a night of infamy" it is what happened in Dhaka

24 "Pakistan: The Ravaging of Golden Bengal," *Time*, August 2, 1971, 28.

25 Steven Rosskamm Shalom, *Imperial Alibis: Rationalizing US Intervention After the Cold War* (Boston: South End Press, 1993), 122.

26 International Commission of Jurists, *Events*, 24.

> University during the night of 25-26 March 1971. The spectacle of a military regime sending the army to crush a "rebellious" university put the conflict in the starkest possible terms for most people and earned the regime lasting condemnation.[27]

Although the campus had been closed officially for several weeks due to the continued political unrest, and many students had gone from the campus to their village homes, there were still many students remaining, particularly the most radical of activists, many of whom had been training militarily and arming themselves for just such an invasion. Just as Mujib had advised them to "make every home [a] fortress," students had erected barricades at all of the entrances to the campus. As troops crossed the campus barricades, the reality of what military warfare really meant hit home for the students. An international reporter, Simon Dring, wrote of the invasion,

> In the capital, the students, reckoned to be the militant hard core of the Awami League ... talked endlessly of fighting to the death. But they had nothing more than a few rifles ... equally ancient pistols, and some homemade bombs ... Once the shooting started, the jeering, the shouting, the open defiance of the military might of the Pakistan Government died a quick death.[28]

Dring hits on an important consideration in his assessment. The students, while versed in the repertoire and ideology of revolution, had never been faced with actual warfare. At the worst points in past mobilizations, students had faced gunfire from police, but never outright military invasion and systematic attack. The result was a slaughter.

Dring described the carnage in another article, painting a gruesome image of the fate of the unprepared students,

> Caught completely by surprise, some 200 students were killed in Iqbal Hall, headquarters of the militantly anti-government Students' Union, I was told. Two days later, bodies were still smoldering in the burnt out rooms, others scattered outside, more floated in a nearby lake, an art student sprawled across his easel. The military removed many of the bodies, but the 30 bodies still there could never have accounted for all the blood in the corridors of Iqbal Hall.[29]

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27 Sarmila Bose, *Dead Reckoning: Memories of the 1971 Bangladesh War* (New York: Columbia University Press, 2011), 50–51.

28 Simon Dring, "Dacca Eyewitness: Bloodbath, Inferno," *The Washington Post,* March 30, 1971, A1.

29 Simon Dring, "Tanks Crush Revolt in Pakistan," *Daily Telegragh*, March 30, 1971, 30.

Dr. Nurul Ullah, a professor in Engineering at Dhaka University witnessed the attacks first-hand on the night of Operation Searchlight. He recalls,

> At midnight, though, we woke up to the sound of an explosion. After a little while there were the sounds of mortar and gunfire. We all took shelter from the bullets in the passage between our bedroom and the bathroom. Feeling curious, I crawled to the window and tried to peek outside to see what was happening. At the time I was living at Fuller Road, opposite the Assembly hall [at Dhaka University]. It was a four storied flat for University professors of Engineering. From my window I could see Jagannath Hall, where there were usually a lot of students, and the large field. That night was pitch dark, even then I could feel that the Jagannath Hall Hostels and the roads around were covered by military. Then I saw some rooms in the hostels were set ablaze. In that light I saw soldiers with flash lights searching all the rooms. I couldn't dare to stare for long. Coming back to the corridor I spent the rest of the night sleepless.[30]

The next morning, Ullah reports, the field in front of Jagannath Hall was covered in bodies and he set up a small video camera to record another incident in the massacre. He describes that,

> ... those people on nearing to the dead bodies, the soldiers who brought them moved slightly to the east and aimed rifles at them. For a moment everything was quiet. I saw a bearded man, kneeling down begging for life. Then the firing started. Rounds after rounds of bullets and people were falling on the ground, and bullets piercing bodies, hitting the ground, raising the dust. When the firing stopped, I saw the bearded man still alive, seemed like no one fired directly at him. The man with clasped hand was begging for his life. One soldier kicked him on the chest trying to lay him on the ground. But the man was still on his knees. Then they fired on him. His body merged with the other dead bodies. The soldiers who stood in line on the north side now they marched away. Those who killed were circling around the dead intently and fired to be absolutely sure that they were dead.[31]

Another professor, Dr. Muhammad Anisur Rahman, who was on the campus has recounted his experience on the campus that night as well. He describes,

> We were in Flat 34C in a faculty apartment house opposite Jagannath Hall ... At around 10 pm we heard some noise outside, peeped through a window of our bedroom ... and saw students putting up barricades on the crossing ... Shortly before midnight Dora [his wife] and I woke to noise outside ... and saw truck and jeep loads of military armed with rifles and light machine guns. They got off right in front of our house, lined up against boundary wall and took position facing Jagannath Hall ... after a few minutes there was a mortar sound from a distance, and the sky roared with guns all around. The military

30 Umar, *Emergence of Bangladesh*, vol. 2, 324.
31 Ibid.

> had started firing fiercely at the dormitory . . . and our building shook repeatedly with the sound.[32]

Rahman goes on to describe how he could hear the gunfire and cries as several professors staying in other flats of his building were next rounded up and systematically shot. He was spared because he had returned from a trip abroad the same day and everyone thought his apartment was empty.[33] Across the campus, each of the residence halls was swept and the students inside were gunned down.

The US Consul General in Dhaka, Archer Blood, sent an official telegram the Department of State on 28 March 1971 in which he stated:

> Here in Dacca [sic] we are mute and horrified witnesses to a reign of terror by the Pak [sic] military. Evidence continues to mount that the . . . authorities have a list of Awami League supporters whom they are systematically eliminating by seeking them out in their homes and shooting them down . . .[34]

The next day Blood sent another telegram, this time describing more specific events, perhaps in hopes of stirring up an emotional response from the US. He described having seen a "tightly packed pile of approximately twenty five corpses. Was told this was last batch of bodies remaining, others having been disposed of by army" at Dhaka University.[35] He further described the grim scene that had unfolded on campus:

> Major atrocity took place Rokeya Girls' Hall, where building set ablaze and girls machine-gunned as they fled building . . .Girls had no weapons, forty killed. Estimated 1,000 persons, mostly students, but including faculty members resident in dorms, killed . . . At least two mass graves on campus . . . rain [on] March 29 exposed some bodies. Stench terrible.[36]

This account is corroborated in the memoir of a West Pakistan soldier in Dhaka at the time. Syed Shahid Hussain writes,

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32 Muhammad Anisur Rahman, *My Story of 1971: Through the holocaust that created Bangladesh* (Dhaka: Liberation War Museum Press, 2001), 31.

33 Ibid., 31–34.

34 U.S. Consulate (Dacca) Cable, "Selective Genocide," March 28, 1971, *The Tilt: The U.S. and the South Asian Crisis of 1971, National Security Archive Electronic Briefing Book No. 79*, ed. Sajit Gandhi (Washington, D.C.: The National Security Archive 2002), Record Group 59, Subject Numeric File 1970–73, Pol and Def, Box 2530.

35 Department of State, Telegram, Marc 30, 1971 *National Security Archive Electronic Briefing Book No. 79*.

36 Ibid.

> Troops set the hostel known as Rukayya Hall ablaze and machine gunned the girls in their rooms, including those that tried to flee. I found confirmation of this crime in a verbal account given to me Major Saeed Jung of the Pakistan Army some years later, who claimed to have participated in the carnage. He described the horror of the massacre and said there was blood all over the rooms of Rukayya Hall. No one was allowed to escape. The boys had weapons but the girls had nothing.[37]

Blood sent two more telegrams shortly thereafter. In the first he informed the State Department that casualties in Dhaka up to that point were estimated at 4,000 to 6,000.[38] In the other cable he recounted reports of systematic assassinations of students and other East Pakistanis, and described "truckloads of prisoners seen going into ... camp at Peelkhana. Steady firing heard in area yesterday and today ... approximately 1 shot per ten seconds for thirty minutes."[39] In addition, Blood gave more gruesome details of the atrocities occurring at the University. He described that he "saw six naked female bodies at Dacca U. Feet tied together. Bits of Rope hanging from ceiling fans. Apparently raped, shot and hung from fans."[40] Witness accounts of the atrocities on campus the night that Operation Searchlight was launched abound, and all illustrate voracious and merciless attack on the students unlike any the campus had seen before.

In Operation Searchlight, Dhaka University, above all other places in East Pakistan, was designated at the main priority for West Pakistani military control.[41] The symbolic importance of the place is confirmed in the ferocity of the military attack, as not only students, but the important places on campus were destroyed. The meeting place of many movements past, the *Amtalla* was lit on fire by troops. The Madhur Canteen, another important site of student collective meetings and gatherings that had been a main gathering place during the anti-Ayub movement, was also set on fire, and the owner, Madhusudan Dey, and his wife and children were dragged into the road and shot.[42] In a particularly pointed recognition of the importance of the place in the hearts and minds of East Pakistan, soldiers were ordered to destroy the Shaheed Minar. Bose intrviewed

37 Syed Shahid Hussain, *What Was Once East Pakistan* (Oxford: Oxford University Press, 2010), 175.

38 Department of State, Telegram, March 31, 1971 *National Security Archive Electronic Briefing Book No. 79*, 2002.

39 Ibid.

40 Ibid.

41 Bose, *Dead Reckoning*, 50–61.

42 "Madhur Canteen: A Place of Historic Significance," *The News Today*. Accessed January 14, 2012. http://www.newstoday.com.bd/index.php?option=details&news_id=49947&date=2012-01-14 (post removed by March 20, 2017).

Capt. Sarwar of 18 Punjab, a West Pakistan soldier, and he described his encounter with the destruction of the memorial,

> His wanderings during the night brought him to the Shahid Minar, which was being demolished. It took some time to bring down the Shahid Minar—an act of vandalism that added fuel to Bengali rage, and a pointless waste of time and resources, it would seem, as there was no military reason to demolish a memorial to the language movement of the 1950s.[43]

Jahanara Imam recounts driving past the destroyed monument, and confirms the effect of fueling the outrage suspected by the West Pakistani soldier Bose interviewed. Imam describes,

> Rumi slowed down in front of the Shaheed Minar. The broken pillars had been totally leveled to the ground. Only the foundation of the pillars could not be uprooted. I cried, "Oh Shaheed Minar, we shall take revenge for this indignity someday." I could see Rumi's jaw hardening and lips tightening in silent resolve.[44]

While there may have been no military reason to attack the symbolic spaces of the campus, it reveals the symbolic importance of the campus places in the imaginations of both the students and the government.

As the days passed, the violence escalated and the war spread across the entire city, and into the rural areas. The campus was secured militarily, and the students that had been there were either dead or had fled to safety in nearby villages. The systematic nature of the killing was also becoming more clear and the war took on chilling dimensions. Robert Payne gives the testimony of an eyewitness describing the process,

> The place of execution was the river edge, or the shallows near the shore, and the bodies were disposed of by the simple means of permitting them to flow downstream. The killing took place night after night. Usually the prisoners were roped together and made to wade out into the river. They were in batches of six or eight, and in the light of a powerful electric arc lamp, they were easy targets, black against the silvery water. The executioners stood on the pier, shooting down at the compact bunches of prisoners wading in the water. There were screams in the hot night air, then silence. The prisoners fell on their sides and their bodies lapped against the shore. Then a new bunch of prisoners was brought out and the process was repeated.[45]

43 Bose, *Dead Reckoning*, 58.

44 Imam, *Ekaturer Dinguli*, 49.

45 Quoted in Adam Jones, *Genocide: A Comprehensive Introduction* (New York: Routledge, 2006), 229.

The war spread from the city into the countryside. No longer a matter of political mobilization, the situation was now a full scale war. Students and their political identity transitioned from activists waging street demonstrations to soldiers training for combat.

Guerilla War and the Birth of Bangladesh

The war waged for nine months and during that time, the idea of "student" seemed like a thing of the past. A poem written by Sufia Kamal, a former Dhaka University student activist and leader in the women's cultural movement, captures the transition from youthful hope to hardened warrior that many students were forced to undergo:

> There's no more laughter in blossoming girls, or in young widows.
> Their mouths and lips are firmly pursed in strong resolve.
> Restless now, like the sharp edge of a sword
> Are the tender eyes, now piercing and raised.
> Not like the frightened doe are these eyes anymore.
> They are searching, like a hunting hawk.
> Their bitter hearts have turned cold, savage, hard
> To take revenge on the brute ravagers.[46]

In her historical fiction novel based on Imam's autobiography, Tahmima Anam also provides a depiction of the moment when a young student turns from idolizing revolutionary figures to joining the forces himself:

> In the afternoon Rehana watched as he packed his bags. Her fingers itched to help him so she focused on something else. The books on his shelf. The posters on the wall. Mao Tse-Tung. Che Guevara. Karl Marx. He wouldn't tell her when he was leaving, or how he was planning to get out of the city. "It's better if you don't know," he said.[47]

As the war escalated students faced a new reality and many joined the military force fighting the West Pakistani troops. Students trained alongside peasants in rural camps along the Indian border and battled for the next nine months in a guerilla war of intense causality and brutality.

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46 Sufia Kamal "*Bennibinash Shomoy to ar nei*" (No More Time for Braiding Hair) translated by Abrar Ahmed in *Under the Krishnachura: Fifty Years of Bangladeshi Writing*, ed. Niaz Zamman (Dhaka: University Press Limited, 2003), 9–10.

47 Tahmima Anam, *A Golden Age: A Novel* (London: John Murray, 2007), 83.

As a result of the widespread of massacres, millions of refugees fled East Pakistan and flooded into neighboring India. *Time* magazine estimated the flow of refugees into India at 50,000 a day.[48] The report by the International Commission of Jurists on the matter described the refugee situation:

> Faced with the mounting flow of refugees, the Pakistan Government declared variously that they were lured into India by false promises, that they were prevented by India from returning to Pakistan, and that only 2.2 million of the people in the camps were refugees, the rest being homeless Hindus from the streets of Calcutta. Dr. Homer Jack ... particularly investigated theses claims and found them all to be without foundation ... All the refugees left their homeland because of killings and lootings.[49]

India's Prime Minister Indira Gandhi was increasingly concerned over the millions of Bengalis that now fell under her jurisdiction. In a public speech, Mrs. Gandhi declared that India was "fully prepared to fight" if provoked too far. Indian ambassadors also warned that India might have "no choice" but to act in its own self interest in response to the flood of refugees.[50] The Pakistan government declared that India was fomenting the resistance and aiding the *muktibahini*.

Mayur, a student at Dhaka University who had left campus before the invasion, went to India at the outbreak of the war. He then travelled to the border where he was trained to use a rifle in a camp run by Bengali military officers.[51] Adnan, a student who trained in the camps explains the relationship with India as he understood it.

> They did not train us or give us arms. But they had these barracks on the border and at the last minute they decided they did not need those there. So they left them empty and we used them to train. So it was never officially given by India. It was sort of clever.[52]

Hassan, who had been attending Dhaka Medical College at the outbreak of the war, stated forthrightly that he had been trained in India, although he did not state explicitly who provided the training. "When the war broke out," he explained, "I went to India where I learned to fight and then I returned and did my duty to fight."[53] There were also interesting rumors among the young

48 *Time*, August 2, 1971.
49 International Commission of Jurists, *Events in East Pakistan*, 40.
50 Henry Kissinger, *The White House Years* (Boston: Little, Brown & Co., 1979), 856.
51 "Mayur" Personal Interview, 2010.
52 "Adnan" Personal interview, 2010.
53 "Hassan" Personal interview, 2010.

students that reflected remnants of the global imagination of the campus period, but linking them with new imagined identity as revolutionaries more so than students; Adnan had heard, along with several other interviewees, that "Fidel Castro was building a training camp for young people to go to Cuba and learn the methods of guerilla war."[54]

While Castro may or may not have had any actual interest in the ongoing war (there are no references to this in any recorded remarks by Castro) many others did. The brutality of the West Pakistani military had gained international attention from both political and cultural figures. Indira Gandhi was also growing more and more frustrated with the continued flow of refugees and the accusations of war-baiting from Pakistani officials. Finally, in the midst of a complex period of international negotiation and posturing on behalf of the United States, the Soviet Union, and China regarding foreign involvement in the war, the threat of the India-Pakistan War came to fruition on 3 December 1971.[55] Yahya Khan launched an air strike against several Indian airbases, one of which was located 330 miles inside the Indian border.[56] Yahya cited Indian aggression as the reason and argued that the attacks were in self-defense. India responded predictably and invaded Pakistan on both the eastern and western fronts. At the same time, India officially recognized Bangladesh as an independent state on 6 December.[57] Though the situation had the potential to escalate enormously, the war between India and Pakistan only lasted twelve days.[58]

Just two days before surrender, however, in a last effort to punish the students and intelligentsia of Dhaka University, on 14 December 1971, West Pakistani troops in Dhaka launched a campaign to seek out and kill the leading intellectuals of Dhaka. Over 900 former professors and intellectual figures were rounded up, killed and buried in a mass grave near the edge of town. A memorial now stands in the place of the grave listing the names and academic disciplines of the victims.[59] The Pakistani military still denies the

54 "Adnan" Personal Interview, 2010. This rumor that Castro was a supporter of the muktibahini was mentioned in casual conversation with several interviewees, and seemed to be common knowledge among many others I encountered, however I could find no verification of the rumor in any way other than hearsay. As it is, even with no means of verifying the claim, it is an interesting testimony to the global imagination of the students at the time.

55 For a detailed analysis of the international dimension of the war, see Sisson and Rose, *War and Secession*.

56 International Commission of Jurists, *Events in East Pakistan*, 43.

57 Ibid.

58 Ibid.

59 "Killing of Intellectuals," *Banglapedia. National Encyclopedia of Bangladesh*. Accessed March 20, 2017. http://en.banglapedia.org/index.php?title=Killing_of_Intellectuals

accusation of the systematic killings on the eve of surrender although there are numerous accounts of witness and the proximity of the event to the end of the war made covering it up virtually impossible. The Liberation War Museum collection includes numerous photographs of the killing field. The vicious attack on the intelligentsia was undoubtedly an attempt to cripple the new nation by destroying its intellectual infrastructure, but it illustrates the continued place that the campus held as the origin of the spirit of defiance that the West Pakistani military had not been able to squelch.

Pakistani troops surrendered unconditionally on December 16, 1971 to Indian troops.[60] In January 1972 Sheikh Mujib took the helm of the newly independent nation Bangladesh. Students could finally return to their beloved campus and did so in jubilation. Students-turned-*muktibahini* gathered on the steps of the former Shaheed Minar and raised their rifles in victory. As Mujib began to establish the infrastructure of the new nation, student leaders were called into a new role, filling the spaces of murdered intellectuals at university positions and in political offices. Mujib quickly established a government that was dominated by the Awami League, and the national myth of the nation was increasingly tied to the victory of students. The *Shaheed Minar* was rebuilt, along with many other monuments to the national heroes of student activism.

Conclusion

This case study highlights the myriad ways in which identity, politics, and mass violence converge, even within a singular conflict. The mass violence that occurred during the Liberation War certainly had profound effects on many layers of society, but the transformation that took place among students was particularly focused on the political history of the institution of Dhaka University. As students shifted from young political activists that may have held revolutionary fantasies (as many young political activists across the world did at the time) to serving as full-fledged guerilla warriors, the effects of the genocidal campaign were placed into the historical timeline of social movements and youth activism not only in Bangladesh, but in the broader world history of the Global Sixties as well. Indeed, in addition to the historical and symbolic role of Dhaka University student activists being a key motivator for the brutal attack on the campus, it was also a motivator for international solidarity and attention toward the plight by young activists elsewhere.

60 Ibid.

Countercultural icons in the Western world such as Joan Baez, Allen Ginsberg, and George Harrison brought attention to the crisis, with Ginsberg especially connecting it into larger issues such as the Vietnam War.[61] In cases of genocide, or any level of mass violence, institutional identity factors such as student are not as frequently highlighted as ethnic or religious factors, but as this case demonstrates, when considered in the local context, considerations of sub-categories and labels are highly relevant in understanding the full dimension of the violence both in terms of the motivation of perpetrators as well as the effects on victims.

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61 See Srinath Raghavan, *1971: A Global History of the Creation of Bangladesh* (Cambridge, MA: Harvard University Press, 2013) and Samantha Christiansen, "From Help! to 'Helping out a Friend': Imagining South Asia through the Beatles and the Concert for Bangladesh," *Rock Music Studies* 1, no. 2 (2014): 132–147.

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Section III: **Perpetrators**

Frank Jacob

6 Narratives Without Guilt: The Self-Perception of Japanese Perpetrators

Introduction

Many former POWs who survived one of the many Japanese camps during World War II must have considered the "charges against the Japanese brought forward [at] the Tokyo War Crimes Trials [as] chilling."[1] Many prisoners of the Imperial Japanese Army did not survive the Second World War and in Japan's POW camps a massive number of soldiers died in comparison with those POW camps ran by other Axis powers. The judgment at Tokyo mentioned that only 4% of the 235,000 Allied, i.e. American and British, POWs lost their lives in German or Italian captivity, while 27% of the 132,000 men that were caught by the Japanese Army died. From a US perspective the numbers are even more shocking, as 9 out of every 10 dead POWs died in Japanese captivity during the war.[2] There are horror stories like those of the eyewitnesses of the Bataan Death March, due to which more than 70,000 US and Filipino soldiers were forced to march for days, without any supply of food, to reach the trains that would bring them to Camp O'Donnell to the north.[3] Other POWs, especially from Britain and Australia, were forced to build the Thai-Burma Railway, on which the present chapter will focus, and many of those who were forced to work on this project died during the war.[4] Reports about the treatment of the prisoners highlight the cruelty used by the Japanese soldiers, who forced their prisoners

1 Van Waterford, *Prisoners of the Japanese in World War II: Statistical History, Personal Narratives and Memorials Concerning POWs in Camps and on Hellships, Civilian Internees, Asian Slave Laborers and Others Captured in the Pacific Theater* (Jefferson, NC: McFarland, 1994), 1.

2 Daqing Yang, "Documentary Evidence and the Studies of Japanese War Crimes: An Interim Assessment," in *Researching Japanese War Crimes Records: Introductory Essays*, ed. Edward Drea et al. (Washington, D.C.: National Archives and Records Administration for the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group, 2006), 31.

3 On the Bataan Death March see: Stanley Falk, Bataan: *The March of Death* (New York: W. W. Norton, 1962); Donald Knox, *Death March: The Survivors of Bataan* (New York: Harcourt Brace Jovanovich, 1981); Frank Jacob, *Japanese War Crimes during World War II: Atrocity and the Psychology of Collective Violence* (Santa Barbara, CA: Praeger, 2018), 94–108.

4 Gavan McCormack and Hank Nelson, eds., *The Burma-Thailand Railway: Memory and History* (St. Leonards, Australia: Allen & Unwin, 1993).

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to work until they were too exhausted to survive any longer in an environment characterized by abuse, malnutrition, and diseases.[5]

Although one has to be careful when dealing with sources provided by POWs, since they are very often one-sided and "either biased by a speedy presentation or scattered by selective memory",[6] they nevertheless offer an insight into the suffering of many men from Australia, Britain, Indonesia, the Netherlands, and the United States. Roy Bulcock, in his book *Of Death but Once* (1947), described the survivors of the Thai-Burma Railway, who were also very well depicted in the 1957 film *The Bridge on the River Kwai*, as follows:

> That such skeletons could still retain a spark of life: staring eyes; beak-like noses; retracted lips; a green-grey skin; shoulder blades like knife-edges cutting through the skin; knee joints twice as thick as thighs; biceps thinner than wrists; and ribs almost devoid of covering. Yet, their ankles and stomachs were bloated horribly and these were the men not ill enough to go to the hospital.[7]

Those POWs who had to participate in the ambitious building project in the jungles of Burma and Siam in the 1940s were, according to Harold Atcherley's (1918–2017) eyewitness account, "subjected to inhumane and brutal treatment."[8] While the Japanese Army was initially unprepared for so many prisoners of war as had been created by the fall of Singapore, the occupation of the Philippines, and the takeover of Dutch East India (Indonesia), they found ways to exploit the mass of prisoners. A railroad to connect Siam and Burma had been discussed since the 19th century, but the almost unsurpassable terrain in the jungles of the two countries prevented its existence from being realized. However, to quote the Australian-American writer Gavan Daws, "the Japanese in 1942 were doing their sums by the arithmetic of war. To turn the Burma campaign in their favor they had to have a railroad. ... The military ordered it ready for use by the end of 1943."[9]

To achieve this ambitious aim, the Japanese Army used around 60,000 POWs – 30,000 British, 18,000 Dutch, 13,000 Australians, and 650 Americans (131st Field Artillery and survivors of the *Houston*) – on the 250 miles of track

5 Gavan Daws, *Prisoners of the Japanese: POWs of World War II in the Pacific* (New York: Morrow, 1994). See also E. Bartlett Kerr, *Surrender and Survival: The Experience of American POWs in the Pacific, 1941–1945* (New York: Morrow, 1985).

6 Ibid., 2.

7 Roy Bulcock, Of Death but Once (Melbourne/London: Cheshire, 1947), S.167.

8 Sir Harold Atcherley, *Prisoner of Japan: A Personal War Diary, Singapore, Siam and Burma, 1941–1945* (Cirencester, UK: Memoirs Publishing, 2012), ix.

9 Daws, *Prisoners of the Japanese*, 184.

construction.[10] The initial promise made by Japanese Lieutenant Colonel Yoshitada Nagatomo would soon become reality: "We will build the railroad ... [even] if we have to build it over the white man's body."[11] In the present chapter, which is a first-hand case study, namely of a trial interrogation in Singapore in 1946, I will discuss how the Japanese officers who participated in the building process and who also witnessed or caused the death of 12,000 Allied POWs – and a larger number of Asian civilian workers who were forced to participate in the construction work – considered their own acts in the aftermath of the war. Which narratives did they use to explain their own involvement and their acceptance, if not active participation, in the measures leading to the death of so many POWs?[12] After describing the life of the prisoners in the camps controlled by Japan, especially of those who were forced to work on the Thai-Burma Railway, I will describe the perpetrator's perspective in more detail to show which post-war narratives were used by the Japanese officers to explain and often excuse their own involvement.

The Life of the POWs

Some POWs of the Japanese were able to escape from the Japanese POW camps, and once they had reached territory controlled by the Allied powers, as US military historian Gregory J. Urwin remarks, they "stunned their superiors with graphic descriptions of the savage treatment that the Japanese dealt out to helpless prisoners of war."[13] As a consequence of such reports, the *New York Times* highlighted on 29 January 1944 that "The Japanese in war are not men we can understand. They are men of the old Stone Age, animals who sometimes stand erect."[14] The Japanese, who had been praised for their extraordinary treatment of POWs in the past, e.g. during the Russo-Japanese War,[15] were now

10 Ibid.

11 Ibid., 185.

12 The small case study, presented at this point, is part of a larger new project on the self-perception of Japanese perpetrators in the aftermath of the war.

13 Gregory J. Urwin, "Foreword," in Gene Boyt, *Bataan: A Survivor's Story* (Norman: University of Oklahoma Press, 2004), xii.

14 *New York Times*, January 29, 1944, cited in ibid., xiii.

15 Eric Johnston, "Civility Shown to Russo-Japanese War POWs Lives on as Matsuyama's Legacy," *The Japan Times*, August 22, 2016. Accessed April 2, 2019. https://www.japantimes.co.jp/news/2016/08/22/national/history/civility-shown-russo-japanese-war-pows-lives-matsuyamas-legacy/#.XLCezxMza8U

considered animals, responsible for the physical and psychological destruction of their prisoners, especially from the US. It is consequently no wonder that the "preserved memories present a catalog of horrors so monstrous that it still has the power to elicit intense emotional reactions."[16] American historian John Dower, in his important book *War Without Mercy* (1986), highlighted the existence of an "obsession with extermination on both sides" and while the Japanese enemy was considered "[s]ubhuman, inhuman, lesser human, superhuman," it was also common for American soldiers to have the "belief that the Japanese were a uniquely contemptible and formidable foe who deserved no mercy and virtually demanded extermination."[17] For the Japanese, at the same time, "Americans and Europeans existed in the wartime Japanese imagination as vivid monsters, devils, and demons"[18] who needed to be destroyed and driven out of Asia. Stereotypes therefore very often determined the way soldiers were treated by the enemy. One has to understand and accept that such "stereotypes of hate," as I would like to call them, existed on both sides. Americans considered the Japanese to be genuinely evil, and caricatures usually displayed Japan's soldiers or the country's leadership as "short, round-faced, jug-eared, buck-toothed, myopic behind horn-rimmed glasses."[19]

It must consequently not be surprising that, to quote John Dower again, "Japan's aggression ... stirred the deepest recesses of white supremacism and provoked a response bordering on the apocalyptic."[20] One could argue here that, from the time from the Meiji Restoration in 1868 until the 1930s, the Japanese had tried extremely hard to be accepted as equal by the Western world, especially the United States. Nevertheless, they were always treated as a minor and inferior power. It is hard to determine the exact moment in time when Japanese sentiments consequently switched to an anti-Western attitude, but this was definitely the case, and when Japan entered the war the former sympathy had been replaced by pure hate. "The war," Dower correctly emphasizes, then "exposed core patterns of racist perception in many forms: formulaic expressions, code words, everyday metaphors, visual stereotypes"[21] on both sides, but also stimulated the eruption of hate on an individual level that would make the war one "without mercy."

16 Urwin, "Foreword," xiv.
17 John W. Dower, *War Without Mercy: Race and Power in the Pacific War*, Seventh Edition (New York: Pantheon Books, 1993), 9.
18 Ibid.
19 John W. Dower, *Japan in War and Peace: Selected Essays* (New York: New Press, 1993), 259.
20 Ibid., 259.
21 Ibid., 260.

Another reason for the intensive experience of violence during the war is related to its perception by the Japanese soldiers, who, according to their own tradition, believed in the purifying power of war per se.[22] For Japan's soldiers, death on the battlefield was the ultimate honor, which is why the surrender of the American enemy at Bataan, and of other Allied troops during the war, surprised the Japanese. With "death in war [as] the ultimate expression of selflessness"[23] it was hard to understand, for the officers and soldiers of the Japanese Army, why the enemy would not commit suicide, instead of surrendering in large numbers. However, it was not only a different "cultural setting" towards war that would stimulate extreme forms of punishment and a steady use of violence against the foreign prisoners.

The Japanese Army was simply overwhelmed by too many prisoners of war, who were very often considered a burden and competition for the supplies, which were short enough already anyway. Japan's military leadership was not prepared for the immense numbers of POWs they eventually had to take care of. However, in the case of the Thai-Burma Railroad, the POWs were considered a valuable resource. Along the planned track for the new railway, labor camps were built in which the POWs had to live during their work assignment. Yet the climate, the spread of diseases, and the lack of medicine and food decreased the number of prisoners very quickly. It was hard to treat malaria, which had infected a large number of prisoners in their new jungle environment. The disease could also spread easily, since most soldiers were simply underfed, and only those with money or something to trade, and who could also bypass the Japanese guards, were able to get some additional food for their hungry stomachs.

Sir Harold Atcherley (1918–2017) kept a diary during his period as a POW and describes the events related to the building of the railway in great detail.[24] He states that all prisoners "were subjected to inhumane and brutal treatment" from the beginning of their journey, which happened to start after the fall of Singapore in February 1942.[25] Most of the British forces had not been trained for jungle warfare before they were dispatched to the Asian theater of war, and with the lack of food supplies once they were POWs under the Japanese, life "soon became increasingly harsh." Early in 1943, the British prisoners were

22 Ibid., 273–274.

23 Ibid., 274.

24 The following description is based on this source, i.e. Atcherley, *Prisoner of Japan*. In the further text references to this source will be given in parenthesis.

25 See for a discussion of this subject in detail Brian Farrell, *The Defence and Fall of Singapore 1940–1942* (Stroud: The History Press, 2006).

transferred to Thailand, where they had to begin the work on the railway. The Japanese planners had decided that only 18 months were needed to finish the construction, a nearly impossible task: "It was going to be the worst work in the world, but the Japanese had scores of thousands of prisoners of war; they could work them like slaves, work every one of them to death, if that was what it took."[26] The odds to survive the work were close to zero, considering that the POWs were in bad condition before the work even began. Atcherley describes the situation of the prisoners even as early as the transportation phase as disastrous:

> Twice a day, we were let out briefly to be given a small quantity of rice in onion water. There was no form of sanitation. Practically all of us were suffering from malaria, dysentery or both. The only way to relieve oneself was to hang precariously out of the wagon, the weaker ones being supported by others to prevent them falling out.

After the train ride, the POWs were forced to march 200 miles into the jungle. During this trip, many British soldiers lost their lives, if they were unable to keep pace with the main group:

> Every night of the march a number of prisoners became too weak to keep up. A few officers marched at the rear of the column to carry them on makeshift stretchers, but some had to be left behind because there was no one who had the strength to carry them. We remonstrated with our guards to allow us to rest, but they insisted that we kept going by threatening us with their bayonets. Stragglers were set upon by marauding Thais and many were never heard of again.

Only 182 of Atcherley's unit, which counted 3,000 men at the beginning of the war, would survive the jungles of Burma and Thailand, where they not only suffered from hard work, bad and insufficient nutrition, as well as diseases, but also from physical and violent abuse by the Japanese soldiers, who were very often not reluctant to use the smallest incident to beat the POWs. At the end of a working day, the POWs also had to bring the corpses of those who had died during the day back to the camp, to prove that nobody had tried to escape. It is surprising that Atcherley did not accuse the Japanese of being genuinely evil after all his experiences, but the British officer felt sympathy with the former enemy, once the war was over. He states his ideas about the reasons for the abuse in his description of the events in 1942/43 as well:

> I do not believe our treatment stemmed from any innate cruelty in the Japanese population as a whole. It was essentially due to brain-washing by the military commanders to

26 Daws, *Prisoners of the Japanese*, 184.

> ensure that the army fought with the extreme ruthlessness and brutality demanded. There were, of course, civilised Japanese who did whatever they could to help us.

Nevertheless, the situation of the POWs was very often disastrous and only in retrospective was Atcherley able to leave his anger aside. During captivity, which he describes in much detail, there was no time or reason to look for an explanation why the Japanese might be so cruel. The only task was to survive another day, not losing hope that, in the end, freedom was an option. When Atcherley's unit were brought to their first POW camp, the realities must have been shocking, further highlighting that the Japanese Imperial Army was simply overwhelmed by the number of prisoners that had to be taken care of. On 5 August 1942, the POWs reached a camp which had been used by two companies (200–250 men) before the war, where now up to 850 men were supposedly to live. In another camp, viz. Selarang labor camp in Changi, Singapore, no arrangements for latrines had been made, leading to unbearable hygienic conditions. Furthermore, no water supplies were guaranteed and 8,000 men had only one point where water was available to them. Most of the prisoners were consequently sick, suffering from malaria and/or diarrhea. Life in the barracks, however, went on: "[A]ll we can see ahead of us is an endless procession of days, weeks and months stretching away into a hopeless future. It would be so much easier if we could be given a sentence of so many years. We could then settle down accordingly and watch the months bring us ever nearer freedom." From late December 1942, the meat rations were stopped, which further worsened the chances for survival. Regardless of the harsh conditions, Atcherley was able to survive and was brought to Thailand in 1943, where, from April onwards, he had to work on the Thai-Burma Railway with thousands of other POWs.

At the smaller camps along the railway, food was literally "non-existent, [and] just a small amount of bad rice and watery stew" was available from time to time. Ulcers, malaria, and even cholera took a high toll, with 20 dead men per day. Of the 1,600 men who started to work with Atcherley on the tracks, 1,200 died like flies and their "[b]odies piled up waiting to be put on the cremation fires." Hospitals were non-existent; only the main camp had one. However, this hospital was nothing more than a euphemism, because it "was nothing more than fourteen filthy huts, with hundreds of disastrously sick men laid out in rows, a body in pain every three feet, not enough doctors, and hardly any medicine."[27] The common "[a]nesthesia was ... [the doctor] yelling louder than the patient"[28] and medicine was never really available.

27 Daws, *Prisoners of the Japanese*, 187.
28 Ibid., 191.

In Burma, where 95% of the POWs were suffering from malaria, it was hard to get hands on additional supplies of medicine, but the doctors in the so-called "camp hospitals" tried everything legal and illegal to get their hands on additional supplies.[29] Regardless of their efforts, there were simply too many sick people to take care of and too many sicknesses to keep track of. While the works on the railway often went on day and night, some Japanese also beat POWs to death, since they were supposedly not working hard or fast enough.[30] The camps along the railway were carefully renamed by the prisoners, with names ranging from "Cholera Hill" to "Shit Creek." The Japanese also suffered from the jungle diseases, but – with regard to the total numbers – only 7 out of every 100 died, in contrast to 20 out of every 100 for the POWs.[31] The Japanese would later argue that this was a matter of discipline, but the reality is that most POWs received neither sufficient food, nor sufficient medical supplies. Their treatment during the railway construction, as well as the one they received in the camps, must consequently be considered a war crime, especially since the activity and passivity of the Japanese soldiers, officers, and military leaders caused the high numbers of dead prisoners.

It was the combination of malnutrition, disease, and hard physical labor that demanded a large human toll for finishing parts of the railway tracks. In addition to climate and nutrition hardships, many Japanese guards would react violently if the POWs could not fulfill their workload. Those who survived the railway project would consequently suffer from trauma for the rest of their lives. Yet after the war, some of the Japanese officers were put on trial in Singapore in 1946[32] and described their own perspective, i.e. the perpetrators' perspective. I would now like to take a closer look at this with regard to three topical categories – the housing of the POWs, food supply, and medical treatment – and show how the interrogated Japanese officers considered their own role during the construction of the Thai-Burma Railroad.

29 Ibid., 192.

30 Ibid., 219.

31 Ibid., 220.

32 On the trials in Singapore see: Wui Ling Cheah, "An Overview of the Singapore War Crimes Trials (1946–1948): Prosecuting Lower-level Accused," *Singapore Law Review* 34, no. 1 (2016): 1–46.

The Perpetrators' Perspective

German scholars Sönke Neitzel and Harald Welzer have described how soldiers in wartime usually experience violence and how they continuously perceive their own violent acts. They argue that regardless of the fact that "[t]he idea of war brutalizing soldiers plays a central role in social-psychological research" and while autobiographies also strengthen the "impression that over time, soldiers become brutal as they themselves are exposed to increasing brutality," one has to consider that on the one hand there is "the possibility that violent behavior can be something attractive for which one 'itches,'" and on the other that soldiers do not need to be specially prepared to commit extreme acts of violence.[33] Christopher Browning correctly speaks of "ordinary men"[34] who were not only able to participate in the mass killings on the Eastern Front, but also commit the crimes of the German Wehrmacht.[35] Extreme forms of violence seem to be possible because, in war time, the soldiers experience a "feeling of having power in areas where one normally has none" and live in a temporary "social framework in which killing is permissible, even desirable."[36] It was consequently the war experience that stimulated the violent behavior of the Japanese soldiers, for whom, like for other soldiers during the Second World War, "violence was far more normal, expected, legitimate, and commonplace than it is today."[37] The soldiers, among themselves, would even brag about violent experiences, as if they were sharing hunting stories.[38] If we analyze the behaviorial patterns of Japanese soldiers and their extreme violent acts during the Second World War, it is important to focus on the space-time continuum they acted in. Violent abuse, even of the soldiers themselves and particularly within the Japanese Army, was quite common, which is why it was considered natural to use violence against the POWs as well.[39]

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33 Sönke Neitzel and Harald Welzer, *Soldiers: German POWs on Fighting, Killing, and Dying* (New York: Vintage Books, 2013), 44.

34 Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, New Edition (New York: Harper Perennial, 2017).

35 For a short survey on the debate about the role of the German Wehrmacht during the Second World War see: Christian Hartmann, Johannes Hürter, and Ulrike Jureit, *Verbrechen der Wehrmacht: Bilanz einer Debatte* (Munich: Beck, 2005).

36 Neitzel and Welzer, *Soldiers*, 44.

37 Ibid., 52.

38 Ibid., 65–69.

39 For a more detailed analyisis of the space-time-continuum in war see Jacob, Japanese War Crimes, 14–37. For a case study of the behavior of Japanese soldiers during the Rape of Nanking see: Frank Jacob, "Banzai! And the Others Die – Collective Violence in the Rape of

In addition to their identity as soldiers in an actual war, many men serving in the Imperial Army of Japan might have been feeling hubris, and were therefore experiencing similar feelings as those that German historian Thomas Kühne proved were felt by German soldiers during the Second World War, which means that they were "intoxicated with omnipotence and grandiosity."[40] For many men involved in violent acts during the war, the latter was important for testing and emphasizing their masculinity. Far away from home, the soldiers entered a "moral no man's land"[41] where they could reframe the legal contexts on a daily basis. What was allowed and what was prohibited did not depend on societies as a whole, but on the soldiers, whose consensus on the use and forms of violence very often determined the experiences of the POWs as well. This also means that violence as such is not necessarily indoctrinated by a racist ideology, but can be triggered by the local environment or problems which can supposedly be solved by the use of brute force.[42] Major studies have tried to explain why violence is triggered by war and its use increased to an excessive rate, but historian Omar Bartov emphasizes that "we still do not know much about the individuals concerned, especially the 'little people' who have always been underrepresented both in history and historiography."[43] For soldiers, group identities – often related to power hierarchies – and violence played an important role, while the experience of military service, as historian Richard Bessel highlighted in the case of the German SA members, "offered not only activity, adventure, novelty and ... a chance, perhaps the first in their lives, to escape the boredom and isolation of their own homes and communities."[44]

In exceptional circumstances, as they were provided by the war and the control of the Japanese Army over so many POWs, morale decreased and only a few men were able to deny obedience within a situation that allowed the abuse of violence.[45] Some soldiers even got attracted by the possibilities and

Nanking," in *Globaly Lynching and Collective Violence*, Vol. 1: *Asia, Africa, and the Middle East*, ed. Michael J. Pfeifer (Urbana: University of Illinois Press, 2017), 78–102.

40 Thomas Kühne, *Belonging and Genocide: Hitler's Community, 1918–1945* (New Haven, CT/London: Yale University Press, 2010), 95.

41 Ibid., 100.

42 Omer Bartov, "Introduction," in *The Holocaust: Origins, Implementation, Aftermath*, ed. Omer Bartov (London/New York: Routledge, 2000), 5.

43 Ibid., 7.

44 Richard Bessel, *Political Violence and the Rise of Nazism: The Storm Troopers in Eastern Germany 1925–1934* (New Haven, CT/London: Yale University Press, 1984), 49.

45 Hannah Arendt, *Über das Böse: Eine Vorlesung zu Fragen der Ethik*, 4th edition (Munich: Piper, 2010 [2007]), 52.

developed sadist habits, which Hannah Arendt called the "vice of all vices."[46] Once peace had been re-established, the most secure way not to be branded as a perpetrator was silence about the past. Only those willing to remember their own acts can feel remorse,[47] but many soldiers would later try to legitimize their own actions of the past with narratives that highlighted the role of others and denied personal responsibility.[48] Similar strategies were used by the Japanese soldiers who were involved in the construction process of the Thai-Burma Railway. The following analysis will highlight how, especially in terms of how officers of the Japanese Army serving in Burma and Thailand perceived their own acts and which narratives were used after the war, when they were accused of their war crimes.

Takei Isami, Commander of the 60th Company, Building Unit was stationed on the Burma side of the railway construction between 1942 and 1943. It was his duty to build camps for the working units along the track every five kilometers. When he was asked to explain the bad condition of one of these camps (62 Kilo) when the POWs arrived to begin their work on this particular track section, the Japanese officer claimed that such a situation was impossible, since the POW parties were not allowed to move into unfinished camps. He rather explained these facts as follows: "I imagine that they did not come in immediately after we built the camp. The place was used by native coolies and they spoilt it and it was not repaired and they did come in before repairs were made to the huts."[49] Whatever might have been the reason, it was not a Japanese fault that the POWs had to live in an unfinished or inconvenient camp. Since latrines were spoilt very often as well, Takei emphasized that "somebody had used it before ... and damaged them" before the POWs moved in. He, however, was not able to clarify who specifically would have been such a somebody.

When he was asked about the reasons for the high death rates among the POWs he explained:

> I think there were many reasons. One of them ... a very acute case of malaria was found in this region. And then the construction was urged and we had to hurry up in completing the work and therefore, the work was so hard and the consumption of physical strength

46 Ibid., 42.

47 Ibid., 75.

48 Annette Abel, "Die verschleiernde Sprache der NS-Täter in Selbstzeugnissen und Ermittlungsakten: Mein Großvater als Offizier in der Waffen-SS," in *Nationalsozialistische Täterschaften: Nachwirkungen in Gesellschaft und Familie* (Reihe Neuengammer Kolloquien 6), ed. Oliver von Wrochem (Berlin: Metropol, 2016), 444.

49 Australia, Military Jurisdiction, Prosecutor v. Yoshitada Nagatomo et al., [Entire Trial Transcript Part 2], National Archives Kew, London, A-0471 No. 81655, 158.

> was so great, and along with that the transportation of supply was very hard and we did not have enough food supplies to make up for that large amount of consumption. . .[50]

It is obvious that the interrogated man did not show any kind of remorse or sympathy for the many dead POWs. He also never considered it possible to have made a mistake. If one of the camps was in bad shape, it was never his or his unit's responsibility. He did his work appropriately, a narrative that is quite common among the statements of interrogated officers.[51]

Another one of these officers, Gentarō Nagashima,[52] who was a Supply Staff Officer in the Japanese Army, confirmed the problems that existed with regard to the food supplies. Yet, when he was asked hypothetically what he could have done in the case that he were a Branch Commander who was unable to "get proper supply of rations from the [Japanese] Commissariat" he stated:

> In that case I would try to accommodate within the budget assigned in the sum total. We did not have any budget particularly assigned to such purpose, but within the general budget I shall manage to pick up and collect a certain amount of money to buy and get sufficient supplies, but since the fact was that it was strictly controlled by the Commissariat Unit, it was not possible.[53]

This specific answer highlights one important aspect. While there might have been possibilities to strengthen the nutrition base of the POWs by unofficial means, the Japanese officer would not act against existent supply rules, mainly because he considered it impossible. That also means that, according to Nagashima's narrative, a Japanese officer would not have acted against his orders, although they were creating increased suffering for the POWs. The narrative is clear: I simply followed my orders.

50 Ibid., 150

51 The trial of Adolf Eichmann was probably the most-well known case, in which an accused Nazi referred to the excuse, to have only followed orders by higher superiors, to explain his actions and within the Holocaust. Hannah Arendt observed the trial and published her impressions *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Faber & Faber, 1963). For another experience report of the trial see: Haim Gouri, *Facing the Glass Booth: The Jerusalem Trial of Adolf Eichmann* (Detroit, MI: Wayne State University Press, 2004).

52 Nagashima, Major General and Supply Staff officer in the POW headquarters in Thailand. See related material in: University of Houston Libraries Special Collections, Samuel Milner U.S.S. Houston (CA-30) and 2nd Battalion, 131st Field Artillery Papers, Box 12, Folder 15. For detailed studies about the prosecution of Japanese war crimes in Asia see Philip R. Piccigallo, *The Japanese on Trial* (Austin: University of Texas Press, 1979) and Yuma Totani, *Justice in Asia and the Pacific Region, 1945–1952* (Cambridge: Cambridge University Press, 2015).

53 Prosecutor v. Yoshitada Nagatomo et al., 165.

With regard to the physical condition of the POWs related to the lack of medical supplies, Tomizō Higuchi, who would later be convicted by the court in Singapore on 16 August 1946 and received a life sentence, was a Medical Captain in the Japanese Army, and was interrogated during the trial in Singapore. The prosecutor needed to find out how medical supplies were obtained. Higuchi explained the process in quite a detailed way:

> First I make out a list of necessary medical supplies to be requested and through the Branch Commander we went [to hand] in such request to the Supply Depot, that is the unit which is responsible about the medical supplies. And then when this request is examined by the Supply Unit and the Command of that unit gives orders to supply it is issued. In order to receive such supply we had to go to RANGOON or NIKI to receive them, and after we received them we handed it over to the POW in charge.[54]

Regardless of this process, "Such medicines as emetine, iodoform, opium tincture, ether, chloroform and sulphanilimide ... were very much short always and in addition bandages were always very short."[55] Higuchi consequently could not hope to get many of the supplies he had requested. From the beginning onwards, the amount of medicine received was only about one or two percent.[56] Asked by the prosecution what could have been done to improve the situation of the POWs, the Japanese officer explained:

> I did all my best to get enough supplies to meet the need and found it was impossible. The first thing I presented my opinion to my superiors about the following items. First the work must be lighter, that sufficient food should be supplied especially such food as nutrits should be given and for that purpose the Canteen Supplies should be made in better ways and then I tried to meet some kind of medicines that we could not get when we requested.[57]

When additionally stating that "[w]e made every effort to impress the high officers in H.Q. in RANGOON that the general condition of hygiene amongst the POWs was very bad and it could not be like that so by letters, monthly reports and by direct interview,"[58] the accused, however, also points the prosecutor in the direction of the higher ranks of the Japanese Army, away from himself. Especially since Higuchi was supposedly only following his orders, an excuse

54 Ibid., 169.
55 Ibid.
56 Ibid., 172.
57 Ibid., 175–176.
58 Ibid., 177.

for his role within the system of POW exploitation is very often expressed between the lines.

In Higuchi's case, however, some POWs had made accusations against him. It was reported that he made sick prisoners walk over a kilometer to get to his headquarters for inspection. Higuchi then argued that "[s]uch things never took place. I had a bicycle in my use and I always used the bicycle whenever there was a case I was needed for and I had to go to Hospital, I went by bicycle. Therefore, such things could never take place and did not take place."[59] Another accusation brought forward against the Medical Officer claimed that Higuchi had picked 200 patients at one camp (55 Kilo) who were sent back to work. The accused denied this as well: "I never did such things. When I went over to the hospital and made that inspection and after that inspection 10 or 20 patients were sent back to work camps. As to the recovered patients and during a certain period it amounted to 200 – if that is what he refers to as the case well I had nothing to do with it."[60] A sense of guilt or remorse can hardly ever be identified.

Conclusion

To put forward a first conclusion from the present case study, one can argue that there are several ways to react to accusations. One is denial. The reported events simply never took place. The POWs misremember the situation and there is no need for the Japanese officers to feel guilt or remorse at all, since the actions they were accused of did not happen at all. A second strategy is to point the finger at higher officers. They were the responsible ones, since they had been informed about the situation, but did not do anything about it. Again, there is no remorse or sense of guilt on behalf of the officers who, with such narratives, simply transfer the question about guilt to the next level up in the military hierarchy. And finally, there is the focus on a specific work aspect. As long as the Japanese officers fulfilled their duty relating to their own field of expertise or demand, they were not guilty of everything else. As long as the building unit finished the huts, it was of no concern to them who had to live in them. Considering that the system needed such minor and often "indirect" acts to function, it is clear that the system of POW exploitation could not have worked without them. The participating officers must therefore also be

59 Ibid., 187.
60 Ibid., 188.

considered guilty, even if they might have got away without a sentence in the trials, because they complied in the face of better knowledge.

The analyzed narratives often resemble what I would like to refer here as to the "Eichmann narrative." The soldiers and officers considered themselves to be part of a larger operation, and therefore not responsible for the deaths of the POWs that could only have been prevented by higher authorities. They were not responsible for the overall decisions, and if the local situation was bad, they could not do anything about it, at least according to their own post-war narratives. Of course, such narratives allowed the Japanese officers to claim a clear conscience for themselves, as they had not done anything wrong. Nevertheless, the fact that they did not act if they could, that they allowed bad things to happen, and probably increased the level of suffering by observing the local conditions without any reaction makes them as guilty as those who planned the Thai-Burma-Railway in the first place. However, regardless of such ethical discussions, the Japanese officers do not seem to have considered any form of guilt to have existed on their side, which presents a reason for their lack of remorse during and after the trials. "War is never nice, but war was our work," they would say.

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Marcel Berni

7 Excessive Violence in a War Without Fronts: Explaining Atrocities in South Vietnam (1965–1973)

> My Lai was a shock to everyone except people in Vietnam.[1] It probably would be unfair to describe the Vietnamese as an unusual brutal people. But at the same time, I have personally witnessed more brutality in Viet Nam than in any other country of Asia.[2]

Introduction

When *Life* magazine published graphic pictures of the My Lai massacre on 5 December 1969, large parts of the American society were shocked.[3] Ronald Haeberle's images of the butchery in the cluster of huts known to American ground troops as My Lai (4) in Quang Ngai Province were reprinted in the following days in multiple media outlets across the world. What happened in My Lai, a hamlet that had previously been raided by American troops, not only reinforced the antiwar movement but also led many GIs to come out in public and testify about atrocities committed in Southeast Asia. Countless veterans accused the military doctrine of the American armed forces in their explanations of what they did and why. Hence, after the massacre at My Lai, military sources that dealt with similar allegations and wide accounts from journalists and eyewitnesses on atrocities in Vietnam were written and compiled.[4]

1 Kevin Buckley, as quoted in John Kifner, "Report on Brutal Vietnam Campaign Stirs Memories," *The New York Times*, December 28, 2003. http://www.nytimes.com/2003/12/28/us/report-on-brutal-vietnam-campaign-stirs-memories.html.

2 Malcolm W. Browne, *The New Face of War: A Report on a Communist Guerilla Campaign* (London: Bobbs-Merrill, 1965), 114.

3 Dale Wittner et al., "Exclusive Pictures, Eyewitness Accounts: The Massacre at Mylai," *Life*, December 5, 1969, 36–45. For a propagandistic account of the massacre by the People's Army of Vietnam, see People's Army of Vietnam (PAVN), "PAVN Political Section Report on Massacre at My Lai, March 1968," in *Vietnam War Crimes*, ed. Samuel Brenner (Farmington Hills: Greenhaven Press, 2006), 63–67.

4 The Vietnam war crimes working group, a Pentagon task force created after the uproar of the My Lai massacre, documented and investigated 244 allegations of war crimes other than My Lai during the Vietnam War. The selection process for inclusion as well as the applied

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However, historians trying to document North and South Vietnamese atrocities still stand before almost insolvable challenges. Sources have either never been produced, have been destroyed, or are not accessible. Moreover, in a society where more than 60 percent of the population was born during or after the war, oral history is limited. Whether unfiltered and transparent interviews will ever become available is a legitimate question. Additionally, in Vietnam, the writing of history remains largely a competence of the state and the party. Therefore, modern Vietnamese historiography still rests on a Marxist point of view that portrays the war as a "great patriotic war."[5]

The aim of this chapter is to develop answers to the question of why both sides extended the conflict from the battlefields to the civilian population. Where did this excessive face-to-face violence stem from? Why did brute violence toward noncombatants occur? What caused "acts of direct and deliberative violence against civilians [or] enemy troops that violate[d] international rules of war" and went beyond the conventional use of violence common to war?[6] By focusing on both parties of the conflict, this article adds a comparative contribution to the existing research examining the reasons for excessive violence in the Vietnam War which deals almost exclusively with an American perspective.[7]

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criteria, however, remain unclear. See NARA, RG 319, Records of the Army Staff, Office of the Deputy Chief of Staff for Personnel (ODCSPER), Records of the Vietnam War Crimes Working Group, War Crimes Allegations Case Files. The documents of the Peers Commission mostly deal with the My Lai massacre, see NARA, RG 319, Records of the Army Staff, Records of the Peers Inquiry, Administrative and Background Material Files, 1967–1970; Records created after the completion of the Peers Inquiry 1969–1975. For published sources on American war crimes, see Clergy and Laymen Concerned About Vietnam, *In the Name of America: The Conduct of the War in Vietnam by the Armed Forces of the United States as Shown by Published Reports* (Annandale: The Turnpike Press, 1968); John Duffett, ed., *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal* (New York: Simon and Schuster, 1970); William R. Peers, *The My Lai Inquiry* (New York: W.W. Norton & Company, 1979); The Citizens Commission of Inquiry, *The Dellums Committee Hearings on War Crimes in Vietnam: An Inquiry Into Command Responsibility in Southeast Asia* (New York: Vintage Books, 1972); Vietnam Veterans Against the War, *The Winter Soldier Investigation: An Inquiry into American War Crimes* (Boston: Beacon Press, 1972).

5 Military History Institute of Vietnam, *Victory in Vietnam: The Official History of the People's Army of Vietnam, 1954–1975*, trans. Merle L. Pribbenow (Lawrence: University Press of Kansas, 2002), 428.

6 Edward S. Herman, *Atrocities in Vietnam: Myths and Realities* (Philadelphia: Pilgrim Press, 1970), 13.

7 See Bernd Greiner, *War Without Fronts: The USA in Vietnam* (London: Vintage Random House, 2010); Deborah Nelson, *The War Behind Me: Vietnam Veterans Confront the Truth About U.S. War Crimes* (New York: Basic Books, 2008); Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (New York: Henry Holt and Company, 2013).

My Lai and America in Vietnam

A year-long civil war paved the way for the escalation of the big war in 1965. Already in 1957, around 15,000 real or perceived "enemies" of the regimes in Hanoi and Saigon were believed to have been killed.[8] Ngo Dinh Diem (1901–1963), disliked through all sectors of South Vietnamese society, alienated the farmers from Saigon and led the North to back the National Liberation Front of South Vietnam (NLF), founded in 1959. In the ensuing years, worsened by the ideological dynamics of the Cold War and the interpretation of South Vietnam as a precedent, the superpowers caught in a solidarity dilemma were poised to back their respective sides: The fear of losing credibility led Washington to support the regime of Diem, while Moscow and Beijing sided with Hanoi.

When the massacre at My Lai was committed, large contingents of American and Allied ground troops had already been present in South Vietnam for three years. In fact, before the first combat-ready Marines went ashore in Da Nang on March 8, 1965, John F. Kennedy (1917–1963) increased the number of American "military advisors" to the South Vietnamese regime by a factor of five, to 16,000.[9] Three years later, on the fateful morning of March 16, 1968, Sergeant Haeberle of the 31st Public Information Detachment was armed with three cameras: one official Army camera and two private ones, shooting colored photographs. "Guys were about to shoot these people, I yelled, 'Hold it,' and shot my picture. As I walked away, I heard M16s open up. From the corner of my eye I saw bodies falling, but I didn't turn to look."[10]

After his honorable discharge, Haeberle sold the pictures of the bloody horror that symbolized to many the blunt brutality of war in Vietnam. Although some of the images had already been published in the *Cleveland Plain Dealer* on November 20 by reporter Joseph Eszterhas, the expose in a nationwide print magazine such as *Life* (which soon would reach a staggering 8.5 million run and was affordable for the middle class) intensified the debate about the ethics and morality of the American conduct in Southeast Asia. "The people of My Lai

8 Bernd Greiner, "The March 1968 Massacre in My Lai 4 and My Khe 4." Accessed June 8, 2017. http://www.sciencespo.fr/mass-violence-war-massacre-resistance/fr/document/march-1968-massacre-my-lai-4-and-my-khe-4.

9 Ibid.; Fredrik Logevall, *Embers of War: The Fall of an Empire and the Making of America's Vietnam* (New York: Random House 2012), 705.

10 Wittner, "Exclusive Pictures, Eyewitness Accounts: The Massacre at Mylai," 36. For all of Haeberle's pictures see Library of Congress, Military Legal Resources, Peers Inquiry, Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident, Vol. 3: Exhibits, 14.03.1970, Book 6: Photographs.

were simply gunned down" concluded the journalists who wrote the story in *Life*.[11] With the publications of the pictures of My Lai, the disclosure of a cover-up as well as disappearing files, the Army in particular and the US policy in Vietnam in general was discredited.[12] Since the Tet Offensive almost two years before the story in *Life*, more and more Americans refused to support the war in Vietnam. And the controversy that arose from the massacre in My Lai would do little to convince the rising number of doubters that Vietnam was still "the place," as Kennedy once famously proclaimed for "making our power credible."[13]

The acts of violence in My Lai also troubled the jurors at the court martial of the main defendant, Lieutenant William "Rusty" Calley: They deliberated for a record-breaking seventy-nine hours before they finally reached a verdict on 31 March 1971. Calley was found guilty of premeditated murder and one count of assault with intent to murder, and was sentenced to life imprisonment. Apart from that, all the other accused were discharged from the Army, never sentenced nor found guilty. A short time later, Calley was partially pardoned by President Richard M. Nixon (1913–1994), who sided with many Americans who saw in Calley a scapegoat. The president set him at large after forty-four months of house detention.[14] General William Ray Peers (1914–1984), who presided over the investigation into the My Lai massacre, is reported to have criticized the verdicts as "a horrible thing." He went on saying "we have only one man finally convicted, and he's set free after doing a relatively small part of his sentence."[15]

My Lai was not the only massacre that was committed in South Vietnam: In the most fought over regions of the war – the northern provinces of South Vietnam as well as the Mekong Delta – at the very least seven massacres

11 Wittner, "Exclusive Pictures, Eyewitness Accounts: The Massacre at Mylai," 36.

12 Bernd Greiner, "Spurensuche: Akten über amerikanische Kriegsverbrechen in Vietnam," in *Kriegsverbrechen im 20. Jahrhundert*, eds. Wolfram Wette and Gerd Ueberschär (Darmstadt: Wissenschaftliche Buchgesellschaft, 2001), 461–473; Seymour M. Hersh, *Cover-Up* (New York: Random House, 1972).

13 John F. Kennedy, as quoted in Andrew Wiest and Chris McNab, *The Illustrated History of the Vietnam War* (London: Amber Books, 2015), 32.

14 Michal R. Belknap, *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* (Lawrence: University Press of Kansas, 2002), 216–230; Greiner, *War Without Fronts*, 314–317; 322–324.

15 William R. Peers, as quoted in Guenter Lewy, *America in Vietnam* (Oxford: Oxford University Press, 1978), 358. See also Michael Bilton and Kevin Sim, *Four Hours in My Lai* (New York: Viking Penguin, 1992), 284–314.

committed by American troops have been confirmed.[16] Additionally, the "Tiger Force," a long-range reconnaissance patrol unit of the 101st Airborne Division, likely killed over a thousand noncombatants during its operations in the Song Ve Valley in Quang Ngai province between May and November of 1967.[17] Additionally, only several months after the massacre at My Lai, a Marine outfit entered the village of Son Thang and killed civilians without mercy.[18] Whether American soldiers participated in twenty-four massacres in collaboration with their South Vietnamese allies in the period between March 1968 and the end of 1970, as claimed by representatives of the NLF, remains disputed.[19] However, the records of the Vietnam War Crimes Working Group indicate that murder, torture, slayings, rapes, executions, maltreatment of prisoners, lootings, mutilations of enemy dead, raids, attacks, homicides, assaults, indiscriminate use of firepower on civilians or their property, thefts, and other misconducts and violations of the Geneva Conventions were frequently accused and must be regarded as a common occurrence. Even the burning of a staked Vietnamese girl with gas by GIs has been documented.[20]

The dispute over the nature and extent of American war crimes committed during the Vietnam War is as old as their discovery at the end of the 1960s. To this day, it has been a quarrel that is carried out with political arguments. "Every unit of brigade size has its My Lai hidden someplace" claims one side,[21] while the other side claims that civilians harmed during firefights were a regrettable exception, for example when the Secretary of the Army stated: "What apparently occurred at My Lai is wholly unrepresentative of the manner in which our forces conduct military operations in Vietnam."[22] This latter narrative was reinforced by Nixon's interference in the Calley case and stands in

16 Greiner, *War Without Fronts*, 15–17.

17 Ibid., 161–179. See also Michael Sallah and Mitch Weiss, *Tiger Force: A True Story of Men and War* (New York: Little, Brown and Company, 2006).

18 Gary D. Solis, *Son Thang: An American War Crime* (New York: Bantam Books, 1998).

19 Greiner, *War Without Fronts*, 17; NARA, RG 319, Records of the Army Staff, Office of the Deputy Chief of Staff for Personnel (ODCSPER), Records of the Vietnam War Crimes Working Group, War Crimes Allegations Case Files, Box 1 Alexander Allegation thru Ice Allegation, Folder: Enemy Allegation.

20 Benjamin C. Dubberly, "Atrocities during the Vietnam War," in *The Encyclopedia of the Vietnam War: A Political, Social, and Military History*, ed. Spencer C. Tucker (Santa Barbara: ABC Clio, 2011), 79.

21 Oran Henderson, as quoted in author unknown, "Colonel Says Every Large Combat Unit in Vietnam Has a Mylai," *The New York Times*, May 25, 1971, 13; Myra MacPherson, "American Soldiers Committed Atrocities in Vietnam," in *Vietnam War Crimes*, 23.

22 Stanley R. Resor, as quoted in Hersh, *Cover-Up*, 34.

sharp opposition to other statements: For example, the "Winter Soldiers" – veterans who came to sharply oppose the war – didn't beat around the bush when their speaker John F. Kerry claimed that "war crimes committed in Southeast Asia" were not "isolated incidents but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command."[23] Similar to the witnesses testifying before anti-war hearings, such as the Citizens' Commission of Inquiry on U.S. War Crimes in Vietnam or the Russell International War Crimes Tribunal, the Winter Soldiers claimed:

> We intend to demonstrate that My Lai was no unusual occurrence, other than, perhaps, the number of victims killed all in one place, all at one time, all by one platoon [sic!] of us. We intend to show that the policies of Americal [23rd Infantry] Division which inevitably resulted in My Lai were the policies of other Army and Marine division as well.[24]

Hue and Communist Atrocities in Vietnam

Atrocities committed by communist forces may never be fully uncovered. However, research has shown that terror and atrocities were staples of the Viet Cong strategy.[25] In fact, like the land reform of 1956, cadres and higher party officials from the apparatus had the authority to capture suspects and try them before a "people's court" or execute them after a mock trial. A captured document during the early phases of the war read: "Anyone who uses force to prevent the people's will ... may be executed on the spot by the district cadre."[26] Although these atrocities stemmed less from frustration or emotional outbursts, they were nonetheless systematically calculated and thoroughly committed

23 John F. Kerry, as quoted in Congressional Record (92nd Congress, 1st Session) for Thursday, April 22, 1971, Complete Testimony of Lt. John Kerry to Senate Foreign Relations Committee. On Behalf of Vietnam Veterans Against the War. Accessed June 8, 2017. www.wintersoldier.com/graphics/Kerry_1971_Testimony.pdf.

24 William Crandell, as quoted in Vietnam Veterans Against the War, *The Winter Soldier Investigation*, 2. See also Richard Stacewitz, *Winter Soldiers: An Oral History of the Vietnam Veterans Against the War* (Chicago: Haymarket Books, 1997), 237.

25 In the following, the term "Viet Cong" will be used for the successors of the Viet Minh. This mainly refers to the armed arm of the NLF, which South Vietnamese and many Americans called Viet Cong (originally an abbreviation for "Vietnamese Communist").

26 A captured document from the Mekong Delta, circa 1965, as quoted in Douglas Pike, *The Viet Cong Strategy of Terror* (Saigon: U.S. Mission, 1970), 25. For atrocities committed during the land reform see Frances FitzGerald, *Fire in the Lake: The Vietnamese and the Americans in Vietnam* (Boston: Little, Brown and Company, 1972), 156–157.

with a political deterrent in mind. Accordingly, victims of communist terror were frequently disemboweled, decapitated, or stoned to death and put on display in public places. Perceived enemies were buried alive and killed in front of the village population. Assassination squads were already murdering noncombatants before the escalation of the war. In fact, in 1964 alone, 3,275 women and 1,510 children are believed to have been murdered or wounded by the Viet Cong; kidnappings, rapes, disembowelments, and other crimes against civilians reached in that year an average of 376 per week.[27] Solely in one week of June 1965, 52 civilians were killed, 63 wounded, and 713 kidnapped.[28]

On 5 December 1967, two battalions of the Viet Cong entered the village of Dak Son and killed 252 men, women, and children. Since the inhabitants were Montagnards, an indigenous ethnicity in the central highlands, and therefore opposed to the objectives of the Viet Cong, the latter executed civilians without mercy and also took hostages.[29] Because the NLF only accepted the law of war partially, prisoners of war were frequently tortured, skinned, or even eviscerated. According to a journalist, members of the NLF killed annually 4.000–5.000 "civil servants of the Saigon Regime."[30] Additionally, American prisoners were paraded through the streets of Hanoi and tortured; South Vietnamese POWs were even starved to death.[31] Like their counterparts, the Viet Cong also mutilated enemy dead. Just as the CIA had done in conducting their "Phoenix Program," the North Vietnamese prepared death lists of people who fell

27 Directorate of Psy-War Planning, *Viet Cong Atrocities and Sabotage in South Vietnam* (Saigon: Ministry of Information and Chiêu Hô, 1967), 3; Bernard B. Fall, *The Two Vietnams* (New York: Frederick A. Praeger, 1965), 370–373; Deane Heller and David Heller, "The Systematic Terror of the Viet Cong," *American Legion Magazine*, March 1966, 11.

28 Heller and Heller, "The Systematic Terror of the Viet Cong."

29 Dubberly, "Atrocities," 79; Charles Krohn, *The Lost Battalion: Controversy and Casualties in the Battle of Hue* (Westport: Praeger, 1993), 30; Lewy, *America in Vietnam*, 245, 276; author unknown, "The Massacre of Dak Son," *Time*, December 15, 1967, 32–34. See also Archives and Special Collections Branch, U.S. Marine Corps, Quantico, Virginia, Folder: Wars: Vietnam-Viet Cong; John G. Hubbell, "The Blood-Red Hands of Ho Chi Minh," *Reader's Digest*, November 1968, 64–65.

30 Alexander Casella, "The Politics of Prisoners of War," *The New York Times Magazine*, May 28, 1972, 12.

31 The communist propaganda as well as Jane Fonda disputed this. See Ngoc Bao, "American POWs Were Never Mistreated," in Brenner, *Vietnam War Crimes*, 129–132; Jane Fonda, "American POWs Have Been Well Cared For," in ibid., 117–119. For an account of war crimes committed against American POWs, see the statement from Navy Pilot Porter Halyburton in Christian G. Appy, *Patriots: The Vietnam War Remembered from All Sides* (New York: Viking, 2003), 222–228.

into disgrace. A high-ranking defector claimed that up to three million South Vietnamese were placed on such lists.[32] Like American troops far off in difficult operations, Viet Cong units were given a lot of leeway and atrocities were tolerated to maintain morale and esprit de corps. It seems that torture, intimidation, and murder were almost commonplace; terror and assassinations were especially used to intimidate South Vietnamese officials.[33] In one instance, the hands of a seven-year-old boy were cut off to warn his family about what might happen if they took part in the upcoming elections.[34] At another instance the fingers of a six-year-old schoolboy were cut off for going to school. "This is what will happen to you if you continue to go to that school," said one Viet Cong to horrified schoolchildren.[35] A similar cruel warning was imposed on villagers near Da Nang: They were herded in front of the house of the village chief, the local representative of the population. Soldiers of the Viet Cong cut out the tongue of the village chief, while the residents as well as the chief's pregnant wife and their children were forced to watch this cruel torture.

> His genital organs were sliced off and sewn inside his bloody mouth. As he died, the VC went to work on his wife, slashing open her womb. Then, the nine-year-old son: a bamboo lance was rammed through one ear and out the other. Two more of the chief's children were murdered the same way.[36]

In another case, on May 5, 1965, Viet Cong soldiers stopped two buses. The sixteen passengers were trussed up, marched into the woods, forced to the ground, and shot.[37]

During the aftermath of the Tet Offensive, communist forces in the old imperial city of Hue killed at least 2,800 civilians. They also took prisoners, many of whom were never seen again and remain unaccounted for. Many of the dead were executed with their hands tied behind their backs. In other cases, the victims were beaten to death, buried alive in dirt, or had cloth stuffed into their

32 Pike, *The Viet Cong Strategy of Terror*, 31.

33 Jean-Louis Margolin, "Vietnam and Laos: The Impasse of War Communism," in *The Black Book of Communism: Crimes, Terror, Repression*, eds. Stéphane Courtois et al. (Cambridge: Harvard University Press, 1999), 565–576; Douglas Pike, *Viet Cong: The Organization and Techniques of the National Liberation Front of South Vietnam* (Cambridge: The M.I.T. Press, 1966), 246–252.

34 Hubbell, "The Blood-Red Hands of Ho Chi Minh," 61.

35 An unidentified Viet Cong soldier, as quoted in ibid., 66.

36 Ibid., 61–62.

37 Heller and Heller, "The Systematic Terror of the Viet Cong," 10.

mouths, showing "clear evidence of atrocity killings."[38] Roman Catholics were rounded together, found guilty, marched through rugged terrain, and shot.[39]

Hue was the largest communist atrocity that took place during the Vietnam War. Little is known about the perpetrators and their victims, the latter of whom were selected in cold blood and killed by local communist forces who occasionally knew them. Bodies were buried and hidden, contrary to previous massacres where the dead were marked and displayed as a deterrent. However, the perpetrators adapted to the raging battle, killing mainly minorities first as well as groups of suspects. By then eliminating community leaders, foreigners, intellectuals, and other key figures – the sources of future opposition – they paved the way for a communist takeover of Hue. But the violence developed a momentum: Family members killed their own relatives, even communist students were found among the dead, as well as pets. It seems that communist forces tried everything to exterminate the fabric of the social order so that a new hierarchy could be placed upon the city. This was combined with the bitter fighting of local political factions against and within each other.[40] The NLF denied having anything to do with the massacre, stating that "there was absolutely no policy or directive from the Front to carry out any massacre. It had simply been one of those terrible spontaneous tragedies that inevitably accompany war."[41] The death toll would probably have been even higher if the old imperial city had not been reconquered by American and South Vietnamese troops on 3 March 1968 after twenty-eight days of battle.

However, Hue sent a clear signal to the rest of South Vietnam. If the communists were to win this war, they would not stop imposing their rule and new order on the South. All perceived enemies would be either reeducated or

38 Mark Philip Bradley, *Vietnam At War* (Oxford: Oxford University Press, 2009), 152; Pike, *The Viet Cong Strategy of Terror*, 47. The numbers of the dead remain somewhat disputed. In 1974, D. Gareth Porter accused Pike of exaggerating the number of killed civilians. See D. Gareth Porter, "The 1968 'Hue Massacre'," *Indochina Chronicle* 33, June 24, 1974, 2–13.

39 Pike, *The Viet Cong Strategy of Terror*, 49–50.

40 ICRC archives, Geneva, Archives générales, B AG 202 223–036, Protestations concernant les mauvais traitements infligés aux prisonniers et aux civils, première partie; B AG 202 223–041, Protestations de la République du Viêtnam; Pike, *The Viet Cong Strategy of Terror*, 50–59; The Vietnam Center and Archive, Texas Tech University, Folder 10, Box 07, Douglas Pike Collection: Unit 11-Monographs, Committee on the Judiciary, United States Senate, The Human Cost of Communism in Vietnam: A Compendium Prepared for the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, Washington 1972, 64–82.

41 Huynh Tan Phat, as quoted in Truong Nhu Tang, David Chanoff, and Doan Van Toai, *A Vietcong Memoir* (San Diego: Harcourt Brace Jovanovich, 1985), 154.

assassinated, and old grudges would be settled by violence with legal amnesty for the communist perpetrators.

Hue might have been an extreme case of violence in a timely and locally narrow space. However, acts of terror connected with atrocious behavior were a staple of the military strategy of the Viet Cong. The journalist James G. Hubbell reported that, by the end of 1967, the communists had engaged in "100,000 acts of terror against the South Vietnamese people."[42] Douglas Pike (1924–2002) claimed in 1970 that "terror is an essential ingredient of nearly all [the communists'] programs"[43] while Lieutenant General Lewis W. Walt (1913–1989), commander I corps tactical zone, said that "communist terrorism ... is no more a mere accident of war but a systematic program of butchery."[44]

Patterns of an Asymmetric War

The asymmetric constellation of the war in Southeast Asia played a crucial role in explaining atrocities. The reflection on the characteristics of asymmetric wars in general and the Vietnam War in particular provides the most powerful explanation for such violence. Hence, an imbalance of weaponry and a divergently different understanding of warfare influenced the dynamics of the Second Indochina War. The most powerful military power of the Cold War with the most sophisticated weapon systems of its time clashed with an enemy that was perceived as weak, using little more than a farmer's army with archaic weapons that depended on supplies from the Soviet Union and the People's Republic of China. Hence, a time-costly guerrilla war was all the North had in its attempt to defeat the South allied with the American superpower. Merging the regular troops of the North Vietnamese Army with a guerilla force in the South was the integral component of the North's military strategy. Time and time again, GIs and Marines accused this unpredictable Janus face of the enemy as an explanation for their deeds.

From at least 1966 onward, the Viet Cong unleashed a war without fronts, using the civilian population of the South as a cover. The Viet Cong therefore became an invisible enemy that American troops desperately tried to hunt down while failing to localize their main troop contingents. Huge cordons as well as search and destroy operations and the declaration of entire landscapes as free-

42 Hubbell, "The Blood-Red Hands of Ho Chi Minh," 62.
43 Pike, *The Viet Cong Strategy of Terror*, 9.
44 Lewis Walt, as quoted in Hubbell, "The Blood-Red Hands of Ho Chi Minh," 65.

fire zones did little to bring the enemy to battle. Already in 1964, American journalist Malcolm W. Browne (1931–2012) reported that the skills of the Viet Cong in camouflaging were remarkable, describing how they stayed concealed in swamp waters while breathing through bamboo tubes.[45] At the same time, the Viet Cong were masters in preparing booby traps, setting mines, hiding deadly Punji sticks, or shooting at the enemy using hidden snipers. Some American outfits lost up to half of their strength without seeing an enemy soldier. Furthermore, low-ranking American soldiers in particular did not understand their role in this war and had no way to gauge its progress. The fact that the opponent rarely showed himself and that traditional concepts of progress were blurred is described in Tim O'Brien's *Going After Cacciato*: "Aimless, that's what it is: a bunch of kids trying to pin the tail on the Asian donkey. But no fucking tail. No fuckin donkey."[46]

Eventually, this impression led to anger and frustration among American troops. But it also reinforced the cycle of violence on both sides. For the Americans, every Vietnamese became a possible enemy; and for the Viet Cong, every civilian who had contact with the opposing forces became a target of violence. Typically, small teams of Viet Cong raided unarmed villages. For example, in June 1965, when the Viet Cong kidnapped fifteen farmers, one of them even had to dig his own grave to be buried alive. Similar atrocities against noncombatants were reported by journalists: For example, a teenage girl was slashed with a machete and riddled with bullets in Binh Thanh, the head of a civilian from Binh Dai district was hacked off just outside his house, and a twenty-one-year-old Vietnamese from the Khanh Hoi hamlet was slashed 100 times and riddled with bullets fifty yards from his house, while the following was posted to his door: "Sentenced to death by Company 605, Battalion 502 of the Forces of Liberation of South Vietnam."[47]

For the Viet Cong, terror in the form of atrocities had clear aims. The opposite party would be provoked into excessively repressive anti-terrorist actions, earning the contempt and hatred of civilians. Propaganda in the form of calculated atrocities on the local level could reinforce the cycle of violence. Especially those South Vietnamese soldiers whose families suffered from communist reprisals were likely to repay like with like, particularly in the handling of captured Viet Cong and North Vietnamese troops.[48]

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45 Browne, *The New Face of War*, 8.

46 Tim O'Brien, *Going After Cacciato* (New York: Random House, 2009 [1978]), 105.

47 Heller and Heller, "The Systematic Terror of the Viet Cong," 11–12.

48 See Pike, *The Viet Cong Strategy of Terror*; William Tuohy, "'War is Hell and, by God, This Is One of the Prime Examples': A Big Dirty Little War," *The New York Times Magazine*, November 28, 1965, 417, 510–514.

Military Doctrine

This asymmetric configuration led to new ways of measuring progress. For the Viet Cong, territorial control of an area was not the target; rather, they needed to install their cadres within the civil population. For American forces, it seemed impossible to control large areas, given the limited troop contingents and the strategy of the opponent. Accordingly, the Military Assistance Command, Vietnam (MACV) based in Saigon changed its official terminology of success from the old "area secured" to "body count" as the method of measuring progress. Terms like "annihilation" and "attrition" became widespread within the military ranks.[49] The enemy was not killed, but eliminated; a big body count led to extra rewards, such as promotions, holidays, and extra meals. After the battles in the Ia Drang River Valley, body counts and kill ratios became the new blueprint for success. Free-fire zones and search and destroy operations, such as "Junction City" (22 February – 14 May 1967) and "Cedar Falls" (8–26 January 1967) were initiated to hunt the enemy down and kill him. However, there was one problem with the body count metric: It did not work. Instead, it intensified the need to produce dead bodies, which was in many cases covered by the chain of command and often intensified with military indoctrination, training, and dehumanization of the Vietnamese people. A Marine from the 1st Marine Division later testified: "It wasn't like [the Vietnamese] were humans … They were a gook or a Commie and it was okay. And anything you did to them was okay because, like they would tell you they'd do it to you if they had the chance."[50] In such a context, the killing of civilians became easier. As another Marine put it: "To the Marines, there was no such thing as a free-fire zone in my outfit. Every place was a free fire-zone."[51]

Not only did body count reports become grossly inflated, but also purposefully manipulated – for instance, when GIs went to cemeteries and excavated dead bodies to report them among their body counts.[52] In addition to wrong reports due to incentives, it was also common for two or more outfits to claim and report the same bodies. This could even happen across service branches:

49 Dubberly, "Atrocities," 80.

50 Scott Camil, as quoted in Vietnam Veterans Against the War, *The Winter Soldier Investigation*, 14.

51 Thomas Heidtman, as quoted in ibid., 28.

52 NARA, RG 319, Records of the Army Staff, Office of the Deputy Chief of Staff for Personnel (ODCSPER), Records of the Vietnam War Crimes Working Group, War Crimes Allegations Case Files; Box 16 Ambrose Incident thru Butts Allegation, Folder: Hunter Allegation (VVAW-WSI); Box 17 Palosaari [Polosaari?] Allegation thru Schwerzler Incident, Folder: Larry Craig Allegation (VVAW-WSI).

> I know on numerous occasions when we would receive contact in the field, we would call in support—artillery, gunships . . ., and if necessary, jet fighters. Now, every time someone is killed, there is kind of a dispute over who got him. So the Air Force claims one, the Artillery claims one, the Infantry claims one, and the gunships claim one.[53]

Additional absurd practices, such as counting dead water buffaloes and other animals, were reported: Returning from my first mission, I witnessed the machine-gunning of an entire herd of water buffalo along with the six or seven buffalo boys who were tending the herd . . . The dead boys and the water buffalo were added to the official body count of the Viet Cong.[54]

When soldiers of the 4th Infantry Division killed nineteen Viet Cong suspects, a contemporary used the repercussion of the American military doctrine as an explanation:

> The executions are the direct result of a policy. It's the policy that is important . . . The military doesn't distinguish between North Vietnamese, South Vietnamese, Viet Cong, civilian—all of them are gooks, all of them are considered to be subhuman . . . And all of them can be killed and most of them are killed.[55]

For the Viet Cong, anxiety and fear were measures of success. The more distress they inflicted on the civilian population, the higher was their chance that those people would not switch sides. One captured Viet Cong confessed that the killing was part of their military doctrine, planned acts of violence committed during operations:

> The first time we entered the village, we arrested and executed on the spot four men who had been pointed out to us by the party's district headquarters as our most dangerous opponents. One, who had fought in the war against the French, was now a known supporter of the South Vietnamese government. Another had been seen fraternizing with government troops. These two were shot. The others, the village's principal landowners, were beheaded.[56]

Therefore, the military doctrine as well as the implementation of civil and military leadership on both sides were responsible for creating an "atmosphere

53 Michael Hunter, as quoted in ibid., 54.

54 Jeffrey Record, as quoted in Jeffrey Record, "Maximizing Cobra Utilization," *The Washington Monthly*, April 1971, 12.

55 Jamie Henry, as quoted in Vietnam Veterans Against the War, *The Winter Soldier Investigation*, 44–45.

56 An unknown Viet Cong soldier as quoted in Hubbell, "The Blood-Red Hands of Ho Chi Minh," 63.

conducive to atrocities."[57] The military doctrine did not hinder violence against noncombatants; on the contrary, it could on both sides be exploited in order to kill and abuse civilians.

Revenge and Hatred

Excessive violence also had its roots in emotions and the feelings of soldiers. Certainly, every soldier is scared in war; however, in Vietnam, this fear mounted to inconceivable heights, especially among American ground troops. The reason for this was that the enemy planted mines and other sorts of exploding devices all over the South. The danger of an instant death penetrated the experiential world of many soldiers. Every step could be punished with instant death or ugly injuries. This was reason enough for Tim O'Brien's platoon to chase a Vietnamese in front of their daily moves while they sang: "Step out of line, hit a mine; follow the dink, you're in the pink."[58] Another GI explained: "True, nobody should have to be told not to kill unarmed civilians or prisoners, but when the rage and hate is there along with an opportunity to vent it with no fear of reprimand or danger to oneself, it will happen."[59]

In both cases, the military leadership failed to stop wishes for revenge against perceived enemies. Especially on the American side, the frustration of many troops was well known, but disciplinary actions were scarcely taken. Instead, even perpetrators were kept on a long leash. As one Marine from the 1st Marine Division put it:

> You're scared to death all the way over there. You're told continually that ... every Vietnamese is going to kill you; that booby-trapped babies are going to be sent against you and old grandmothers are going to throw bombs at you, which can be very, very true and in many instances *is* true ...[60]

Often, these sentiments were linked to extreme boredom in the field. Specialist 4 Sam Schorr, a GI of the 86th Combat Engineers, stated bluntly that members of his outfit "quite often" shot on civilians working in the field "out of sheer

57 Lewy, *America in Vietnam*, 315.
58 Tim O'Brien, *The Things They Carried* (Boston: Mariner Books 2009 [1990]), 32.
59 James D. Henry, as quoted in Donovan Duncan, "The Men of 'B' Company: By James D. Henry (As Told to Donald Duncan)," *Scanlans Monthly*, March 1970, 31.
60 Michael McCusker, as quoted in Vietnam Veterans Against the War, *The Winter Soldier Investigation*, 6.

boredom and also because we just we didn't give a damn."[61] One GI from the 3rd Marine Division testified: "You know if Vietnam is not violently painful then it's such a crashing bore that you can't stand it."[62] So it seems hardly surprising that when, for example, a Marine of the 1st Battalion, 5th Marine Regiment, 1st Marine Division was killed by a sniper, the outfit "in revenge, destroyed two entire villages, wiping out everything living."[63]

But also for soldiers of the Viet Cong, not every act of war was systematically planned. For example, after the execution of two American prisoners, the perpetrators stated that revenge was the motive for their action:

> This was an appropriate blow directed at these lackeys of the Americans, notorious for their dishonesty, wickedness and cruelty ... To punish the U.S. aggressors and their lackeys for having massacred our compatriots indiscriminately, the Liberation Armed Forces command ordered the punishment of the two aforementioned U.S. aggressors.[64]

The desire for revenge took a clearly distinct form during the massacre in Hue. Apparently, the perpetrators were so furious that every principal bone of one of the bodies had been broken.[65] The Viet Cong frequently denied its victims the right to die with a whole body. In fact, a journalist writing for the right-wing *National Review* found out that "an almost ritualistic mutilation of corpses [was] a constant practice."[66] A similar atrocity committed on 23 March 1969, described by an American observer showed how strong affective feelings of revenge were during communist atrocities:

> Upon occupying the hamlet [of Kohinda], the VC seized the hamlet chief and took him to the center of the hamlet. All of the hamlet's residents, 300, including children, were then herded into the same area and directed to watch the "Army of the National Liberation of South Vietnam" ... punish the hamlet chief for supporting the GVN [Government of South Vietnam]. The twenty-six-year-old wife and eight-year-old daughter of the hamlet chief were placed approximately four meters directly in front of the hamlet chief by the VC. The hamlet chief was bound and two VC beat and kicked him for several minutes. At the conclusion of the beating, the VC directed him to kneel facing his wife and child. The hamlet chief pleaded for clemency while his wife cried to the VC to spare her husband's

61 Sam Schorr, as quoted in ibid., 22.
62 William Hatton, as quoted in ibid.,72.
63 Michael McCusker, as quoted in ibid., 29.
64 Pike, *The Viet Cong Strategy of Terror*, 21, 23.
65 Robert G. Kaiser, "350 Hue VC Victims Given Mass Funeral: 350 Hue Victims of VC Reburied," *The Washington Post*, May 6, 1969, A1, A16; Pike, *The Viet Cong Strategy of Terror*, 58–59.
66 Author unknown, "Vietnam: The Photographs We're Never Asked For," *The National Review*, October 18, 1966, 1048.

> life. An armed VC stepped in between the hamlet chief and his family and at a distance of less than two meters emptied a magazine of AK-50 … into the face and chest of the hamlet chief … While one VC held the wife of the hamlet chief, another VC using a butcher knife taken from the stall of a meat vendor in the hamlet, proceeded to slice the calf muscles away from the legs of the hamlet chief until the bones were exposed … After completing the mutilation of the body of the hamlet chief, the VC platoon leader … told the residents of the hamlet that GVN hamlet chiefs would be treated in the same manner. After this, the VC left the village.[67]

Racism, Indoctrination, and the Lack of Legal Consequences

Background concepts not only facilitated killing, but also reinforced the cycle of violence. In Cold War America, the fear of communism was fueled by the political imagination. The containment policy of the Cold War was intertwined with the premises of the domino theory. In a military institution with a strict code of conformity, a narrowly perceived enemy helped to strengthen the esprit de corps. In America, communists were represented as Asian subhumans; "gooks" seemingly had a minor appreciation of life. Similarly, for the communists, Americans and South Vietnamese were not human beings, but puppet soldiers and invaders. Military training and propaganda reinforced racist prejudices. In such an extreme situation, which war always constitutes, racist prejudices flourished on both sides. Additionally, murders were almost never punished – the opposite seemed the case. All sentences from the twenty-two American serviceman who were convicted of premeditated murder of Vietnamese before March 1971 were drastically reduced on military appeal.[68] Soldiers found themselves in a situation that offered opportunities to decide who would live and who would die. Kenneth J. Campbell, a Marine corporal and forward artillery observer, stated before the Dellums Committee: I don't know how many times we were told we have the power of life and death in our hands … It wasn't a warning. We were supposed to be proud of it, and we were proud of it.[69]

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67 Archives and Special Collections Branch, U.S. Marine Corps, Quantico, Virginia, Folder: Wars: Vietnam-Viet Cong, Author unknown, Subject: Viet Cong Public Assassination and Mutilation of a Montagnard Hamlet Chief, date unknown, 2–3.

68 Richard Halloran, "21 in Cases Like Calley's Had Their Sentences Cut," *The New York Times*, April 13, 1971, 8.

69 Kenneth J. Campbell, as quoted in William Greider, "Atrocities Hearings Ended by Dellums," *The Washington Post*, April 30, 1971, A3.

A vicious atmosphere was the consequence: A Vietnamese communist killed his sister, a girl 15 years old, for collaborating with U.S. Marines. In another instance, a father cut the tongue out of his wife and two children for sharing information with the Americans.[70] Similar atrocities were reported:

> A village policeman was held in place while a VC gunman shot off his nose and fired bullets through his cheekbones so close to his eyes that they were reduced to bloody shreds. He later died from uncontrollable hemorrhages . . . A 20-year-old schoolteacher had knelt in a corner trying to protect herself with her arms while a VC flailed at her with a machete. She had been unsuccessful; the back of her head was cut so deeply that the brain was exposed. She died from brain damage and loss of blood.[71]

For the Viet Cong, collaborators were no longer seen as part of the population: The Viet Cong regarded them as deplorable beings that could be tortured and killed without consequences. Similarly, only William Calley was prosecuted after the massacre at My Lai. Therefore, many experts refer to an "erosion of military legal culture at the time of the Vietnam War."[72] Not much is known about whether the Viet Cong and North Vietnamese Army prosecuted perpetrators of war crimes. However, both fighting forces did not apply international humanitarian law during the war, and the assumption of a similar legal leniency after the war might not be farfetched. For example, during an attack on a family in Bach Loc during the early stages of the war, the Viet Cong hacked the father to death using knives, while the rest of his family could flee. During one night six weeks later, the same perpetrators came again and slashed the "widow in the back, arms, legs, breast and forehead" and stabbed the eleven-year-old child while the nine-year-old was beheaded.[73] Therefore, the suspicion seems appropriate that perpetrators on both sides were not adequately prosecuted and that accomplices and copycat criminals had an easy game.

Conclusion

The reasons for outbursts of excessive violence during the Vietnam War are manifold. The characteristics of an asymmetric war reinforced fear, hatred, and the want for revenge on both sides. Especially for the allied troops, an

70 Hubbell, "The Blood-Red Hands of Ho Chi Minh," 63–64.
71 Ibid., 64.
72 Greiner, "The March 1968 Massacre in My Lai 4 and My Khe 4."
73 Heller and Heller, "The Systematic Terror of the Viet Cong," 12.

unpredictable enemy provoked a military doctrine that set wrong incentives and could be exploited in the field to kill without having to fear legal repercussions. This is not to suggest that the behavior of the other side was more humane. Situational factors that encouraged the radicalization of violence combined with background concepts such as racism and indoctrination led to abuse on both sides. In this situation, the fallback on military necessity as a justification for forbidden violence as well as the insistence on orders from above were constant apologies for committed atrocities. Part of the reason for blurring the boundaries between sanctioned ("normal") warfare and excessive violence stemmed from the fact that the law of war was not designed for such an irregular conflict. In fact, the NLF rejected parts of the law of war from the beginning, interpreting the conflict primarily as an invasion as opposed to an international conflict, and hence not accepting the Third Geneva Convention relative to the treatment of prisoners of war. On the other side, allied troops were not able to enforce these laws, although on paper the rules of engagements looked "impeccable."[74] As in previous irregular conflicts, the assumed weak side descended to a strategy where the means justified the ultimate goal. In doing so, the Viet Cong made a reign of terror part of its conduct of war, decapitating villagers, assassinating pacification workers and collaborators, and looting and leveling entire villages, as well as murdering American prisoners of war. The goal of the Viet Cong and the North Vietnamese Army was to enmesh allied troops in a long war, in an unfamiliar territory where the American firepower rested meaningless. The gravest war crime was committed in the old imperial city of Hue. But similar massacres, although smaller in comparison, took place during the entire Vietnam War, committed by both sides. Describing the massacre of My Lai, Jonathan Schell (1943–2014) remarked in 1969: "There can be no doubt that such an atrocity [as My Lai] was possible only because a number of other methods of killing civilians and destroying their villages had come to be the rule and not the exception in our conduct of the war."[75] One GI spoke his mind in a letter to President Nixon written in May 1970: Many [American] soldiers told me of their buddies murdering, raping, and abusing of civilians – without provocation.[76]

74 Telford Taylor, "Nuremberg in Son My," *The New York Times*, November 21, 1970, 30.

75 Jonathan Schell, "The Talk of the Town," *The New Yorker*, December 20, 1969, 27.

76 NA, RG 319, Records of the Army Staff, Office of the Deputy Chief of Staff for Personnel (ODCSPER), Records of the Vietnam War Crimes Working Group, War Crimes Allegations Case Files, Box 7 Mittelstaedt Allegation through Marhoun-Anderson Allegation [Press Media], Folder: Hart Allegation, Letter from John Irvin Hart to President Richard Nixon, May, 01, 1970, 1.

Due to the fact that such excesses took place behind the front lines, this war is best characterized as one without fronts, and one that tended to produce pressure on soldiers that provoked assaults with boundless violence. However, atrocities could also be perpetrated against friendly soldiers. "Fragging" became a term that described the wounding or killing of one's own officer using a fragmentation hand grenade, often because of perceived incompetence. Staff Sergeant Daniel S. Notley, one of the sharpest critics of the American conduct of war in Vietnam, testified after his deployment: "GIs are starting to vent their frustration on the institutions and the people that have frustrated them rather than on the Vietnamese people."[77]

Last but not least, attention should be drawn to a problem concerning sources. In most historical research on violence, only cases are described where violence eventually occurred. However, it seems difficult to evaluate why in other cases violence did not extend beyond the "normal" scale. It seems obvious, however, that excessive violence formed an integral part of the Vietnam War – a war where neither side owed anything to the other.

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77 Daniel S. Notley, as quoted in The Citizens Commission of Inquiry, *The Dellums Committee Hearings on War Crimes in Vietnam*, 192–193.

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Section IV: **Memory and Justice**

Ikō Toshiya

8 Japanese War Crimes and War Crimes Trials in China

Introduction

After World War II, the Allied Powers held trials in various locations for the prosecution of Japanese war criminals. In Tokyo, the International Military Tribunal for the Far East, also known as the Tokyo Trials, was held from 1946 to try Class A war criminals, and 28 people were indicted for crimes such as "crimes against peace." The Tokyo Trials adjourned in November 1948, handing down guilty verdicts including seven death sentences among 25 Class A war criminals. In addition, countries such as the United States, Britain and China held Class B and C war crimes trials in over 50 locations in the Asia-Pacific region including Japan, indicting 5,700 people, mainly for "conventional war crimes," and handing down guilty verdicts including about 1,000 death sentences among 4,500 people (excluding trials held by the Soviet Union and the People's Republic of China).[1] As reflected in the phrase "victors' justice," there was a perception in Japanese society at the time that the war crimes trials by the Allied powers were one-sided and unfair. The way in which Class B and C war crimes trials were held was also seen as improper and the book *Gyakutai no kiroku*, which was published not long after the end of the trials, highlighted the following issues:

> Among the many who were disgraced as "war criminals" and given heavy sentences, there were those falsely accused of something they were completely innocent of . . . who were held responsible for following senior officers' orders . . . and countless others who were condemned for very vague reasons. Moreover, the trials were held only as a formality and lasted for a day or half a day, with some finishing in one hour or just over 10 minutes. . .[2]

1 The basic data on Class B and C war crimes trials mentioned hereinafter is from Hayashi Hirofumi, *BCkyū senpan saiban* (Tokyo: Iwanami shoten, 2005).

2 Satō Ryōichi, *Gyakutai no kiroku* (Tokyo: Ushio shobō, 1953), 17.

Note: This paper is a revised version of the chapter "Chūgoku wa naniwo donoyōni sabakōto shitanoka – chūgoku kokumin seifu no senpan saiban seisaku no tenkai" from my book *Sensō wa dō kioku sarerunoka – nitchū ryō koku no kyōmei to sōkoku* (Kashiwa shobō, 2014).

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Furthermore, as for Class B and C war crimes trials held in China by the Nationalist government, a navy law officer sentenced to imprisonment for a definite term of six years recalled the following:

> After I was transferred to Sugamo, I asked the people there about the way Class B and C trials were held in each country, and I felt that the trials by China and the Netherlands had been the most nonsensical. The Chinese trials did not consider evidence. They carried out executions based on victims' accusations.[3]

The author does not believe that the problems indicated by the Japanese side did not exist. By observing cases such as the one for the Pingdingshan massacre in which civilians were questioned on the stand about the responsibilities that should have been shouldered by the military, it may have been inevitable for the people on trial and those associated with them to insist that the trials were invalid.

However, were the trials that were "nonsensical" and "did not consider evidence" a product of the Nationalist government's policy for war crimes trials? Moreover, although it is worth pointing out the various problems with the war crimes trials, it seems biased to emphasize only their invalidity while ignoring the premise of why the war crimes trials were held in the first place. This chapter presents an overview of Japan's major war crimes, then examines the actual way in which the Chinese Nationalist government implemented its policy for war crimes trials.[4]

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3 Iwakawa Takashi, *Kotō no tsuchi to narutomo – BCkyū senpan saiban* (Tokyo: Kōdansha, 1995), 585.

4 Leading research on the Chinese Nationalist government's handling of war crimes trials includes Hu Ju-rong, *Zhongwai Junshi Fating Shenpan Riben Zhanfan* (Nankai: Nankai Daxue Chubanshe, 1988); Sō Shiyū, "Shūsen zengo ni okeru Chūgoku no tainichi seisaku – sensō hanzai saiban wo chūshin ni," *Shien* 54, no. 1 (1993); idem, "Sengo Chūgoku ni okeru Nihonjin senpan saiban," *Kikan sensō sekinin kenkyū* 30 (2000); Ishi'i Akira, "Chūgoku no tainichi senryō seisaku," *Kokusai seiji* 85 (1987); In Engun, *Nitchū sensō baishō mondai* (Tokyo: Ochanomizu shobō, 1996); In Engun, *Nitchū kōwa no kenkyū* (Tokyo: Kashiwa shobō, 2007); Kokukin En, *America to nikka kōwa* (Tokyo: Kashiwa shobō, 2001); Hayashi, *BCkyū senpan saiban*; Wada Hideho, "Hishinryakukoku niyoru tainichi sensō saiban," *Chūgoku kenkyū geppō* 645 (2001); and idem, "Chūgoku kokumin seifu niyoru tainichi senpan saiban no mondaiten," *Gendai chūgoku* 76 (2002). Furthermore, Shanghai Jiaotong Daxue Dongjing Shenpan Yanjiu Zhongxin, *Dongjing Shenpan Wenji* (Shanghai: Shanghai Jiaotong Daxue Chubanshe, 2011) was recently published on the Chinese side and includes representative essays on research into the Tokyo Trials, etc. On the other hand, research focusing on war criminals on the Japanese side who were tried includes Chaen Yoshio, *Nihon BCkyū senpan shiryō* (Tokyo: Fuji shuppan, 1983); idem, *BCkyū senpan gunji hōtei siryō – kanton hen* (Tokyo: Fuji shuppan, 1984); idem, *BCkyū senpan Chūgoku – futsukoku saiban shiryō* (Tokyo: Fuji shuppan, 1992);

Japan's Invasion of China and War Crimes

Before going into the main subject of this chapter, the premise must be explained. In other words, the reason why the Nationalist government decided to hold war crimes trials in the first place was because Japan began to invade China and, in the process, inflicted massive damage to the Chinese side.

First, it is necessary to explore the unfolding of Japan's war in relation to international law. On 18 September 1931, Japan's Kwantung Army began military aggression with the aim of making Northeast China ("Manchuria") a territory of Japan. It was the start of the Manchurian Incident. The act was a clear invasion of territory and violated both the Covenant of the League of Nations that established the territorial integrity of its member countries and the Nine-Power Treaty that established the territorial integrity of China. Furthermore, while the Japanese government (the second Wakatsuki cabinet) proclaimed a "non-expansion" policy, it adopted a policy to resolve pending problems between Japan and China through an armed invasion and decided to rule Manchuria by establishing a puppet government. The Japanese government also proceeded with actions that effectively made it a policy to invade territory in China. Military aggression into China became national policy, which violated not only the Covenant of the League of Nations and the Nine-Power Treaty, but also effectively violated the Kellogg-Briand Pact, which established the renunciation of war as national policy.[5]

The Chinese side appealed to the League of Nations immediately after the start of the Manchurian Incident and asserted that Japan was violating the League's Covenant and the Kellogg-Briand Pact by invading China. However, Britain and France, which were major nations in the League, were reluctant to declare Japan as an aggressor, and the United States and the Soviet Union, which were not members of the League but had deep interests in Chinese affairs, also did not attempt to proactively restrain Japan. The biggest reason was that there was concern that sanctions against Japan would turn into a military conflict. Taking advantage of this lack of action by world powers, Japan moved to make the occupation of Manchuria a fact. By signing the Japan-Manchukuo

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and Iwakawa, *Kotō no tsuchi to narutomo*, who cites the problems of war crimes trials based on what actually took place. In addition, an overview of Class B and C war crimes trials by the American side can be found in *BCkyū sensō hanzai saiban* (translated by Nobuko Kosuge and Hitoshi Nagai) (Tokyo: Nihon Tosho Center, 1996).

5 Hereinafter, for details on Japan's invasion of China and the declaration of Japan as an aggressor, please refer to Ikō Toshiya, *Kindai nihon to sensō ihōka taisei – Daiichiji sekaitaisen kara nitchū sensō he* (Tokyo: Yoshikawa kōbunkan, 2002).

Protocol in September 1932, Japan recognized Manchukuo as a state. Immediately following this, the Lytton Report[6] issued by the research team was released by the League of Nations. The report pointed out that Japan was responsible for expanding military conflict, but suggested not recognizing Japan's military behavior as an invasion, but rather as a privileged position in Manchuria and advised to settle the conflict. In February 1933, Japan withdrew from the League of Nations, which had advised Japan to resolve the dispute in accordance with the main points of the Lytton Report.[7] In May, the Tanggu Truce was signed between the local militaries of Japan and China, temporarily ending the conflict between the Japanese and Chinese forces (National Revolutionary Army) near the line of the Great Wall.

At the time of the Manchurian Incident, the international community did not declare Japan as an aggressor despite its invasion of China. However, the occasion when the League of Nations effectively declared Japan as an aggressor came during the Second Sino-Japanese War which began on 7 July 1937. When the war turned into a full-scale war in August, China notified the matter to the League of Nations again and demanded that the League declare Japan as an aggressor and impose sanctions. Britain, the central power in the League of Nations, positioned itself to avoid damaging its relations with Japan at a time when military threats from Nazi Germany and Fascist Italy were rising in Europe, and desperately rejected China's demands. However, after China appealed under Article 17 of the Covenant of the League of Nations in September 1938, the League of Nations Council compiled a resolution effectively declaring Japan as an aggressor on September 30 and presented it in the form of a Council Chairman's report. The report allowed the League's member states to individually impose sanctions against Japan. Even if there was no such state, the League's Council expressed its view that Japan was a country deserving of sanctions. Japan was not declared an "aggressor" because it lost the war. Rather, the international community declared Japan an "aggressor" while it was still trying to force China to surrender.

Next, this chapter addresses the harm inflicted and the damage suffered in the war, which were the realities of the conflict. First, it must be confirmed that acts of hostility, violence against residents and the occupation policy imposed by Japan on Asia-Pacific nations including China during the "15-Year War" from the Mukden Incident to defeat were based on an illegal war initiated by

6 The League of Nations Association of Japan, *Lytton Report: Report of the Commission of Enquiry into the Sino-Japanese Dispute* (Tokyo: Kadokawa Shoten, 2006).
7 Ibid.

Japan. Even if the acts of hostility appear equal in degree, the morality of Japan and the opposite side were not equal. Japanese forces may say that they fought the battle to stamp out attacks from the enemy, but there would not have been a battle if Japanese forces had not invaded the opposite side's territory.

The white paper *Progress of Human Rights in China*, released by the Chinese government in 1995, states that the number of Chinese military and civilians killed or wounded over the eight years of the War of Resistance Against Japan (The Second Sino-Japanese War) was 35 million, while damages and losses were estimated at $600 billion. A detailed breakdown of the massive number published by China is unclear, but it is estimated that about 3.8 million soldiers were killed or wounded and that over 20 million civilians were killed and about 11.2 million were wounded, meaning over 31.2 million civilians were killed or wounded.[8]

As for the number of casualties during the 15-Year War on the Japanese side, 2.3 million soldiers were said to have been killed and 800,000 civilians to have died. For the period of Japanese rule after the Manchurian Incident (1931–1937), the number of war dead enshrined at Yasukuni Shrine was 17,174. For the Second Sino-Japanese War (1937–1941) and the Asia-Pacific War (1941–1945), the number of soldiers and civilian war workers who were killed is 2.121 million, and among them, the number of soldiers and civilian war workers who died on the Chinese battlefront (including Northeast China) was 502,400.[9] This means that the number of war dead for soldiers and civilian war workers during the 15-Year War on the Chinese battlefront was about 520,000.

Comparing the number of soldiers and civilians who were killed on the Chinese battlefront throughout the 15-Year War, it is clear that the damage to the Chinese side was much greater than that to the Japanese side. Furthermore, from the Chinese perspective, the damage was inflicted unjustly under Japan's war of aggression.

The damage to the Chinese side under the circumstances was mainly due to the massacre of prisoners and residents, such as the Nanjing Massacre and due to the "Three Alls" (kill all, loot all, and burn all) policy, indiscriminate bombing such as the bombing of Chongqing, attacks using poisonous gases and bacteriological weapons, sexual violence, forcibly moving people for forced labor and the looting of goods.

8 Kexueyuan Junshi, Yanjiubu Junshi Lishi et al., *Zhongguo Kangri Zhanzhengshi*, rev. ed. (Beijing: Jiefang Chubanshe, 2005).

9 Hara Takeshi and Yasuoka Akio, eds., *Nihon rikukaigun jiten* (Tokyo: Shin Jinbutsu ōraisha, 1997), 494–495.

Indiscriminate bombing, poisonous gas and biological warfare were war crimes carried out by a military operation order, but because the Japanese army recognized that it was a violation of international law, orders were carried out so as not to leave any evidence of poison warfare. The poison gas operation was carried out by ordinary units, but the biological warfare was carried out in secret by special forces for biological warfare represented by Unit 731. POW massacres were fundamentally implemented based on the Japanese military policy not to capture Chinese soldiers. In addition, the Japanese army conducted training in which recruits stabbed prisoners in order for the recruits to gain experience of killing. The compulsory entrainment of POWs and residents to Japan for forced labor was implemented as a national policy, but in the occupied places of North China, the work of making large blocking bunkers was imposed on residents. The plundering of various resources was implemented politically, but otherwise the Japanese army often obtained food by plundering during the operation period. These war crimes were organizational crimes carried out based on national policies and Japanese military policies, not on the individual judgments of soldiers. It can be said that rape was done at the discretion of individual soldiers, but superiors often tolerated rape committed by their subordinates. In addition, the Japanese military implemented policies to use women in the colonies of Korea and Taiwan and other occupied areas as "comfort women" for the purpose of preventing the rape of the general population. The Japanese military institutionally tolerated sexual violence against "comfort women" in order to suppress the violence of soldiers.

The Nanjing Massacre involved the slaughtering of prisoners and residents over a period of about six weeks, starting with the fall of Nanjing in December 1937, but many other crimes were also committed, including rape, arson and looting. As for the number of deaths, the Chinese side has stated it was over 300,000 people, but empirical research by the Japanese side has presented a widely accepted number of 100,000–200,000. It has become clear from documents that over 14,000 prisoners of war were captured in just one location, Bakufusan in Nanjing, and that they were all slaughtered. The massacre took place on an unimaginable scale. The Nanjing Massacre was the result of Japanese forces deciding not to comply with the Hague Conventions of 1899 and 1907, which established that soldiers who have surrendered should be treated humanely as prisoners. Moreover, it is said that there were several thousand victims of rape.[10]

10 For literature that explains the state of research on the Nanjing Massacre, it is worth mentioning Kasahara Tokushi, *Nankin jiken ronsōshi: Nihonjin wa shijitsu wo dō ninshiki site kitaka* (Tokyo: Heibonsha, 2007). On the massacre in Bakufusan, see Ono Kenji, Fujiwara Akira and Honda Katsuichi, eds., *Nankin daigyakusatsu wo kiroku shita kōgun heishitachi: dai 13 shidan yamada shitai heishi no jinchū nikki* (Tokyo: Ōtsuki shoten, 1996).

Another example of the slaughtering of residents by Japanese forces is the military operation that took place after August 1940 in North China. In August, the Chinese 8th Route Army began large-scale attacks on railways, communication facilities and coal mines controlled by Japan (Hundred Regiments Offensive). In response, Japanese forces began the "Three Alls" policy that aimed to completely destroy the enemy, and proceeded to annihilate the 8th Route Army and the residents who cooperated with them, to loot goods and to burn villages. According to Chinese statistics not long after the end of World War II, the population in the five anti-Japan base areas of North China (Jin-Sui, Jin-Cha-Ji, Ji-Re-Liao, Jin-Ji-Lu-Yu and Shandong) was originally 93,630,306, but during the eight years of the Second Sino-Japanese War, 2,877,306 people were killed directly or indirectly by the enemy and 3,194,766 people were wounded, just among civilians.[11]

Indiscriminate bombings by Japanese forces spread throughout China after the start of the Second Sino-Japanese War in July 1937. The bombing of the capital Nanjing in September was a strategic bombardment that aimed to make China surrender by intimidating ordinary citizens. China appealed to the international community, stating that such tactics were an inhumane act and typical of Japan's aggression, and the League of Nations and the United States expressed criticism of the indiscriminate bombings by Japan. However, Japan continued to argue that the bombings were based on the principle of military objectives that are permitted under international law, even as it continued deliberate, indiscriminate bombings of cities. One key area that was affected by the bombing was the wartime capital of Chongqing. Japan's army and navy bombed Chongqing for over 100 days from spring to summer every year during the three years from 1939 to 1941. About 11,000 people were killed and more than 10,000 people were wounded in the city.[12]

Not long after the start of the Second Sino-Japanese War in late July 1937, Prince Kan'in Kotohito, Chief of the General Staff, approved the use of tear gas (Japanese forces called it "green") for some military units dispatched in China. In April the following year, the Chief of General Staff approved the use of sneezing (vomiting) gas (diphenylcyanoarsine; the Japanese forces called it "red") in Shanxi Province for the Japanese Northern China Area Army. The poisonous

11 On the abovementioned damages from the "Three Alls" policy, see Zhongyang Dang'anguan, Dang'anguan Zhongguo Lishi and Kexueyuan Hebeisheng Shehui, eds., *Riben Qinlüe Huabei Zuixing Dang'an 2 Zhanfan Gongshu* (China, Huabei Renmin Chubanshe, 2005), 1–30.

12 Sensō to Kūbaku Mondai Kenkyūkai, *Jūkei bakugeki towa nan datta no ka – mō hitotsu no Nitchū sensō* (Tokyo: Kōbunken, 2009).

gases were used in Shanxi Province to counter the guerrilla warfare tactics of the National Revolutionary Army's 8th Route Army (Chinese Communist troops). In the Battle of Wuhan, which took place in the summer of the same year, a large amount of "red" was used against the National Revolutionary Army. The following year, it was also used in the Central China region. Furthermore, after the end of 1939, Japanese forces began using blister gas (yperite and lewisite; Japanese forces called it "yellow"), which is classified as lethal.[13]

Japanese forces had begun developing bacteriological weapons in 1932, establishing an institution in Tokyo and Manchuria. In 1936, the institution in Manchuria received formal certification as the Epidemic Prevention Department of Japan's Kwantung Army. From 1938 to 1940, a massive laboratory was built in Pingfang on the outskirts of Harbin. Japanese forces produced plague bacillus, cholera bacillus, typhoid bacillus *Salmonella typhi*, etc., and according to written documents from Japan, Japanese forces launched attacks using those bacteria from 1940 in China's Ningbo, Changde and along the Zhejiang-Jiangxi railway line. The overall picture of the harm caused in China is unclear, but it has been shown that attacks by Japanese forces in Changde resulted in the spread of the plague and several thousand people were affected, including secondary infections.[14]

Massive numbers of rapes were also committed by Japanese soldiers. It is estimated that in the four anti-Japan base areas of North China alone, over 620,000 people were raped and many thus contracted sexual diseases.[15] Furthermore, Japanese forces set up military brothels in army posts. Women were brought over from Korea and Taiwan and were made to work there as "comfort women." Women were also kidnapped from occupied areas across China and village mayors were forced to gather women who would become "comfort women."[16]

Japanese forces inflicted large-scale severe damage in China with its military operations that included many war crimes. China's Nationalist government was forced to bring charges against an immeasurable number of war crimes committed by Japanese forces.

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13 Yoshimi Yoshiaki, *Dokugasusen to Nihongun* (Tokyo: Iwanami shoten, 2004).

14 Yoshimi Yoshiaki and Ikō Toshiya, *731 butai to tennō – rikugun chūō* (Tokyo: Iwanami shoten, 1995). For the number of victims in Changde, please refer to Nie Riri, *Chūgoku minsyū no sensō kioku* (Tokyo: Akashi syoten, 2006).

15 Dang'anguan et al., *Riben Qinlüe Huabei Zuixing Dang'an 2 Zhanfan Gongshu*.

16 Yoshimi Yoshiaki, *Comfort Women* (Tokyo: Iwanami shoten, 1995).

The War Crimes Investigation in Wartime

On 13 January 1942, nine European governments in exile issued the Saint James' Declaration, which stated that all of the atrocities conducted by Germany would be regarded as war crimes and the main reason to continue the war was to punish these war crimes. China acted in concert with this declaration and announced on the same day in London her position in investigating the war crimes committed by the Japanese.

Soon after the Saint James' Declaration, the Chinese Ministry of Foreign Affairs made a plan to collect evidence on the war crimes committed by Japan.[17] By November 1942, the Ministry of Foreign Affairs had mobilized all government-affiliated institutions to gather materials related to Japanese war crimes in China. According to the instructions of the Ministry of Foreign Affairs, provincial governments were asked to submit reports on, for instance, those military operations in Northern China as well as Zhejiang and Jiang Xi Provinces (Battle of Zhe-Gan) where most of the damages had been done by the so called "Three Alls" strategies. It was required to include the names of alleged perpetrators, ranks, dates of crimes, and location of the crimes, as well as the victims' names, sex, age, family registers, occupation, and eyewitness testimonies of the incident.[18] For example, the Ministry of Foreign Affairs requested the military general staff to look into a case that involved only one victim in December 1943.[19] Thus, even the smallest incident would be investigated.

Nevertheless, the collection of the information proved to be quite difficult. In order to overcome these difficulties, in March 1943, the Ministry of Foreign Affairs made a list of war crimes subject to investigation and ordered the military commanders and provincial governments to report on the crimes based on this list. In order to punish war crimes such as murder, assault, and rape, it was necessary to use the government prescribed form or list to search for and collect details and certain materials along with the evidence.[20]

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17 Ouzhousi Disanke, "Guanyu Liexi Ouzhou Jiu Zhanlingguo Chengzhi Deguoren Baoxing Xuanyan Qianzi Huiyi Zhi Baogao Yu Jianyi," *Chengchu Zhanshifan'an*, Doc. No. 020000001183A (Taiwan: Guoshiguan).

18 "Qiecha Guanyu Diaocha Diwo Zhanzhengzuixing," February 2, 1943; "Hanqing Diaocha Zhegan Zhanyi Baoxingren Ji Beihairen You," November 6, 1942; Waijiaobu, "Hanqing Diaocha Dikou Zai Zaoqiang Jixian Baoxing You," January 9, 1943, *Diren Zuixing Diaocha An*. 020000001173A.

19 Waijiaobu, "Hanfu Diaocha Dikou Baoxing Budui Zhangguan Xingming Ji Guanzhi Deng You," March 1944, *Diren Zuixing Diaocha An*. 020000001174A.

20 "Guanyu Chengzhi Zhanshifan," *Chenchu Zhanshifan An*. 020000001183A. "Xingzhengyuan Xunling," October 9, 1944, *Diren Zuixing Diaocha An*. 020000001176A.

Also, on 23 February 1944, a war crimes investigation committee, consisting of multiple ministries, namely, the Ministry of Justice and Executive, the Ministry of National Defense, and the Ministry of Foreign Affairs, was formed. This committee was established and placed in the Executive Yuan in Chungking. Furthermore, in July 1944, they implemented the "Method of Investigating the Enemy War Crimes," the "List of Enemy War Crimes," and the "List of Classification of Enemy War Crimes" to facilitate a thoroughgoing investigation on Japanese war crimes in China.[21] The investigations were conducted mainly by the provincial and municipal governments, and the Executive Yuan would select the Military Commander in each war zone, while all layers of the Nationalist Party and all levels of the Court cooperated with each other to conduct the investigation.[22]

Although the war crimes investigation was carried out according to a specific methodology, it turned out to be very difficult to collect evidence. A report made by the Ministry of Foreign Affairs in May 1945 stated that despite the more than 2,300 reports collected and sent to the "Enemy War Crimes Investigation Committee," the majority of the reports had insufficient information to be registered; moreover, they were unusable because of the lack of necessary evidence.[23]

Regarding the Nanjing Incident, one of the war crimes committed during the Second Sino-Japanese War, it was not easy to determine the offenders in charge of the massacre, nor was it easy to collect evidence related to the massacre. For this reason, in March 1944, the Ministry of Foreign Affairs made a decision to contact Dr. Miner S. Bates (1897–1978), Mr. Lewis S. C. Smythe (1901–1978), Mr. Charles H. Riggs, and Mr. George A. Fitch (1883–1979), who had been members of the International Committee for the Nanjing Safety Zone during the Nanjing Incident in 1937, to collect information on the incident.[24] These men later submitted an affidavit and appeared as witnesses in court

21 "Xingzhengyuan Xunling," July 29, 1944, *Diren Zuixing Diaocha An*. 020000001176A.

22 Hōmushō daijinkanbō sihō hōsei chōsabu, "Sensō hanzai saiban shiryō daigō sensō hanzai saiban kankei hōrei" (1967), 308–311.

23 Song-nian Lu, "Hanfu Guanyu Riben Zhanzuifan Mingdan Zhi Zhunbei Jinxing Chengdushi," *Diren Zuixing Diaocha An*. 020000001175A.

24 "Xunling Lingzhuan Qing Beideshi (Miner S. Bates) Boshi Zhengming Nanjing Baoxing Anjian You," March 13, 1944; "Xunling Ling Wangfang Jinda Shimaishi (Lewis S.C. Smythe) Boshi Qingqi Chuju Nanjing Baoxing Zhengjian Deng You," March 15, 1944; "Xunling Ling Wangfang Jinda Leike (Charles H. Riggs) Xiansheng Qingqi Chuju Nanjing Baoxing Zhengjian Deng You," March 21, 1944, *Diren Zuixing Diaocha An*. 020000001175A; "Fangwen Mr. George Fitch Zhi Baogao," September 9, 1944, *Diren Zuixing Diaocha An*. 020000001176A

during the Tokyo Trials and the Trials of the BC Class War Criminals (Nanjing War Crimes Tribunal).

One should also consider the wartime responsibility of the Emperor of Japan, the Japanese military and political leader at the time. Right before Japan was defeated, the Department of East Asian and Pacific Affairs, under the Ministry of Foreign Affairs, prepared a document that stated that all the war leaders, including the Emperor of Japan, should face severe punishment.[25] It was well recognized among the Chinese leaders that the Emperor of Japan should be treated as a war criminal. He Ying Qin, Supreme Commander of the Chinese Army, stated in a press conference in June 1945 that: "It is a matter of course to regard the Emperor of Japan as a War Criminal." At the same time, the Emperor of Japan was at the top of the list of army war criminals made by the second office of the Military Commander.[26]

However, on 11 August 1945, right before the surrender of Japan, Generalissimo Chiang Kai-shek expressed to President Truman that he would support the decision made by the United States in terms of how to treat the Emperor of Japan and that the fundamental makeup of the state of Japan should be decided by the Japanese themselves.[27] Somewhere between August and September of 1945, among the Chinese leaders, it was decided that the Emperor would not be listed as a war criminal.

During the Second Sino-Japanese War, China sent appeals to the international community about the heavy and indiscriminate bombing by Japanese forces—perhaps even more so than about the Nanjing Massacre. China issued a notice on "Japan's invasion of China" to the League of Nations on 12 September 1937. This notice criticized Japan's indiscriminate bombing on both combatant and civilian areas. Afterward, China repeatedly appealed to the League of Nations about the indiscriminate bombing by the Japanese military. It was a matter of course that Nationalist China would eventually consider the indiscriminate bombings as a war crime. On 27 June 1945, the Ministry of Foreign Affairs requested the Ministry of Justice and Executive to conduct an investigation into the Japanese bombings of the defenseless areas and to submit their findings to the Far Eastern and Pacific Sub-commission of the United Nations War Crimes Commission (UNWCC).[28]

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25 Sheng-he Gao, "Chengzhi Rikou Zuixing Fang'an," *Chenchu Zhanshifan An*. 020000001183A.

26 Junlingbu Dierting Diyichu, "Qinzhan Yilai Diguo Zhuyao Zuifan Diaochabiao," *Riben Junshifan* 020000001171A; So, "Shūsen zengo ni okeru chūgoku no tainichi seisaku", 75.

27 Ishii, "Chūgoku no tainichi senryō seisaku," 27–28.

28 Waijiaobu, "Hansong Rijun Zuixing Zhengmingshu Yijian Xicha Liyou," June 27, 1945, *Diren Zuixing Diaocha An*. 020000001176A.

At the 35th conference on 10 December 1946, the Sub-commission for the Far East asked the United Nations War Crimes Commission in London how it would examine the responsibility for indiscriminate bombings.[29] The United Nations War Crimes Commission in London wrote a reply dated 10 March 1947, immediately after the Sub-commission for the Far East effectively ended its activities on 4 March. The reply confirmed that the "deliberate bombardment of undefended places" fell under the scope of war crimes and that it was applicable to the Second Sino-Japanese War, but it also stated that in Europe, bombings were used as a means of war both by the Allied and Axis powers and that indiscriminate bombings by the German air force were not investigated at the Nuremberg trials, and that this would also apply to Japan.[30] It suggested that the Commission in London was reluctant to investigate the issue of indiscriminate bombings. Realistically, it was also very difficult for China to determine the perpetrator in the bombings, and the issue was hardly investigated. The Nationalist government also considered investigating the use of poisonous gases and bacteriological weapons by Japanese forces, but it appears that these war crimes were hardly prosecuted.

The War Crimes Investigation After the War and the Creation of the War Criminals List

Even after the war, the Nationalist government continuously investigated the Japanese war crimes. In Hubei Province, for instance, government officials tried to collect various materials, including official Japanese documents, notes written by Japanese soldiers, books, newspapers, photographs, and the tools used for torture. With the investigation, they were trying to mobilize the military, the police, youth organizations, newspaper publishers, local governments, and the hospitals. Just as during the war, the government continuously used the collection of evidence as a way to mobilize more organizations and civil society.[31]

29 Hirofumi Hayashi, *Rengōkoku tainichi sensō hanzai seisaku shiryō, v*ol. 12 (Tokyo: Gendai shiryō syuppan, 2008), 86.

30 United Nations War Crimes Commission, "Deliberate Bombardment of Undefended Places," Records Relating to U.S. Participation in the U.N. War Crimes Commission, 1943–1949 [Box 7 of 11]. RG59 – General Records of the Department of State. Ownership by the United States National Archives (NARA). Additionally, please refer to Totani Yuma, *Tōkyō saiban* (Tokyo: Misuzu syobō, 2008), 361–362.

31 Da-lun Zheng, "Hubei Souji Zhanzui Zhengju Jihua An," *Rijing Sheli Zhanzui Diaochasuo An*. 020000001172A.

In Hebei Province, the Ministry of Justice and Executive Branch conducted an investigation from 1946 through 1947. In this province the investigation was only conducted in the areas ruled by the Nationalist Party, not in those controlled by the Communist Party. There were 762 cases reported and made public—this was only a fraction of the number of known cases.[32] On the list, various damages or torment caused by the Japanese military were recorded, such as the killing of civilians, bombing, looting, torture, abuse or ill-treatment, and forced labor. However, among the 762 cases, there were only 190 cases in which the full names of the criminals were recorded. In other words, it was extremely difficult for the victims to identify or name the responsible assailants from these incidents.

The "War Crimes Investigation Report"[33] made by the Ministry of Foreign Affairs in June 1946 revealed that, in spite of very serious damages and much suffering, as well as the tremendous number of charges for war crimes, they were facing a very difficult task in arresting the war criminals. The report mentioned many problems:

> Arrest: delays in reporting war criminals, and occasionally mistaking innocent people for criminals. There were many different people with the same names as those on the war criminals list, and many war criminals charged could not be identified by their names. There were only 2,000 war criminals arrested and this number seems low. One of the reasons for this could be that a large number of war criminals escaped with fake names and the military system lacked the authority to arrest them.
>
> Investigation: not enough prosecutors, the vast expenses for the investigation, the lack of bilingual staff, and insufficient documentation on the war crimes in the report.
>
> Collection of evidence: evidence of war crimes was destroyed by the Japanese Military.[34]

The lack of experienced persons and insufficient organizational capability made the process of sorting out the reports of the investigation, arresting individuals, and taking into custody and questioning or examining alleged war criminals more difficult.

When Japan surrendered in 1945, there were approximately 1.12 million Japanese soldiers in China and 670,000 Japanese soldiers abandoned in Northeast China (Manchuria). Yet, by the beginning of April of 1946, about

32 Beijinshi Dang'anguan, ed., *Riben Qinghua Zuixing Shizheng—Huabei, Pingjin Diqu Diren Zuixing Diaocha Dang'an Xuanj* (Beijing: Renmin chubanshe, 1995).

33 Jue-yong Yang, "Zhanzheng Zuifan Diaocha Gongzuo Baogao," June 13, 1946, *Rijing Sheli Zhanzui Diaochasuo An*. 020000001172A.

34 Ibid.

420,000 Japanese soldiers had been sent back to Japan. This kind of prompt deportation of soldiers back to Japan took away any opportunity to capture a number of possible war criminals.

Concerning Manchukuo, a puppet country created by the Emperor of Japan in Northeast China, the Nationalist government commenced an investigation into Japanese war crimes in this area from August through October 1946. As a result, according to their investigation, many massacres and incidents, such as the "Wanbaoshan Incident," the "Pingdingshan Incident," and the "December 30 Incident" occurred before the Manchurian Incident. These episodes resulted from the oppression of resistance movements against the Japanese invasion or massacres of Chinese civilians, or of those opposed to Japan's opium policy.[35] However, in Northeast China, immediately after the war, the Soviet Union, followed by Communist China, started occupying this area and initiated arrests and/or trials of war criminals, as well as the deportation of Japanese soldiers back to Japan. As a result, the Nationalist government could not fully control the circumstances of those soldiers or retain the commanders who had been directly involved in these crimes.

Although the Nationalist government encountered difficulties in the investigation of war crimes, the government was able to make concrete progress after June 1945 by formulating a list of "Major Japanese War Criminals." On 27 July at the Seventh Far Eastern and Pacific Sub-commission of the United Nation War Crimes Committee, China submitted a report that indicated that, among the 108 cases of war crime incidents, 84 war criminals had been identified.[36] On the first list submitted to the Far Eastern Sub-commission, there had been 127 war criminals listed, and of them 49 had no detailed information beyond their names.[37] The difficulty in determining the personal names of the war criminals still continued.

In June through August 1945, the London Charter of the International Military Tribunal and later the Nuremberg Tribunal defined "Crimes against Peace" as a concept to prosecute Nazi war criminals and their crimes. As a result, the Nationalist government began to look for Class A war criminals, and later submitted a list to Supreme Commander Douglas MacArthur.

At the Far Eastern and Pacific Sub-commission of the United Nations War Crimes Committee, the selection of war criminals in China as well as Southeast

35 Zhanzheng Fanzui Chuli Weiyuanhui Dongbei Dudaozu, "Baogao""Dudao Dongbei Chuli Zhanfan Gongzuo Baogao," October 24, 1946, *Rijing Sheli Zhanzui Diaochasuo An*. 020000001172A.

36 Hayashi, *Rengōkoku tainichi sensō hanzai seisaku shiryō*, 30–37.

37 NARA, RG153/Entry 180. Box 5. Photographed by Hirofumi Hayashi.

Asia was based on the lists submitted by China, Great Britain, and the United States. Finally, on 4 March 1947, at the 38th meeting of the UNWCC, after much discussion and 26 rounds of edits, a list of 3,000 recognized war criminals was finalized. Among the names were approximately 2,400 war criminals who had made it onto the list as a result of the submission from China.[38] The inability to specify the perpetrator's full name was commonly seen in all of the lists approved by the committee.

The Enforcement and Ending of the Trials

The Nationalist government held a meeting concerning the policy on the treatment of war criminals on 25 October 1946.[39] The Chairman of this meeting, the then Secretary of Defense Bai Chon-xi, reemphasized the necessity of adopting a generous and non-punitive policy toward the war criminals—a policy advocated by Chiang Kai-shek. Furthermore, the Department of National Defense also suggested that, from a general point of view, a prompt finalization of the task on the treatment of war criminals was necessary. The reasons for this suggestion were:

1. Severe punishments had been imposed on important domestic and international war criminals; on the other hand, a "Generous Policy" should be applied to ordinary war criminals.
2. Since this was their first experience of treating war criminals, there may have been some inappropriate or unfair conduct.
3. Imposing a punishment based on incomplete evidence may have occurred, but was never pursued only for the sake of punishing the war criminals.

The Nationalist government did put an early end to the trial of the war criminals and thus carried out the goal of the "Generous Policy." However, the trials of Class B and C war criminals continued until January 1949.

How did China prosecute criminal acts through the war crimes trials? Looking at the number of indictments in the Chinese trials, the number of cases of "noncombatant murders, abuse, death by abuse and imprisonment by unjust arrest" was exceptionally high at 1,003; the next highest number was 261 for

38 "Zhanzheng Zuifan Chuli Weiyuanhui Di61ci Changhui Huiyilu," March 13, 1947, *Zhanzheng Zuifan Chuli Weiyuanhui Huiyi Jilu An*. 020000001187A.

39 "Zhanzheng Zuifan Chuli Weiyuanhui duiri zhanfan chuli zhengce huiyi jilu," October 25, 1946, *Chuli Zhanfan Zhengci An*. 020000001182A.

looting and the destruction of goods. This number was followed by 55 cases of the slaughter and abuse of prisoners and 49 cases of rape. There was only one case each for the use of poisonous gas and indiscriminate bombings, which was very small, but this was not because the Chinese side did not want to investigate these crimes, but because it was particularly difficult to identify and prosecute the perpetrator(s) of such acts.[40] The Nationalist government's Class B and C war crimes trials ended in January 1949, resulting in 883 indictments, 149 death sentences, 355 sentences of definite-term or life imprisonment, and 350 people found not guilty.

The fact that the detentions, deliberations and rulings in the actual trials were considered improper by the Japanese defendants was mentioned at the beginning of this paper. However, it is interesting that Takeo Imai, who was the Vice-Chief of the General Staff of the China Expeditionary Army, described "China's show of generous treatment" in the way it dealt with war criminals as follows.[41]

> Regarding the treatment of war criminals, at first the trials were extremely one-sided and resulted in severe sentences due to unfavorable feelings towards Japan along with an overall retaliatory sentiment among the public. However, as a result of the General Liaison Section [China Battle District Japanese Soldiers General Liaison Section] negotiating incessantly with the Ministry of National Defense to improve the situation, the central government became relatively open to accepting the proposals. Often it would order retrials at various military tribunals and continued to improve the situation for rest, facilities

40 On poisonous gases, on 30 November 1945, the Sub-commission for the Far East acknowledged the fact, and the evidence subcommittee's view was that because tear gas and sneezing gas were used by police in peacetime, the use of these gases should not be considered war crimes (see Hayashi, *Rengōkoku tainichi sensō hanzai seisaku shiryō*, 54). "Red", which was the poisonous gas that Japanese forces used in massive amounts on the Chinese battlefront, was classified as "sneezing" gas. On the indictments at the Tokyo Trials, the U.S. military, at the end of May 1946, proposed a policy of not indicting the Japanese forces' use of poisonous gases to Chief Prosecutor Joseph Keenan through Supreme Commander Douglas MacArthur, and the policy of no indictment was finalized. In the Nationalist government's Class B and C war crimes trials, the use of vomiting gas and tear gas was pursued by the Hankou Court and resulted in a sentence of life imprisonment (Yoshimi Yoshiaki, *Dokugasusen to nihongun*, 261–272). It is not clear what influence the decision by the Far Eastern and Pacific Subcommission had on the pursuit of responsibility for poisonous gas use, but it is worth noting that the policy of relaxing the pursuit of poisonous gas warfare emerged on the Far Eastern and Pacific Sub-commission's side earlier than in the Tokyo Trials.

41 December 1954, "Shina hakengun fukuin zengo no gaikyō" by Imai Takeo, the former Vice-Chief of the General Staff of the China Expeditionary Army (*Fukuin kankei shiryō shūsei daikan Shina hakengun ni kansuru heidanchō – bakuryō no syuki tsuzuri* (Tokyo: Yumani shobō, 2009), 39).

> and treatment. In Hankou and Guangdong [Guangzhou], it allowed autonomy inside the prison and the way of life became almost like a concentration camp.

After the surrender to the Chinese army, the China Expeditionary Army General Headquarters became the China Battle District Japanese Soldiers General Liaison Department on 10 September 1945 and, afterwards, the department was changed to a section. The section negotiated with the Chinese side on the repatriation of the Japanese military and civilians, and the treatment of war criminals.[42] From the memoirs of Imai, who took part in this process, it can be inferred that the Nationalist government accepted the Japanese side's demands and held retrials and improved the treatment of the war criminals.

Looking at the rulings for Class B and C war crimes trials in various countries, the number of people indicted was 1,453 in the United States, 1,038 in the Netherlands, 978 in Britain, 948 in Australia, followed by 883 in China. The number of final judgments for death sentences was 226 in the Netherlands, 223 in Britain, 153 in Australia, followed by 149 in China. Considering the scale of the damage of the Chinese people, the number of people indicted and the number of death sentences were extremely small. In this regard, the "Generous Policy" advocated by Chiang Kai-shek was achieved. The Nationalist government's Class B and C war crimes trials ended in January 1949, resulting in 883 indictments, 149 death sentences, 355 sentences of definite-term or life imprisonment, and 350 people found not guilty.

Conclusion

China launched a policy on war criminals in 1941. It was characterized, from the beginning, as punishment commensurate with the evidence. However, the collection of evidence was difficult during the Sino-Japanese War when the Japanese military was still active, and even after the war, it was still difficult to obtain satisfactory evidence. Moreover, the early deportation of Japanese soldiers was another obstacle to arresting those war criminals.

The method of investigating war criminals by using the "Enemy Criminal Investigation List," using reports made by civilians, has drawn considerable attention. Using this method led to a direct accusation of the responsible party (the assailant) – in other words, "Judgment by the victims." But information

42 On the China Battle District Japanese Soldiers General Liaison Department, please refer to Hikiage engo chō, ed., *Hikiage engo no kiroku* (Tokyo: Hikiage engo chō, 1950), 21.

based on the investigation list was not enough to identify possible war criminals.

Because the Nationalist government (Kuomintang) pursued the "Generous Policy" in dealing with the Class B and Class C war crimes trials, it did not result in cases of excessive revenge. Also, in the Tokyo Trials, only 25 of the accused were given a guilty verdict, and there was no continuous trial to follow. As a result, there were factions within the Ministry of Foreign Affairs complaining that the verdicts did not match the severe suffering of the Chinese people.

In the "War Crimes Investigation Report" which was mentioned earlier, it was stated that this kind of treatment toward war criminals would expose the ugly internal details of the Japanese aggressors to Japanese people and stamp out the thought of Japan's aggression.[43] This meant that there was an expectation that the trials of the war criminals would enlighten Japanese society.

Unfortunately, in Japanese society, even today, these trials are considered as a "verdict for the victors" and the judgments are considered to be biased. The trials thus did not have the informative effect the Chinese had hoped for.

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43 Yang Jue-yong, "Zhanzheng Zuifan Diaocha Gongzuo Baogao," June 13, 1946. *Rijing Sheli Zhanzui Diaochasuo An*. 020000001172A.

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Paul Antonopoulos and Drew Cottle

9 Forgotten Genocide in Indonesia: Mass Violence, Resource Exploitation and Struggle for Independence in West Papua

Introduction

With the withdrawal of the Dutch colonial administration from the Netherlands New Guinea in 1962, the implementation of Indonesian governance in 1963 and the formal absorption of Papua into Indonesia in 1969, the Free Papua Movement has engaged in a struggle to achieve independence from Jakarta or union with Papua New Guinea.[1] The price of resistance has also meant mass violence, torture and rape for the indigenous population of the territory.

The West Papua territory consists of the province of Papua and West Papua situated on the eastern most edge of the Indonesian archipelago and is Indonesia's only territory in Oceania. For the sake of clarity, this chapter will refer to the Melanesian term for West Papua, meaning the entirety of Western New Guinea, and not the Indonesian administrative term referring to the province of West Papua in the northwest of the island.

The ongoing Papua conflict since 1962 is one of the longest continuous insurgencies that has pitted the Indonesian government and large elements of the indigenous populations against each other. In the process of attempting to defeat the Papuan insurgency, the Indonesian military has engaged in a prolonged genocidal campaign against the indigenous inhabitants which has included mass violence, torture and rape.[2]

Jakarta's struggle to maintain control over the territory is not for the preservation of sovereignty with a people that have a shared linguistic, cultural, ethnic or religious connection as in the case of Aceh,[3] but rather for the exploitation of West Papua's vast natural resources which is inhabited by

1 John Pike, "Free Papua Movement – Organisasi Papua Merdeka," *Federation of American Scientists*, last modified April 17, 2000. Accessed January 24, 2018. https://fas.org/irp/world/para/papua.htm

2 Ron Crocombe. *Asia in the Pacific Islands: Replacing the West* (Suva: University of the South Pacific, 2007), 289.

3 Joseph Chinyong Liow, *The Politics of Indonesia-Malaysia Relations: One Kin, Two Nations* (Abingdon: Routledge, 2005), 161–163.

https://doi.org/10.1515/9783110659054-009

a black Melanesian people. Indonesia is mostly inhabited by Austronesian peoples. It is in these economic concerns that Jakarta finds it necessary to not only subdue, but also subjugate dissidence within the indigenous population. An effective method besides systematic extermination has been demographic change by settling Austronesian colonizers from other regions of Indonesia, most particularly from the crowded and most-populated island on earth, Java.[4]

West Papua is rich in oil, gas, timber, gold, copper and other minerals, making it of primary importance to Jakarta.[5] The claim for independence is made all the more difficult with settler populations making up around 51% of the population, rising from only 4% in 1971.[6]

The territory of West Papua makes up about 24% of Indonesia's total landmass but contains only 1.7% of the nation's population.[7] Over 500,000 Papuans have been killed, and thousands more have been raped, tortured and imprisoned by the Indonesian military since 1969. This is a significant amount considering that West Papua is home to only 4.5 million people, including the newly arrived settlers.[8] Indonesian governance can be compared to that of a police state in its suppression of freedom of political association and political expression.

This chapter will explore why this genocide is occurring in relation to Jakarta's energy interests, resistance to the genocide and reactions from Indonesia's neighbours, primarily the Melanesian states of Papua New Guinea, Solomon Islands, Fiji and Vanuatu, as well as from Australia and the United States.

Historical Context

With the success of the Indonesian National Revolution at the end of 1949 and the Dutch recognition of the Dutch East Indies (later to become Indonesia)

4 Elizabeth Brundige et al., "Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control," *Paper for Yale Law School* (2004), 33–34.

5 David Adam Stott, "Indonesian Colonisation, Resource Plunder and West Papuan Grievances," *The Asia-Pacific Journal* 9, no. 12 (2011), 17–20.

6 Jim Elslie, "The Great Divide: West Papuan Demographics Revisited; Settlers Dominate Coastal Regions but the Highlands Still Overwhelmingly Papuan," *The Asia-Pacific Journal* 15, no. 2 (2015), 2-3.; "West Papua," Unrepresented Nations and Peoples Organization, last modified October 15, 2014. Accessed January 20, 2018. http://www.unpo.org/members/7843

7 Elslie, "The Great Divide," 1.

8 Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, & Literature* (New York: Routledge, 2017), 576.

independence, the Netherland's refused to allow the Netherland's New Guinea (later to become West Papua) to join the new state citing its ethnic, cultural and religious differences.[9] The newly established nationalist Indonesian government however claimed that it was the successor state to the entirety of the Dutch East Indies which included the Netherland's New Guinea.

To Jakarta's dismay, the Dutch announced that it would continue to govern the region until it was capable of self-rule, despite the Dutch never having registered the Dutch East Indies as a United Nations mandated territory. Most of the international community agreed that the Papuans should be given their own self-determination. The only major exception in rejecting West Papua's independence was the United States (US) under the John F. Kennedy administration who wanted to maintain Jakarta's support in stemming the communist tide sweeping across Southeast Asia. Washington pressured Amsterdam to transfer West Papua to Indonesia to preserve Jakarta's support at the height of the Cold War.

The Dutch signed the New York Agreement in 1962 which relinquished their control over the disputed territory and allowed the United Nations (UN) to administer the region with the eventual handover of West Papua to Indonesia in 1963. A United States Department of State summary from 1962 asserts the "agreement was almost a total victory for Indonesia and a defeat for the Netherlands" and that the United States "Bureau of European Affairs was sympathetic to the Dutch view that annexation by Indonesia would simply trade white for brown colonialism" with the "The underlying reason that the Kennedy administration pressed the Netherlands to accept this agreement was that it believed that Cold War considerations of preventing Indonesia from going Communist overrode the Dutch case."[10]

The New York Agreement also meant that a plebiscite would be held before 1969 to determine the fate of West Papua, however the Indonesian military organized the Act of Free Choice, or known as the "Act of No Choice" by Papuans, vote in 1969 to supposedly determine the future of the territory.[11] The vote was conducted in dubious conditions with 1,025 people being handpicked

9 Bilveer Singh, *Papua: Geopolitics and the Quest for Nationhood* (Piscataway: Transaction Publishers, 2008), 61–64.

10 Office of the Historian, "95/03/06 Foreign Relations, 1961-63, Vol XXIII, Southeast Asia," *United States Department of State*, March 6, 1995. Accessed January 20, 2018. http://dosfan.lib.uic.edu/ERC/frus/summaries/950306_FRUS_XXIII_1961-63.html

11 Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge: Cambridge University Press, 2004), 148.

to vote with a show of hands at gunpoint.[12] It was no surprise that under such conditions those eligible to "vote" chose to integrate West Papua with Indonesia.

However, the indigenous people of West Papua did not wait until 1969 to begin their resistance against what can be correctly termed as Indonesian colonialism. The Free Papua Movement, or known in Indonesia as the Organisasi Papua Merdeka (OPM) was established in 1965 and began both a violent and non-violent struggle for independence while seeking international support. It is the resistance posed by the OPM that has made Jakarta react in the most brutal of ways.

Demographic Change, Javanization and Islamification in West Papua

One of the primary methods used by Indonesian authorities to subdue indigenous resistance to international mining firms was to undertake a complete demographic transformation of West Papua. With Malay Indonesians settlers moving in their tens of thousands to the territory, their securing of land far outweighed any concern for the operations of international mining companies such as Freeport McMoran's exploitation of its $100 billion gold and copper mine.[13]

Dr. Agus Sumule, professor of agricultural socio-economics at the University of Papua, stated that: "Land has been taken away, directly by Freeport . . . and indirectly, as the Indonesian settlers have appropriated it. The stresses [on indigenous people] are intense They have been very negatively impacted."[14] Transnational corporations have never had to consider the socio-economic or environmental impact their mining operations have had on the

12 Damien Kingsbury, "Indonesia on Notice – West Papuans Still Want Independence," Deakin Speaking: A Deakin University weblog, September 28, 2017. Accessed January 20, 2018. https://blogs.deakin.edu.au/deakin-speaking/2017/09/28/indonesia-on-notice-west-papuans-still-want-independence/

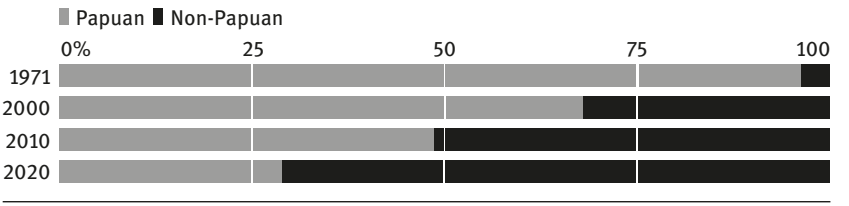
13 James Wilson and Avantika Chilkoti, "Freeport-McMoRan Mired in Indonesian Uncertainty," *Financial Times*, May 9, 2016. Accessed January 20, 2018. https://www.ft.com/content/c65b8c78-12cf-11e6-91da-096d89bd2173

14 Susan Schulman, "The $100bn Gold Mine and the West Papuans Who Say They are Counting the Cost," *The Guardian*, November 2, 2016. Accessed January 20, 2018. https://www.theguardian.com/global-development/2016/nov/02/100-bn-dollar-gold-mine-west-papuans-say-they-are-counting-the-cost-indonesia

indigenous local population. Confronted with the destruction and depredations of large scale extractive mining and Jakarta's orchestrated demographic change through trans-migration, the indigenous West Papuans are projected to become an absolute minority in their own land by 2020.[15]

Ethnic Papuans will make up just 29% of the population by 2020

Demographic breakdown of the population in West Papua



Source: West Papuan Demographic Transition, Jim Elmslie

Spearheading this demographic change in West Papua was the transmigration program. Initially, the program was started by Dutch colonialists to move landless people from densely populated islands of Indonesia, particularly Java, to less populated islands to supposedly give poor people 'opportunities.' Economically, it was a means to exploit the natural resources in the outer islands by mobilizing cheap labour.[16] The program was continued by Jakarta after Indonesia achieved independence, with the bulk of migrants moving to West Papua, but also to Kalimantan, Sumatra and Sulawesi.[17]

Critics of the program claim that the process is a means of implementing "Javanization" on native populations in an effort to homogenize Indonesian culture, language, politics and social life. The intensity of the Javanization process under the guise of the transmigration program has seen significant resistance and strengthened separatist movements and communal violence, especially in

15 Jim Elmslie, "West Papuan Demographic Transition and the 2010 Indonesian Census: 'Slow Motion Genocide' or not?," The University of Sydney, 2010. Accessed January 20, 2018. https://sydney.edu.au/arts/peace_conflict/docs/working_papers/West_Papuan_Demographics_in_2010_Census.pdf

16 Florence Lamoureux, *Indonesia: A Global Studies Handbook* (Santa Barbara: ABC-CLIO, 2003), 77–78.

17 David Pickell, *Indonesian New Guinea Adventure Guide: West Papua/Irian Jaya* (Singapore: Eric Oey, 2001), 60.

West Papua, Aceh and Kalimantan.[18] Although official government policy stated that the aim of this policy was to encourage the unification of Indonesia through a singular national identity to replace regionalism and that Indonesia is a country "of indigenous people, run and governed by and for indigenous people," the rhetoric was never readily accepted.[19] This was especially true in West Papua which is an indigenous Melanesian territory whose people are primarily Christian. Indonesia is the world's largest Muslim country that is primarily Austronesian. Although regionalism still exists among Indonesia's ethnicities, the majority of peoples are still generally united through a shared religion with minor differences in culture, language and history.

This cannot be said of West Papua's Melanesian peoples who have a different ethnic, cultural, historical and linguistic legacy. Therefore, an enforced Javanization through the transmigration process was met with continuing resistance, more so than any other region of Indonesia. Indigenous peoples saw the program as a part of an effort by the Java-based Indonesian Government to extend greater economic and political control over other regions, by moving in people with closer ties to Java and loyalty to the Indonesian state, especially the military. This was of paramount importance for the indigenous population who have a 50,000-year-old history in West Papua.[20] Although the transmigration program was ended in 2015, the demographic change has already occurred with the indigenous population now marginally the minority because of the migrants and their offspring.[21]

However, in conjunction with the Javanization of the Papuans, a process of Islamization is also taking place. Although the religious conversion of young children is illegal in Indonesia, and the United Nations deems any transfer of a minor, even for education, as trafficking, there are widespread reports of Christian Papuans being taken to Java to be educated in Islamic schools.[22] With 32% of the population of West Papua

18 M. Adriana Sri Adhiati and Armin Bobsien, "Indonesia's Transmigration Programme – An Update," *Down To Earth*, July, 2001. Accessed January 20, 2018. www.downtoearth-indonesia.org/old-site/ctrans.htm

19 Tania Murray Li, "Locating Indigenous Environmental Knowledge in Indonesia," in *Indigenous Environmental Knowledge Transformations: Critical Anthropological Perspectives*, eds. Roy Ellen, Peter Parkes and Alan Bicker (Amsterdam: Harwood, 2005), 121.

20 Elizabeth Brundige et al., "Indonesian Human Rights Abuses in West Papua," 9.

21 "Papuans," Minority Rights Group International, last modified June 2008. Accessed January 20, 2018. http://www.minorityrights.org/minorities/papuans/

22 Michael Bachelard, "Papuan Children Taken to Jakarta to Be Converted to Islam," *The Sydney Morning Herald*, March 4, 2014. Accessed January 20, 2018. http://www.smh.com.au/world/papuan-children-taken-to-jakarta-to-be-converted-to-islam-20140301-33soq.html

living below the poverty line, compared with the national average of 12.5%, offers of free education, boarding and food in Java for young Papuan children becomes difficult to refuse.[23] This is exemplified in a study conducted by Dr. Jim Elmslie who found that:

> In the 15-44 years age group Papua province had an illiteracy rate of 34.83% in 2011, the latest figures available. This is against a national average of just 2.30%. The next worst province was Sulawesi Barat which had an illiteracy rate of 6.49%. The 15 plus years age group fared no better; again the worst in the nation by a huge margin which is still growing: in 2003 the illiteracy rate was 25.54 but by 2011 it had leapt up to 35.92%.[24]

This is a demonstration of the vast inequalities which exist between Papuans and the rest of Indonesian society, including the settlers to the region who have a higher standard of education and health, and occupy important positions in local government. Religious discrimination is evident in West Papua with over 90% of civil servants being Muslim.[25] According to John Barr, general secretary for the international mission wing of the Uniting Church in Australia,

> Christianity came to West Papua more than 100 years ago, and most Papuans eagerly adopted it to the point that Christianity reinforces and now underlines their identity. Where Papuan culture appears to be in the process of being eroded, Christianity serves to maintain local values and provide Papuans with a strong sense of who they are.[26]

With Christianity playing a crucial role in Papuan identity, albeit with traditional influences, the forced conversation of children under the guise of providing free education, is a direct attack on the Papuan distinctiveness. The promise of free education meant the removal of Papuan children from their ancestral homeland, relocation to Java, and education provided in madrassas with a strict Islamic curriculum.[27]

Although many Papuans are converting to Islam of their own free volition, it is the forced conversion of children that directly attacks Papuan self-identity

23 Jim Elmslie, "Economic and Social Indicators in West Papua," *Pacific Institute of Public Policy*, June 19, 2013. Accessed January 20, 2018. www.pacificpolicy.org/2013/06/economic-and-social-indicators-in-west-papua/#_ftn4

24 Ibid.

25 G Roberts, "Irian Jaya: Caught in the Crossfire," *The Sydney Morning Herald*, January 27, 1996, 31.

26 Compass Direct News, "Indonesia: Religious Tensions Rise In West Papua," July 14, 2008. Accessed January 20, 2018. https://wwrn.org/articles/29076/

27 Michael Bachelard, "Papuan Children Taken to Jakarta."

as part of the process of Javanization and Islamification of West Papua. However, it must be emphasized that the genocide against Papuans is not motivated by religious sectarianism, but rather to protect Jakarta's energy interests in West Papua. Although over 500,000 Papuans have been killed by the Indonesian military since 1969, by moving a huge number of settlers to West Papua and having indigenous children educated in Java-based Islamic schools, the destruction of Papuan identity and ethnic cleansing is also being instigated without the use of violence. The self-determination and establishment of a sovereign West Papua will mean that Jakarta will lose billions of dollars in natural resource revenues.

Jakarta's Energy Interests as Motivation for the Papuan Genocide

The primary reason for Jakarta not granting self-determination to the indigenous people of West Papua is because of the billions of dollars' worth of natural resources.[28] Although Papuans have been struggling for independence for over half a century, Indonesia through its military have been bolstering its global economic relevance by exploiting the territory's vast reserves of natural resources that make its way to markets in the US, Canada, Europe, China and Australia, where the majority of mining companies are based.

These same companies exploit their local workers, with Freeport paying miners as little as $1.50 per hour, despite being the biggest taxpayer to the Indonesian government, and making so much profit that any strike by the workers would cost the company over $30 million for every day of strike action.[29] The Indonesian military has often brutally repressed protesting miners. It has been reported that Freeport pays around $20 million annually to the Indonesian government to provide security, most of it directly to the military, for one of the world's largest gold and copper mines.[30]

28 Stuart Rollo, "Ending Our Pragmatic Complicity in West Papua," ABC (Australia), October 28, 2013. Accessed January 20, 2018. www.abc.net.au/news/2013-10-28/rollo-west-papua-complicity/5049204

29 William Lloyd George, "West Papua's Cry for Help," *Al-Jazeera*, November 8, 2011. Accessed January 20, 2018. www.aljazeera.com/indepth/opinion/2011/11/201111673842314396.html

30 Jon Emont, "Foreigners Have Long Mined Indonesia, but Now There's an Outcry," *The New York Times*, March 31, 2017. Accessed January 20, 2018. https://www.nytimes.com/2017/03/31/business/energy-environment/indonesia-gold-mine-grasberg-freeport-mcmoran.html

Jago Wadley, a senior forest campaigner for the Environmental Investigation Agency, argues that if the rapid rate of mineral extraction continues, West Papua will "lose millions of hectares of forests and be stripped of valuable resources without the benefits of value-adding industries to create wealth and jobs locally" and "will see an influx of millions of migrants from other parts of Indonesia, likely limiting indigenous Papuans to a tiny minority in their own land."[31] The land is a critical and essential part to daily Papuan life and identity. This sense of belonging to the land is not restricted to coastal or highland Papuans.

Along with land degradation, it is the uneven distribution of wealth from the profits of exploiting natural resources which fuels the Papuans' desire for self-determination. Papuans have a higher percentage of people living below the poverty line compared to the rest of Indonesian society despite inhabiting the richest region of the Indonesian archipelago. Coupled with the Indonesian military's aggressive defence of the transnational mining companies' depredation of the land, the displacement of indigenous communities in West Papua continues. Although mining in West Papua provides the largest tax revenue for Jakarta, little of it has been or is to the benefit of the indigenous population.

Because West Papua is effectively administrated as a police-state, it is difficult to conduct independent research, especially as journalists are effectively barred from the region. This has made it difficult to estimate the exact extent of West Papua's resources, but it is known that it contains vast deposits of gold, oil, gas, timber and copper.[32] It is because of the limited access to information because of Jakarta's policy of restrictiveness that an emphasis has been placed on Freeport as it was the first and longest continuing mining company to have a presence in West Papua.

The relationship between the mining companies and the Indonesian military is inseparable. In a 2011 opinion piece published in *The Guardian*, Benny Wenda, a West Papuan independence leader and an international lobbyist for the independence of West Papua, stated that "In the eyes of Papuans, those companies have given international legitimacy to Indonesia's colonial rule."[33] Freeport effectively legitimized the Indonesian colonial rule over West Papua with its first contract signed with Jakarta in 1967, two years before West Papuans were supposed to vote on independence as mandated by the UN as

31 George, "West Papua's Cry for Help."

32 Stott, "Indonesian Colonisations," 17–20.

33 Benny Wenda, "Everyone Profits from West Papua, Except for Papuans," *The Guardian*, October 12, 2011. Accessed January 20, 2018. https://www.theguardian.com/commentisfree/2011/oct/12/west-papua-striking-miners-indonesia

part of the international body's supposed commitment to the decolonization process across the world.[34] The Freeport deal was orchestrated by then US Secretary of State, Henry Kissinger, who later also became a board member.[35]

Freeport's mining interests are inseparable from the mass murder, rape and torture by the Indonesian military against indigenous Papuans. Bishop Munninghoff revealed that:

> widespread human rights abuses and atrocities by the Indonesian army against the West Papua people [including] people mysteriously disappearing daily. Those removed from their land to make room for mine-related operations were not compensated. Any who resisted were rounded up by the military, never to be seen again.[36]

This effectively demonstrates the relationship between neoliberal capitalism and genocide. As Linda Green states: "Disposable people fit into a system in which violence, fear, and impunity are crucial components".[37] Leading genocide scholar Ben Kiernan highlights that there are four fundamental tenants to genocide: expansionism, cults of antiquity, agriculture/cultivation (land), and race; and these supposedly justify why states engage in genocide, although Kiernan particularly emphasizes on race and land as reasons for genocide.[38] Neoliberalism capitalism dictates how a state should cultivate or use their own land. In support of Kiernan's explanation that genocide is partially motivated by land, Carmen Gonzalez explains that neoliberalism believes "that each country should specialize in the goods that it produces relatively more efficiently and should import the goods that it produces relatively less efficiently".[39] Effectively, when applied to the case study of West Papua, neoliberalism justifies Indonesia's repression as Jakarta is dictating how land should be used on the territory instead of the native people. In support of Kiernan's race theory, David Roberts states that "race is mobilized to show that racialized subjectivities are essential in justifying certain impacts of neoliberalization that are experienced

34 Crocombe, *Asia in the Pacific*, 285.

35 Peter King, *West Papua and Indonesia Since Suharto: Independence, Autonomy Or Chaos?* (Sydney: University of New South Wales Press, 2004), 108.

36 Ibid.

37 Linda Green, The Nobodies: Neoliberalism, Violence, and Migration, *Medical Anthropology* 30 (4), 370.

38 Ben Kiernan. (2007). *Blood and soil: A world history of genocide and extermination from Sparta to Darfur*, New Haven: Yale University Press.

39 Carmen Gonzalez. (2011). An environmental justice critique of comparative advantage: Indigenous peoples, trade policy, and the Mexican neoliberal economic reforms. *University of Pennsylvania Journal of International Law*, 32(3), 737.

disproportionately within racialized communities".[40] Effectively race supposedly justifies why the Indonesian military slaughters West Papuans as it "allow[s] for the imagining of the inhumanity and rule over foreign people and the sovereign right to exterminate – or, in this context, render killable, disposable, and exploitable – certain populations".[41]

Because Freeport's security of tenure is underwritten by the Indonesian military, there is a virtual banning of most journalists from visiting West Papua. As a consequence, there is a virtual absence of reporting of or monitoring of the mass abuse of human rights occurring in their mining operations, as well as its unrecorded environmental catastrophe. From the Grasberg mine, one of the biggest copper and gold mines in the world, hundreds of thousands of tonnes of tailings contaminate the vital Aikwa delta system every day, destroying the environment in which the Kamoro tribe relies upon for food and trade.[42] So devastating to the environment is the Grasberg mine that apart from the 80 million tons of waste debris which it dumps into the Ajkwa river system every year, the open cut mine can be seen clearly from space.[43] However, local Papuans whose ancestral home is being relentlessly devastated find it impossible to resist the mining operators who are protected by the Indonesian military.

Dr. George Aditjondro, an Indonesian academic, explained that it is impossible for any Indonesian or foreign company to do business in Indonesia without establishing commercial relations with the Indonesian police force or the military.[44] The connection between the Indonesian military and mining companies in West Papua, particularly Freeport, are inextricably inter-linked and long standing. One of many examples of this relationship include Indonesian soldiers being deployed to the Punkak Jaya region of West Papua in 2007, which caused an estimated 5,000 tribespeople to flee into the jungle out of fear for their lives, with a similar operation in the same region conducted in 2004 which resulted in 6,000 West

40 David J Roberts, Neoliberalizing race, racing neoliberalism: Placing "race" in neoliberal discourses, *Antipode*, 42 (2), 249.

41 Gilberto Rosas, *Barrio libre. Criminalizing states and delinquent refusals of the new frontier* (Durham: Duke University Press, 2012), 17.

42 Susan Schulman, "West Papua's Verdant Heartlands Devastated by Mine Waste – In Pictures," *The Guardian*, November 2, 2016. Accessed January 20, 2018. https://www.theguardian.com/global-development/gallery/2016/nov/02/west-papua-indonesia-verdant-heartlands-devastated-by-mine-waste-in-pictures

43 Alastair Bland, "The Environemntal Disaster That is the Gold Industry," *Smithsonian Magazine*, February 14, 2014. Accessed January 20, 2018. https://www.smithsonianmag.com/science-nature/environmental-disaster-gold-industry-180949762/

44 Heath Lander, "BP: Bleeding Papua," *Daily Kos*, April 11, 2007. Accessed January 20, 2018., https://www.dailykos.com/stories/2007/4/11/321979/-

Papuans fleeing their homes.[45] These are two documented examples that are innumerable when it comes to Papuans being continually driven from their homes by the Indonesian military to clear land for mining firms to expand their operations.

A Human Rights Watch investigation found that in 2016, Indonesian police arrested more than 3,900 peaceful protesters in West Papua for publicly displaying the pro-independence Morning Star flag.[46] Many of the protestors included people denouncing the destruction of their environment by mining firms and the lack of employment opportunities for Papuans in West Papua.

Although it is well documented that hundreds of thousands have been killed, as well as thousands tortured and raped, Freeport has been complicit in supporting the Indonesian military conduct these human rights violations and mass murder.[47] The Indonesian military since the early 1970's has used Freeport-built airports, roads and port sites to launch operations against the indigenous Papuans residing in the vicinity of the Grasberg's mine to eliminate indigenous resistance to mining operations and Indonesian colonialism.

It was also revealed that Freeport pays $5,160,770 to the Army and an additional $4,060,000 to police to build and maintain headquarters, recreational facilities, guard houses and guard posts, barracks, parade grounds and ammunition storage facilities.[48] Economically, Freeport completely finances the Indonesian military and police presence in West Papua.

The Catholic Church of Jayapura has revealed that indigenous people in 1994 and 1995 were taken to Freeport-operated buses and shipping containers to be tortured by Indonesian authorities.[49] The Catholic Church report stated:

> [P]hysical torture consisted of kicking in the belly, chest and head with army boots; beating with fists, rattan, [sic!] sticks, rifle butts and stones; denial of food; kneeling with an iron bar in the knee hollows; standing for hours with a heavy weight on the head,

45 John Ahni Schertow, "Supporting Genocide in West Papua," *Intercontinental Cry*, March 6, 2007. Accessed January 20, 2018. https://intercontinentalcry.org/supporting-genocide-in-west-papua/

46 Andreas Harsono, "Indonesia's Abuses in Papua Prompt Call for UN Probe," *Human Rights Watch*, March 8, 2017. Accessed January 20, 2018. https://www.hrw.org/news/2017/03/08/indonesias-abuses-papua-prompt-call-un-probe

47 Elizabeth Brundige et al., "Indonesian Human Rights Abuses in West Papua," 62–63.

48 Abigail Abrash Walton, "Extracting Natural Resources: Corporate Responsibility and the Rule of Law," Antioch University – New England, September 24, 2008. Accessed January 20, 2018. https://www.antioch.edu/new-england/wp-content/uploads/sites/6/2017/01/senatesubcommitteetestimony9-08.pdf

49 Catholic Church of Jayapura, "Violations of Human Rights in the Timika Area of Irian Jaya, Indonesia," August 31, 1995. Accessed January 20, 2018. https://www.library.ohio.edu/indopubs/1995/08/31/0004.html

> shoulders, or cradled in the arms; stepping and stamping on hands; tying and shackling of thumbs, wrists and legs; sleeping on bare floors; stabbing, taping eyes shut; and forced labor in a weakened condition. The torture caused bleeding head wounds, swollen faces and hands, bruises, loss of consciousness and death because of a broken neck.[50]

It is not the purpose of this chapter to document every atrocity committed by the Indonesian military on the behest of Freeport but rather to emphasize the continuous complicity the mining firm has in the direct genocide against Papuans. Although Freeport officials have consistently claimed that Freeport's Contract of Work with Jakarta stipulates that logistical support from the Indonesian military and police is necessary, neither the 1967 or 1991 Contract of Work include this essential arrangement.

In response, the OPM have offered limited resistance to Freeport, in which the mining company represents in the Papuan view the symbolism of Indonesian colonization and exploitation of their land. In November 2017, resistant fighters occupied five villages near the Grasberg mine and threatened to disrupt Freeport's operations. The operation by resistance fighters was quickly subdued.[51] Although actions like this may temporarily disrupt operations, they never cause the cessation of mining operations. This demonstrates that the poorly armed and trained OPM fighters can only conduct limited and localized small-scale operations such as temporary village occupations. The OPM cannot logistically maintain a significant and protracted armed struggle against the Indonesian military or police force, rendering their efforts as largely symbolic.

West Papua's Relations with Melanesia and Intergovernmental Organizations

The most frustrating element for West Papuan self-determination and resistance to the ethnocide has been the studied indifference from the international community, including from many fellow Melanesian states. In September 2017, Benny Wenda presented a petition to the United Nation's decolonization

50 Abrash Abigail Walton, "The Amungme, Kamoro and Freeport: How Indigenous Papuans Have Resisted The World's Largest Gold And Copper Mine," *Cultural Survival Quarterly Magazine*, March, 2001. Accessed January 20, 2018. https://www.culturalsurvival.org/publications/cultural-survival-quarterly/amungme-kamoro-freeport-how-indigenous-papuans-have

51 Bobby Anderson, "Putting Indonesian Papua's Tensions in Context," *The Interpreter*, November 28, 2017. Accessed January 20, 2018. https://www.lowyinstitute.org/the-interpreter/putting-indonesian-papua-s-tensions-context

committee, known as the C24, that was banned by the Indonesian government but signed by over 1.8 million West Papuans in which the call for independence was made.[52] However, the Venezuelan chair of the decolonization committee, Rafael Ramírez, immediately rejected the petition, stating:

> I am the chair of the C24 and the issue of West Papua is not a matter for the C24. We are just working on the counties that are part of the list of non-self-governing territories. That list is issued by the general assembly. One of the principles of our movement is to defend the sovereignty and the full integrity of the territory of our members. We are not going to do anything against Indonesia as a C24.[53]

Despite Wenda's plea and explanation on the decades of suffering, the United Nations refused to examine the complaints made about the Indonesian military's perpetration of mass violence in West Papua.

This has remained a consistent theme for West Papua internationally, with the only states taking the matter seriously, and only in recent times, being the Melanesian countries of Solomon Islands and Vanuatu. During the general debate of the 72nd Session of the United Nations General Assembly in September 2017, Vanuatu's Prime Minister Charlot Salwai stated: "We also call on our counterparts throughout the world to support the legal right of West Papua to self-determination and to jointly with Indonesia put an end to all kinds of violence and find common ground to facilitate a process to make their own choice." Following Salwai's appeal, the Prime Minister of Solomon Islands Manasseh Sogavare expressed his support for West Papua, stating:

> Only international action by the international system, especially the United Nations, can pave the way for the recognition of a people whose right to self-determination had been denied for nearly fifty years. Failing this, we as a family of nations will become complicit in perpetuating the suffering and being blind to the injustice, missing yet another golden opportunity to remain true to the saying of leaving no one behind.[54]

The only inter-governmental or international community body to which West Papua has nominal recognition is the Melanesian Spearhead Group (MSG), comprising of Papua New Guinea, Fiji, Vanuatu, Solomon Islands and the

52 Ben Doherty and Kate Lamb, "West Papua independence petition is rebuffed at UN," *The Guardian*, September 30, 2017. Accessed January 20, 2019. https://www.theguardian.com/world/2017/sep/30/west-papua-independence-petition-is-rebuffed-at-un

53 Ibid.

54 Radio NZ, "Fiery debate over West Papua at UN General Assembly," September 27, 2017. Accessed January 20, 2019. www.radionz.co.nz/international/programmes/datelinepacific/audio/201860156/fiery-debate-over-west-papua-at-un-general-assembly

Front de Libération Nationale Kanak et Socialiste (FLNKS), a political party from New Caledonia. Timor-Leste (East Timor) and West Papua have observer status and Indonesia is an associate member of the MSG. Although the MSG was originally established to promote and strengthen trade amongst its members and exchange Melanesian culture, traditions and values, it has been used in recent times as a platform for Vanuatu, Solomon Islands and West Papua to highlight the mass violence in the disputed territory. Vanuatu and the Solomon Islands support for West Papua is purely rhetorical.

In 2015, Indonesia was elevated to an associate member of the MSG, with the United Liberation Movement for West Papua (ULMWP) remaining as an observer. This move, effectively made Indonesia the official representative of West Papua in the MSG while the ULMWP became the representative of Papuans in the diaspora. Despite the setback, ULMWP secretary-general Octavianus Mote stated that "We might not be a full member of the MSG, but a door has opened to us. We will sit across a table from Indonesia as equal."[55] While this was seen as an important step for West Papua to join an intergovernmental organization, it also demonstrated the lack of support it has from most Melanesian states with the exception of Solomon Islands and Vanuatu, with Fiji spearheading Indonesia's accession as an associate member of the MSG. The reasons why the Solomons and Vanuatu tacitly support West Papua may be found in their own troubled relations with PNG and France respectively.

In addition, Fiji affirmed it had no desire in supporting West Papua despite their shared Melanesian heritage and kin, with Fijian Prime Minister Voreqe Bainimarama stating that:

> The first and foremost of these is that Indonesian sovereignty over West Papua cannot be questioned. The province is an integral part of Indonesia. So that when we deal with West Papua and its people, the MSG has no choice but to deal with Indonesia and in a positive and constructive manner.[56]

In this June 2015 statement, Fiji confirmed its position on West Papua and the denial of any support West Papuan self-determination. The MSG are split on its level of support for West Papua, with Solomon Islands and Vanuatu providing full backing and with Fiji and Papua New Guinea content with the status quo. New Caledonia is represented by the FLNKS in the MSG, who, while

55 Liam Fox, "West Papuans Given Melanesia Bloc Access, But Not Full Membership," *ABC* (Australia), June 27, 2015. Accessed January 20, 2018. www.abc.net.au/news/2015-06-27/west-papuans-given-melanesia-bloc-access/6577722

56 Vuniwaqa Bola-Bari, "Fiji Guided by Overriding Principles," *The Fiji Times*, June 28, 2015. Accessed January 20, 2018. www.fijitimes.com/story.aspx?id=311523

sympathetic to the Papuans, are pre-occupied with their own anti-colonial struggle for independence from France. Despite the division in the MSG, it remains the only regional platform where Jakarta and the West Papuan independence movement can engage in dialogue which otherwise could never occur within the domestic structures of Indonesia.

Most frustrating for West Papuans however when engaging with Melanesia is the official policy of Papua New Guinea. Papua New Guinea officially recognizes West Papua only as a province of the Indonesian Republic. This was emphasized by Papua New Guinean Prime Minister Peter O'Neill when meeting with Indonesian officials in Jakarta in 2013, he stated unequivocally that West Papua was an integral part of Indonesia, with no indications that Port Moresby would change this policy in the near future.[57] The leadership in Port Moresby are motivated to maintain a peaceful and productive relationship with Indonesia for economic reasons and fear of its much more powerful neighbor, and for this reason, do not support the West Papuan struggle for self-determination. Jakarta has been insistent on its claim to West Papua and has been using its diplomatic manoeuvring in the Pacific, including Papua New Guinea, to deter support for West Papuan independence, by maintaining that the humanitarian crisis in West Papua is and remains an internal issue.

Because of the brutality of the Indonesian military against indigenous Papuans, over the fifty-year struggle it has created periods of mass refugee movements from West Papua into Papua New Guinea. The cultural and ethnic affinity between West Papuans and Papua New Guineans has meant the consistent potential for a mass influx of refugees, especially when considering the vast 470-mile border consisting of mountain peaks and thick rainforest, it is untenable to fully monitor the entirety of the border.

As of 2014, 13,500 Papuan refugees live in exile in Papua New Guinea with battles between the OPM and Indonesian military occasionally crossing the Indonesia-Papua-New Guinea border.[58] The Papua New Guinea Defence Force in response has deployed patrols along its western border in the attempt to stop OPM using Papua New Guinea as a base and sanctuary to launch attacks

57 Liam Cochrane, "Trade, Extradition and West Papua on Agenda for PNG-Indonesia Talks," *ABC* (Australia), June 13, 2013. Accessed January 20, 2018. www.abc.net.au/news/2013-06-14/an-png-pm-prepares-for-indonesia-talks/4753584

58 Diana Glazebrook, "Papua New Guinea's Refugee Track Record and Its Obligations under the 2013 Regional Resettlement Arrangement with Australia," *SSGM Discussion Paper 2014/3*, Canberra: Australian National University.

against the Indonesian military.[59] To allay Indonesian concerns or reprisals, Port Moresby has pledged to outlaw and suppress any anti-Indonesian activities in Papua New Guinea. In response, the OPM has to attack Papua New Guinean business projects and politicians because of its military operations against the independence fighters.[60] Although West Papua has the verbal support of the Solomon Islands and Vanuatu, Fiji and Papua New Guinea are the Melanesian powerhouses of Oceania, and without their firm support for West Papuan independence, the case for West Papuan self-determination is made all the more problematic.

Australia's Disinterest in the Ethnocide

Although Australia has condemned the alleged crimes against humanity by Colonel Muammar Gaddafi (1942–2011) of Libya and President Bashar al-Assad of Syria during armed conflict, it has remained silent on the ethnocide in West Papua. In October 2013, the Prime Minister Tony Abbott stated in relation to the Indonesia-West Papua problem,"We have a very strong relationship with Indonesia and we are not going to give people a platform to grandstand against Indonesia. And people seeking to grandstand against Indonesia, please, don't look to do it in Australia. You are not welcome."[61]

Abbott insisted that the situation in West Papua was getting better and not worse. Abbott's claim was rejected by Elaine Pearson, Australian Director of Human Rights Watch who argued, "I don't think the situation is getting better; you'd only say that if you were blind and deaf to the situation," and also rejected by Dr. Jim Elmslie, co-ordinator at the West Papuan Project, who said "[Indonesian] soldiers have taken trophy videos of them torturing and killing West Papuan people ... I was surprised to hear Prime Minister Abbott's comments. To me, the situation is not getting better it's

59 Johnny Blades, "Line Between PNG and Indonesia Increasingly Blurred," Radio New Zealand, December 21, 2015. Accessed January 20, 2018. https://www.radionz.co.nz/international/pacific-news/292667/line-between-png-and-indonesia-increasingly-blurred

60 Ronald James May, *State and Society in Papua New Guinea: The First Twenty-Five Years* (Canberra: Australia National University Press, 2001), 238, 269 and 294.

61 Michael Bachelard and Amilia Rosa, "Claim of Australian Threat to West Papuans in Bali Consulate Protest," *The Sydney Morning Herald*, October 8, 2013. Accessed January 20, 2018. www.smh.com.au/federal-politics/political-news/claim-of-australian-threat-to-west-papuans-in-bali-consulate-protest-20131007-2v4cg.html

getting worse."[62] Dr. Elmslie explained that potentially hundreds of thousands of people have been killed in West Papua and it is for that reason it can be characterized as a genocide.[63] Australia's relationship with Indonesia has always been pragmatic. In 1975, Australia condoned the Indonesian invasion of East Timor and maintained that the former Portuguese colony was also an integral part of the Indonesian archipelago. The Indonesian occupation of East Timor was however reversed in 1999 when the Indonesian military began to violently subdue and suppress East Timorese after the Santa Cruz massacre which was recorded and broadcasted internationally. The UN intervened and called for a referendum on East Timorese independence to which Indonesia agreed. The United States pressured Indonesia to vacate its East Timorese colony. Australia sent troops as peace keepers to East Timor to end the Indonesian military's continuing mass violence against East Timorese civilians and the destruction of property in its delayed departure, after a majority of East Timorese voted for self-determination.[64] Canberra, acting on behalf of the UN, was willing to intervene in Indonesian affairs only as a humanitarian crisis unfolded in East Timor. However, throughout Indonesia's continuous history of State violence in West Papua, Canberra has remained silent and disinterested.

There are three primary reasons why the Australian government not only tolerates, but supports Jakarta's authority over West Papua.

1) Indonesia as the world's most populous Muslim country is Australia's nearest neighbouring country, a trading partner and has become an important regional ally in the US-led "War Against Terror".
2) A prolonged war in West Papua could unleash a wave of instability and violence as other separatist movements in Indonesia, such as those in Aceh and Kalimantan, wage their separate struggles, and spill over into tribal warfare which often plagues Papua New Guinea.
3) Most importantly, Australian-based corporations, particularly in the mining sector, have significant investments in not only West Papua, but across the Indonesian archipelago. The profitable returns of these mining ventures

62 Paddy Doulman, "Tony Abbott's Claim West Papua 'Getting Better' Rejected by Experts," *The Sydney Morning Herald*, October 9, 2013. Accessed January 20, 2018. www.smh.com.au/federal-politics/political-news/tony-abbotts-claim-west-papua-getting-better-rejected-by-experts-20131009-2v85h.html

63 Ibid.

64 James Cotton, *East Timor, Australia and Regional Order: Intervention and Its Aftermath in Southeast Asia* (London: Routledge Curzon, 2004).

> may be threatened or jeopardized even as Freeport's operations in West Papua has always taken precedence over social justice and human rights.

However, Australia has not only remained wilfully blind to the Indonesian military's atrocities against West Papuans, but also is indirectly complicit in the mass violence perpetrated. The Australian Defence Force trains the Indonesian military with Australian arms companies providing weaponry to the Indonesian military.[65] Although it is known that Australian armament companies supply weapons to the Indonesian military, the kind and number of weapons supplied remains unknown because of commercial in confidence agreements. However, in 2016 Australian Foreign Minister Julie Bishop acknowledged that Australia and Indonesia were engaged in "joint work to increase defence industry and military modernisation cooperation" and that "Australia's 2016 Defence White Paper reaffirmed the importance of supporting Indonesia as it modernises its defence forces" with "leading Indonesian and Australian defence industry members" having "signed a collaboration agreement to develop a mine-resistant armoured vehicle."[66] This is especially significant as Australian Prime Minister Malcolm Turnbull announced an ambitious plan on January 29, 2018 to make Australia a top 10 weapons exporting country.[67] As Indonesia is Southeast Asia's strongest military power and spent $7.78 billion on its military in 2016, the investment opportunity presented to Australia overrides its belated humanitarian concern which previously motivated its interventions in East Timor and Solomon Islands.[68] The Australian training of Indonesian military personnel, funded through the Australian Defence budget, includes the special forces squad known as Kopassus, who allegedly behead, mutilate, torture and amputate West Papuans.[69]

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65 Joe Cochrane, "Indonesian Arms Industry Seeks to Drum Up Business," *The New York Times*, February 13, 2014. Accessed January 20, 2018. https://www.nytimes.com/2014/02/14/business/international/indonesian-arms-industry-seeks-to-drum-up-business.html

66 Julie Bishop, "The Fourth Indonesia-Australia Foreign and Defence Ministers 2+2 Dialogue," *Minister for Foreign Affairs*, October 27, 2016. Accessed January 20, 2018. https://foreignminister.gov.au/releases/Pages/2016/jb_mr_161027.aspx

67 Gareth Hutchens, "Australia unveils plan to become one of world's top 10 arms exporters," *The Guardian*, January 29, 2018. Accessed February 1, 2018. https://www.theguardian.com/world/2018/jan/28/australia-unveils-plan-to-become-one-of-worlds-top-10-arms-exporters

68 Stockholm International Peace Research Institute, "Military expenditure by Country, in Constant (2015) US$ m., 2007-2016," 2017. Accessed January 20, 2018. https://www.sipri.org/sites/default/files/Milex-constant-2015-USD.pdf

69 West Papua Media, "Beheadings and Dumped Bodies Pile Up as Indonesian Special Forces Rampage Again in Tingginambut," May 27, 2013. Accessed January 20,

It is in the hope that providing logistical support, arms and training, that the Indonesian military will assist Australia in its security concerns by combatting terrorist organizations based throughout the archipelago. However, elements of the Indonesian military and intelligence have close links to Jemaah Islamiyah, the perpetrators of the 2002 Bali Bombing that killed 202 people including 88 Australians and with the Laskar Jihad group, an arm of the Jemaah Islamiyah network, establishing a foothold in West Papua and committing mass violence, despite an October 2002 announcement that it had supposedly disbanded.[70]

In the effort to combat terrorism, the Australian Defence Force are indirectly assisting the genocide in West Papua and supporting Jemaah Islamiyah. The Indonesian military provides training and weapons to Laskar Jihad as well as opportunities to participate in legal and illegal business activities.[71] According to academic activist Lesley McCulloch and retired Australian Army officer, Robert Lowry, the Indonesian military only receives 20%–30% of its operating budget from Jakarta, with the remainder made up from legal and illegal business activity, including payments from Freeport and joint business ventures with Laskar Jihad.[72]

The famous Freeport mine is completely dependent on Australia, with its supply base in the northern Australian city of Cairns and the mining company contributing at least $50–$70AUD million to the local economy in 2006.[73] Cairns-based supplier Tong Sin provided fruit and vegetables to Freeport employees while cattle stations in the Northern Territory in northern Australia supply beef.[74] According to an Australian Government report, "Freeport ships all of its supplies from Australia through Cairns."[75]

2018. https://westpapuamedia.info/2013/05/26/beheadings-and-dumped-bodies-pile-up-dead-as-indonesian-special-forces-rampage-again-in-tingginambut/

70 Michel Chossudovsky, "US-Australia Coverup: Was Al Qaeda Behind the 2002 Bali Bombing?," *Global Research*, October 12, 2012. Accessed January 20, 2018. https://www.globalresearch.ca/us-australia-coverup-was-al-qaeda-behind-the-2002-bali-bombing/5307992; John Otto Ondawame, "West Papua: The Discourse of Cultural Genocide and Conflict Resolution," in *Cultural Genocide and Asian State Peropheries*, ed. Barry Sautman (New York: Palgrave Macmillan, 2006), 111.

71 Noorhaidi Hasan, *Laskar JIhad* (New York: Cornell Southeast Asia Program Publications, 2006), 220.

72 Frans Welman, *West Papua Free!!* (Bangkok: Bangkok Books, 2011), 205–206.

73 Sarah Stephen, "West Papuan Asylum Seekers Call for Help," *Green Left Weekly*, February 8, 2006. Accessed January 20, 2018. https://www.greenleft.org.au/content/west-papuan-asylum-seekers-call-help

74 Welman, *West Papua Free*, 213.

75 Ibid.

Meanwhile, the Australian-British mining company, Rio Tinto, receives 40% of Grasberg's ore production above specific levels until 2021, then 40% cent of all production after 2021.[76] Policy watchdog, Global Policy Forum, stated that Freeport and Rio Tinto are "synonymous with abuse of social, labour, environmental and human rights wherever they operate."[77]

Although, Australia has acted to end humanitarian abuses in East Timor and the Solomon Islands, it maintains its non-interference in West Papua as recorded in the Lombok Treaty, signed in 2006 by Australian Prime Minister, John Howard. The Lombok Treaty stipulates that, "Mutual respect and support for the sovereignty, territorial integrity, national unity and political independence of each other [Australia and Indonesia], and also non-interference in the internal affairs of one another," and that:

> The Parties, consistent with their respective domestic laws and international obligations, shall not in any manner support or participate in activities by any person or entity which constitutes a threat to the stability, sovereignty or territorial integrity of the other Party, including by those who seek to use its territory for encouraging or committing such activities, including separatism, in the territory of the other Party.[78]

By this treaty, Canberra agreed to respect and support the territorial integrity of Indonesia and not allow West Papuans to engage in self-determination activities from within Australia. Canberra chose trade and investment opportunities in exchange for not highlighting the ethnocide occurring in West Papua.

Washington's Complicity for West Papua's Genocide

Washington's complicity in West Papua began in the Cold War with its struggle to turn the tide against the advances of communism that threatened to engulf

76 Fergus Jensen, "Rio Tinto Looking at Exit from Giant Indonesia Mine," *Reuters*, February 9, 2017. Accessed January 20, 2018. https://www.reuters.com/article/us-rio-tinto-freeport-mcmoran-indonesia/rio-tinto-looking-at-exit-from-giant-indonesia-mine-idUSKBN15O0RS

77 Global Policy Forum, "Risky Business: The Grasberg Gold Mine," 1998. Accessed January 20, 2018. https://www.globalpolicy.org/the-dark-side-of-natural-resources-st/water-in-conflict/40138-risky-business-the-grasberg-gold-mine.html

78 Australian Treaty Series, ATS 3, "Agreement Between Australia and the Republic of Indonesia on the Framework for Security Cooperation," 2008. Accessed January 20, 2018. http://www.dfait.federalrepublicofwestpapua.org/wp-content/uploads/2017/01/33.-Lombok-Treaty-Article-2-13-Nov-2006.pdf

all of Southeast Asia after the establishment of the People's Republic of China in 1949. It has ended in the post-Cold War period with America's entire lack of interest with the actions undertaken by Freeport. In the early 1960s US President John F. Kennedy (1917–1963) seeking to ensure Jakarta's support against communism gave Washington's blessing that Dutch West Papua to be transferred to Indonesia by the United Nations. The Phoenix-based mining corporation Freeport, with the help of Henry Kissinger, were given the first rights to begin exploiting the territory of its natural resources before the territory even became a part of the Indonesian Republic.

The US interaction with West Papua was inseparable from its corporate interests, especially when the communist tide was halted in Southeast Asia. In 2015, Freeport mined $3.1 billion worth of gold and copper, while other US companies planned to exploit the estimated $78 billion worth of timber resources in West Papua.[79] A 2014 US State Department Human Rights report found that Indonesia had engaged in mass killings, torture, detainment, restriction of journalists and media freedoms, racism and discrimination.[80] Despite these findings, Washington has done little more than issue statements against the mass violence perpetrated against West Papuans by Indonesian forces. Although the Free West Papua campaign described the State Department's document as a "historic and very encouraging report which highlights the reality of the continued systematic repression of human rights in West Papua by the Indonesian government as a means of cracking down on pro-independence and self-determination activities," the US has done little to change the situation since its media release. Rather, the report is just symbolic in gesture as US corporate interests will always take precedence over the violation of human rights in West Papua.[81]

Although Washington placed an arms ban on Indonesia for committing gross human rights violations in its departure from East Timor in 1999, it never affected US-Indonesia relations significantly, and Freeport continued to exploit West Papua's resources. The ban was finally fully lifted in 2010,

79 Febriana Firdaus, "'A Tragic, Forgotten Place.' Poverty and Death in Indonesia's Land of Gold," *Time*, August 4, 2017. Accessed January 20, 2018. www.time.com/4880190/papua-poverty-shootings-justice-paniai/

80 Bureau of Democracy, Human Rights, and Labor, "2014 Country Reports on Human Rights Practices," *U.S. Department of State*, 2015. Accessed January 20, 2018. https://www.state.gov/j/drl/rls/hrrpt/2014/

81 Free West Papua Campaign, "US Condemns Indonesian Human Rights Abuses in West Papua," July 13, 2015. Accessed January 20, 2018. https://www.freewestpapua.org/2015/07/13/us-condemns-indonesian-human-rights-abuses-in-west-papua/

but the original ban was never implemented for human rights violations in West Papua, and new sanctions are seemingly unlikely to be placed because of the situation in the territory. However, Luhut Panjaitan, a former commander of Indonesia's special forces and an advisor to Indonesian President Joko Widodo, revealed in 2014 that Indonesia's defence spending would grow to $20 billion a year by 2019. He stated that: "We [the Indonesian military forces] link to economic growth of about 7 percent ... so by 2019, the national defence budget can go to around $20 billion per annum."[82]

With the significant investment in Indonesia's military, international states have tried to win lucrative contracts, particularly Australia and the US. In 2003, the US signed a contract to sell Indonesia eight Apache attack helicopters, including radar, training and maintenance in a deal worth $500 million, with the then U.S. Defense Secretary Chuck Hagel stating that "Providing Indonesia these world-class helicopters is an example of our commitment to help build Indonesia's military capability."[83] This arms deal demonstrates that Washington prioritizes its trade and corporate interests with Indonesia over the humanitarian crisis in West Papua. Although the Free West Papua Campaign were enthusiastic that change would occur after the release of the 2014 Human Rights report by the US Department of State, it is unlikely that the corporate interests in the Indonesia province will be replaced by any form of humanitarian intervention.

Although the question of East Timor is or can be used as an example of a changing US policy towards Indonesia, it must be emphasized that its 1999 weapons ban was never because of the situation in West Papua as Washington has never and is not willing to challenge American corporate mining interests in the territory. Rather, as we have entered the "Asian Century", Washington will do all it can to deny China entry into an Indonesia where it still dominates mining and arms trade with Jakarta, unlike in other parts of Asia, even if it comes at the cost of humanitarian justice in West Papua.

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82 David Brunnstorm, "China Worries May Boost Indonesia Defense Spending to $20 bln/yr-Official," *Reuters*, December 9, 2014. Accessed January 20, 2018. www.reuters.com/article/china-southchinasea-indonesia/china-worries-may-boost-indonesia-defense-spending-to-20-bln-yr-official-idUSL6N0TT4IW20141209

83 Phil Stewart, "U.S. to Sell Indonesia Apache Attack Helicopters in $500 Million Deal," *Reuters*, August 26, 2013. Accessed January 20, 2018. https://www.reuters.com/article/us-indonesia-helicopters/u-s-to-sell-indonesia-apache-attack-helicopters-in-500-million-deal-idUSBRE97P0CH20130826

Conclusion

Although the events in West Papua are yet to be recognized as a genocide by any sovereign state or by the United Nations, when considering that not only 500,000 West Papuans have been killed since 1969, but also the significant demographic change, forced removals of people from their villages and free education being provided through an Islamic curriculum against the knowledge of children's parents, there is a systematic demolition against not only West Papuan people, but also their culture and livelihoods. Dr Elmslie's assertion that a genocide is occurring is correct. However, despite the evident genocide occurring, West Papua's closest partners, Vanuatu and Solomon Islands, are unwilling to categorize the violence as genocide. This scenario is likely occurring because they are to small of states to be able to mount a serious and effective challenge against Jakarta who could economically and diplomatically cut their ties with these poor island states.

It is because of the mining interests, as already emphasized, that is fuelling the Indonesian violence against West Papuans. So long as mining firms, the most important being Freeport, not only ignore, but are also complicit, the violence will continue against West Papuans. Because of its isolated geographic location and not being a point of contention between the Great Power rivals of the US, China and Russia or other regional rivalries, weapons are not being smuggled into West Papua like we continue to see in Africa and the Middle East where proxy wars are occurring. This effectively means that West Papuan rebels in the foreseeable future will not be able to mount a significant insurgency against the Indonesian military, and so long as the international community remains silent, the violence will continue.

Whereas the West, including the US and Australia, galvanized to condemn Colonel Gaddafi's Libya and Bashar al-Assad's Syria since 2011 on charges of supposed human rights violations, these very same states are nonsensical to the atrocities occurring in West Papua. This is directly related to energy interests. Whereas Gaddafi and Assad did not allow their state resources to come under Western private control, Indonesia has openly welcomed foreign energy cartels to exploit the riches of West Papua. So long as Jakarta allows for profits to freely flow from West Papua to corporate hands, the overwhelming majority of the international community, including the Great Powers, will remain silent on the genocide.

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Michael G. Vann

10 Murder, Museums, and Memory: Cold War Public History in Jakarta, Ho Chi Minh City, and Phnom Penh

Visitors to Southeast Asia have the opportunity to see three distinct Cold War narratives. Museum exhibits in Ho Chi Minh City, Phnom Penh, and Jakarta inform the public about specific acts of violence and murder during the ideological struggles of 1945 to 1989. Drawing from Paul Ricoeur and Michel-Rolph Trouillot, this chapter considers the ways in which the official voice of the state constructed Cold War narratives of violence and victimization in several Southeast Asian museums, a process of remembering, forgetting, and silencing.[1] While these public history institutions emphasize the violence and tragedy of the Cold War and use similar narrative structures, themes, and formats, their political perspectives are so dramatically different as to create the feeling of parallel realities.[2] Indeed, the Indonesian and Vietnamese museums can be read as ideological mirror images of each other, with the Cambodian sites seemingly above the Cold War political dichotomy. While a comparative analysis of Jakarta's Monument to the Revolutionary Heroes (Monumen Pahlawan Revolusi) complex, Ho Chi Minh City's War Remnants Museum (Bảo tàng Chứng tích chiến tranh), and Phnom Penh's Tuol Sleng Genocide Museum is the focus of this chapter, I will also discuss related public

1 Paul Ricoeur, *Memory, History, Forgetting* (Chicago: University of Chicago Press, 2004) and Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995).

2 There is a growing body of literature that engages the Cold War from the perspective of Southeast Asia or, more generally, the Global South, see Kuan-Hsing Chen, *Asia as Method: Toward Deimperliazation* (Durham: Duke University Press, 2010); Frank Jacob, ed. *Peripheries of the Cold War* (Würzburg: K&N, 2015); Shelia Miyoshi Jager and Rana Mitters, eds., *Ruptured Histories: War, Memory, and the Post–Cold War in Asia* (Cambridge: Harvard University Press, 2007); Heonik Kwon, *The Other Cold War* (New York: Columbia University Press, 2010); Robert MacMahon, ed. *The Cold War in the Third World* (Oxford: Oxford University Press, 2013); Khatharya Um, "Exiled Memory: History, Identity, and Remembering in Southeast Asia and Southeast Asian Diaspora," *Positions: Asia Critique* 20, no. 3 (2012): 831–850; and Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge: Cambridge University Press, 2005).

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history institutions in these countries such as the Choeung Ek Genocidal [sic] Center.[3]

Neighboring Countries, Alternate Realties

In comparing these public history sites, I analyze how memories of mass violence were central to state formation in both Suharto's anti-Communist New Order (1966–1998), the Socialist Republic of Vietnam (1976-present), and Cambodia since the collapse of Democratic Kampuchea (1979-present).[4] While the Indonesian and Vietnamese museums stick to clear Cold War ideological positions, Cambodia's museum reveals a noticeable ambiguity and even confusion. The museums display telling similarities in their structure and format, including historical dioramas and collections of photographs and artifacts directly tied to acts of political violence, warfare, and genocide. They also demonstrate shrewd political choices about what to include and what to silence in the official narrative. While this comparison points out specific distinctions about the role of the military, the nature of revolution, and conceptions of gender, it argues for a central similarity in the use of a mythology of victimization in building these

3 On public history as a disruptive endeavor see James Oliver Horton and Lois E. Horton, *Slavery and Public History: The Tough Stuff of American Memory* (Chapel Hill: University of North Carolina Press, 2006); Alfred Hurtado, "Public History and the Native America," *Montana: The Magazine of Western History* 40 (1990): 58–69; Ian Tyrrell, *Historians in Public* (Chicago: University of Chicago Press, 2005); Robert H. Weyeneth, "History, He Wrote: Murder, Politics, and the Challenges of Public History in a Community with a Secret," *The Public Historian* 16 (1994): 51–73; idem, "The Risks of Professionalizing Local History: The Campaign to Suppress My Book," *Public History News* 24 (2003): 1–2.

4 For foundational work on the history of memory see the special issue on "Memory and Counter-memory" edited by Natalie Zemon Davis and Randolph Starn, *Representations* 26 (1989), especially Pierre Nora, "Between Memory and History: *Les Lieux de Memoire,*" *Representations* 26 (1989): 7–24. Also see Mieke Bal, "Introduction," in *Acts of Memory: Cultural Recall in the Present*, eds. Mieke Bal, Jonathan Crewe and Leo Spitzer (Hanover and London: Dartmouth College, 1999), vii–xvii; Marita Sturken, *Tangled Memories: The Vietnam War, the AIDS Epidemic, and the Politics of Remembering* (Berkeley: University of California Press, 1997); Karen Till, "Places of Memory," in *A Companion to Political Geography*, eds. John Agnew, Katharyne Mitchell, and Gearoid O Tuathail (Oxford and Malden, MA: Blackwell Publishers, 2003), 289–301; James Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven, CT: Yale University Press, 1993); Barbie Zelizer, "Reading the Past Against the Grain: The Shape of Memory Studies," *Critical Studies in Mass Communication* 12, no. 2 (1995): 214–239.

post-conflict nation-states.[5] All three sites welcome thousands of visitors in what academic scholarship has theorized as "Dark Tourism" or "Death Tourism."[6] Yet the identity of these visitors is a strong point of contrast as the Cambodian and Vietnamese museums have become major international tourist attractions while the Indonesian museum is little known outside of the country and recently there was an effort to ban foreigners from entry.[7] In terms of domestic audiences, while all Indonesians know about the Lubang Buaya museum and may have been there on a student field trip, Vietnamese and Khmer make up a small minority of the crowds in their national museums.[8] My analysis of gender places stereotypical images of violence against women (the trope of women and children as the ultimate victims) in conversation with dark fantasies of women as perpetrators of savage violence and heroic images of women liberated by participation in violence.

My analysis is based upon a series of site visits between 2006 and 2018. During this period, I have seen these museums evolve during changing geo-political contexts. My methodology adopts a classic world history approach and blends it with techniques from ethnography and public history. Comparative history is one of the standard genres in world history. From Kenneth Pomeranz' *The Great Divergence: China, Europe, and the Making of the Modern World Economy* to George M. Frederickson's *White Supremacy: A Comparative Study in American and South African History* and *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa*, world historians have successfully used comparison to illustrate the uniqueness of

5 John Gillis, *Commemorations: The Politics of National Identity* (Princeton, NY: Princeton University Press, 1994); Jay Winter and Emmanuel Sivan, eds. *War and Remembrance in the Twentieth Century* (Cambridge: Cambridge University Press, 1999).

6 Richard Sharpley and Philip R. Stone, eds., *The Darker Side of Travel: The Theory and Practice of Dark Tourism* (Bristol: Channel View Publications, 2009); Brigitte Sion, ed. *Death Tourism: Disaster Sites as Recreational Landscape* (London: Seagull Books, 2014); Paul Williams, ed. *Memorial Museums: The Global Rush to Commemorate Atrocities* (Oxford: Berg, 2007).

7 Akhmad Muawal Hasan, "Paranoia di Balik Pembatasan Akses WNA ke Museum TNI," *Tirto.id* (February 23, 2018). Accessed February 24, 2018. https://tirto.id/paranoia-di-balik-pembatasan-akses-wna-ke-museum-tni-cE96

8 However, in March, 2018, there was a tent set up at Tuol Sleng to raise funds to bring Cambodian students to the museum. The volunteers noted that the cost of travel to the museum and the entry fee were prohibitive to most local youth. There is also a new "Education Room" on the third floor of Building D containing Khmer language sources for students and iPads running the "Khmer Rouge History" app.

historically specific detail while also providing insights into larger theoretical models to build a global narrative.[9] Cultural Anthropologist Clifford Geertz's "Thick Description: Toward an Interpretive Theory of Culture" offers an ethnographic tool for historians.[10] Thick description allows us to describe not just historical behavior or acts but the larger cultural and political context of those acts. By using these two techniques, comparative history and thick description, I offer a model for approaching the history of the memory of mass violence in Cold War Southeast Asia in these three museums.

Museums, as a form of public history, serve as crucial sites for the articulation of memory.[11] In both post-war Vietnam and Suharto's Indonesia, the government prioritized the curation of museums. Indeed, for both regimes the management of recent history was essential to state legitimacy. It was in these museums that the governments educated citizens about what the regime stood for and, importantly, who the regime had defeated in the establishment of the state, characterized as a revolutionary struggle. Thick description allows us to tease out the Cold War context and form a history of this political culture. Comparative history allows us to put these two museums into conversation with each other and to draw some larger conclusions about the political culture of Cold War Southeast Asia.

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9 George M. Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981); idem, *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa* (New York: Oxford University Press, 1995); Kenneth Pomeranz, *The Great Divergence: China, Europe, and the Making of the Modern World Economy* (Princeton: Princeton University Press, 2000)

10 Clifford Geertz, "Deep Play: Notes on the Balinese Cockfight," *Daedalus* 101, no. 1 (1973): 1–37.

11 The following may serve as an introduction to American discussions of memory and museums: Richard Handler and Eric Gable, *The New History in an Old Museum: Creating the Past at Colonial Williamsburg* (Durham: Duke University Press, 1997); Amy Henderson, *Exhibiting Dilemmas: Issues of Representation at the Smithsonian* (Washington, D.C.: Smithsonian Books, 1999); Edward Linenthal and Tom Engelhardt. *History Wars: The Enola Gay and Other Battles for the American Past*. (New York: Holt Paperbacks, 1996); Edward T. Linenthal, *Preserving Memory: The Struggle to Create America's Holocaust Museum* (New York: Columbia University Press, 2001); William Logan and Keir Reeves, eds., *Places of Pain and Shame: Dealing with "Difficult" Heritage* (New York: Routledge, 2009); Gary Nash, Charlotte Crabtree, and Ross Dunn, *History on Trial: Culture Wars and the Teaching of the Past* (New York: Vintage Books, 2000); Jill Ogline, "'Creating Dissonance for the Visitor': The Heart of the Liberty Bell Controversy," *The Public Historian* 26 (2004): 49–58; and Kirk Savage, *Monument Wars: Washington, D.C., the National Mall, and the Transformation of the Memorial Landscape* (Berkeley: University of California Press, 2009).

Crocodiles in the Memory Hole

Popularly known as the Crocodile Hole or Lubang Buaya, the Jakarta site is a sprawling complex that houses the 1969 Sacred National Ideology Monument (Monumen Pancasila Sakti), the 1982 Museum Paseban, and the 1992 Museum of Communist Treachery (Museum Pengkhianatan PKI), as well as the Well of Death (Sumur Maut) and Verandah of Torture (Rumah Penyiksaan). An annex contains the Room for Relics and Other Historical Effects (Ruang Benda Bersejarah/Relik). While in 2013, a new wing was added to the main museum, there has been no content revision after the end of the Cold War and the fall of Suharto's anti-Communist New Order regime.[12] Despite the lack of a domestic Marxist movement and the collapse of international Communism as a global force, Lubang Buaya promotes a militant anti-Communism with violent imagery.[13] The museum's message has been so successful at establishing ideological hegemony that a new generation of Indonesian historians such as Yosef Djakababa have coined the term "Lubang Buaya Narrative" for this state imposed historical memory.[14]

The complex is located in a once obscure corner of Halim Air Force base in southern Jakarta. On the night of 30 September/1 October 1965, six of the highest ranking Indonesian generals were kidnapped and murdered as part of a failed coup d'état by a small conspiracy of renegade officers with tenuous links to the PKI.[15] In the chaos, one officer, General Nasution, escaped but his young daughter Ade was killed along with a lieutenant and another general's nephew. Either shot during their abduction or later at the Air Force base, the officers' bodies were buried in an abandoned well. The coup immediately failed and General Suharto (1921–2008) assumed control of central Jakarta on 1 October. In the following days, Suharto led an attack on the rebels at Halim and oversaw the exhumation the bodies of his deceased superior officers. Suharto immediately used

12 Pusat Sejarah TNI, *Buku Panduan: Monumen Pancasila Sakti* (Jakarta: Pusat Sejarah TNI, 2013).

13 Margot Cohen, "Red Menace Alive and Well in Java Museums," *Wall Street Journal*, November 14, 1991.

14 Yosef M. Djakababa, "The Construction of History under Indonesia's New Order: The Making of the Lubang Buaya Official Narrative" (PhD thesis, University of Wisconsin, Madison, 2009); Charles Sullivan, "Years of Dressing Dangerously: Women, Modernity, National Identity and Moral Crisis in Sukarno's Indonesia, 1945–1967" (PhD thesis, University of Michigan, 2018).

15 John Roosa, *Pretext for Mass Murder: The September 30th Movement and Suharto's Coup d'État in Indonesia* (Madison: University of Wisconsin Press, 2006) is the authoritative history of this night's confusing events.

the event as a pretext to attack the PKI, the largest Communist party outside of the Soviet Union and the People's Republic of China, and assume control of Indonesia from the left-leaning populist President Sukarno. To incite popular sentiment against the Communist, the army actively spread rumors that the generals have been tortured and sexually mutilated by female PKI cadres.[16] In the national purge of the PKI, a legal party engaged in electoral politics possessing no paramilitary force, at least 500,000 people lost their lives.[17] Some estimate the figure could be twice or three times that figure and Sarwo Edhie Wibowo, the general most directly involved in the operational violence, boasted over 3,000,000 deaths. The Suharto regime also established a massive penitentiary system, including remote islands such as Pulau Buru where Tapol, an abbreviation of "tahanan politik" (political prisoners) were held for years in brutal conditions.[18] Those who survived and were released bore the mark of "ET" (an acronym for "Ekstapol" (former political prisoner") on their state identification cards and faced intense social discrimination.[19] Even Tapol family members were subjected to various forms of persecution. Those killed included PKI cadre but also members of allied organizations such as women's groups, labor unions, and intellectual circles.[20] Rachmi Diyah Larasati, herself from a Javanese family of performers deemed "politically unclean" during the New Order, has shown how female artists and folk dancers were particularly vulnerable to state violence, incarceration, and surveillance.[21] Along with Larasati, Dutch sociologist Siskia Wieringa has persuasively demonstrated that the regime arrested, tortured, and killed, many women who belonged to progressive groups such as

16 Annie Pohlman, *Women, Sexual Violence and the Indonesian Killings of 1965–66* (London: Routledge, 2015), 6–8.

17 Geoffrey B. Robinson, *The Killing Season: A History of the Indonesian Massacres, 1965–66* (Princeton: Princeton University Press, 2018) is the most recent and comprehensive history of the mass violence. *Journal of Genocide Research* 19 (2017) is a special issue devoted Indonesia with the most current research. Earlier anthologies such as Robert Cribb, ed., *The Indonesian Killings (1965–1966)* (Clayton: Monash University Press, 1990) and Douglas Kanmen and Katharine MacGregor, eds., *The Contours of Mass Violence in Indonesia, 1965–1968* (Honolulu: University of Hawaii Press, 2012) acknowledge the incredible obstacles facing researchers.

18 After imprisonment from 1969 to 1979, the most famous survivor of this tropical gulag went on to become Indonesia's great novelist, Pramoedya Ananta Toer. See his *The Mute's Soliloquy: A Memoir* (New York: Penguin, 1999).

19 Rachmi Diyah Larasati, *The Dance that Makes You Vanish: Cultural Reconstruction in Post-Genocide Indonesia* (Minneapolis: University of Minnesota Press, 2013), 57.

20 Carmel Budiardjo, *Surviving Indonesia's Gulag: A Western Woman Tells Her Story* (London: Cassell, 1996) is a first-hand account of how many progressives who were not associated with the PKI were dragged into years of horrific oppression.

21 Lasarati, *The Dance that Makes You Vanish*.

GERWANI yet lacked formal ties to the PKI.[22] Of the hundreds of thousands of slain peasants, the majority likely lacked a meaningful understanding of the PKI's ideology, let alone the larger doctrine of Marxism. Rather, most had simply responded favorably to the party's populist rural electoral appeals and its campaign to implement existing land reform laws. New research by Geoffrey Robinson and Jess Melvin reveal that the army had prepared this campaign of mass violence well before the night of September 30, 1965.[23] While the PKI was quickly crushed, millions of non-party members were caught up in the wave of repression that followed the purge.[24]

Until Suharto's overthrow in 1998, the regime continued to use anti-Communism as a central justification for authoritarian military rule. The Lubang Buaya museum complex was part of a massive propaganda machine including monuments in major cities such as Medan and Yogyakarta, naming streets after the slain generals, and the production of *Pengkhianatan G30S-PKI*, an extremely graphic three and half hour docudrama depicting the alleged coup.[25] Each of these various forms of media promoted the image of the PKI, especially female members, as bloodthirsty animals who tortured and sexually mutilated the generals (scholar Benedict Anderson obtained an autopsy report that showed no such sadism).[26] The anniversary of the coup attempt became a national holiday. There were annual state television broadcasts of *Pengkhianatan G30S-PKI* and mandatory screenings for school children in local theaters.[27] Military ceremonies are still held at the site every 1 October. These

22 Saskia Eleonora Wieringa, *Sexual Politics in Indonesia* (Houndmills: Palgrave Macmillan, 2002) and "Sexual Slander and the 1965/66 Mass Killings in Indonesia: Political and Methodological Considerations," *Journal of Contemporary Asia* 41, no. 4 (2011): 544–565.

23 Jess Melvin, "Mechanics of Mass Murder: A Case for Understanding the Indonesian Killings as Genocide," *Journal of Genocide Research* 19, no. 4 (2017): 487–511. Robinson, *The Killing Season*, also see Geoffrey Robinson, "Down to the Very Roots: The Indonesian Army's Role in the Mass Killings of 1965–66," *Journal of Genocide Research* 19, no. 4 (2017): 465–486.

24 Putu Oka Sukanta, ed., *Breaking the Silence: Survivors Speak about 1965–1966 Violence in Indonesia* (Clayton, Victoria: Monash University Publishing, 2014) is a recent collection of first-hand accounts.

25 Katharine McGregor, *History in Uniform: Military Ideology and the Construction of Indonesia's Past* (Honolulu: University of Hawaii Press, 2007), 61–110. See also Katinka von Herren, *Contemporary Indonesian Film: Spirits of Reform and Ghosts from the Past* (Leiden: KITLV Press, 2012), 81–103; "Blood, Guts, and Bad Acting: Inside the Indonesian B Movies of the 1980s," Foreign Film Club, Vice Magazine (s. 1, ep. 1). Accessed January 25, 2018. https://video.vice.com/en_us/video/violent-gory-indonesian-b-movies-of-the-1980s/5a05f1d5177dd4263b57d6c4

26 Benedict Anderson, "How Did the Generals Die?" *Indonesia* 43 (1987): 109–134.

27 Larasati, *The Dance That Makes You Vanish*, 33–35.

rituals are designed to foster a specific memory of 1965 that focuses on the alleged brutality and treachery of the PKI by fetishizing the slain generals and little Ade. Memories of the hundreds of thousands of alleged Communists murdered in revenge for the handful of dead officers have been actively silenced.

While the fall of Suharto in the 1997–1998 Southeast Asian economic crash opened up the possibility of a public discussion of the mass murders, these conversations have come in fits and starts. Such punctuated revelations have been met with powerful waves of reactionary backlash. One of the first moments was when President Gus Dur (1991–2001) called for a reexamination of the violence and a rehabilitation of the Ekstapol.[28] But the successors to his short-lived administration failed to follow his lead. Even President Megawati Sukarnoputri (2001–2004), Sukarno's daughter, did little to encourage a reexamination of this history. President Susilo Bambang Yudhoyono (2004–2014), who happened to be General Sarwo Edhie Wibowo's son-in-law, made it clear that he would not move forward on the issue. With the release of Joshua Oppenheimer's 2012 film *Jagal/The Act of Killing* ("jagal" means butcher in Indonesian) and its 2014 sequel *Senyap/The Look of Silence* ("senyap" means silence in Indonesian) and the surprise election of the reformist President Joko "Jokowi" Widodo (2014-present), it seemed that there could be an open discussion of the 1965–1966 murders. Nonetheless, the Indonesian government proved reluctant to address the mass violence and even moved to hinder distribution of the films. More ominously, paramilitary organizations such as Pemuda Pancisila (Pancisila Youth) and Front Pembela Islam (the Islamic Defenders Front) have threatened those who seek justice for the victims and threatened those wishing to screen Oppenheimer's films. Long after the end of the Cold War, the Lubang Buaya narrative's obsession with the murdered officers and young Ade continues to silence the brutal massacre of hundreds of thousands of civilians.

One of the most disturbing elements of the Jakarta complex is the so-called Verandah of Torture. This house contains poorly made life-size mannequins of female PKI cadres, rebel soldiers, and tied up officers. The morbid tableau is splashed with blood and speakers play the disturbing soundtrack from *Pengkhianatan G30S-PKI*'s phantasmatic torture scene. Visitors must stand behind a protective rail as they peer into the house. Directly in front of the house is the Well of Death where the generals were hastily buried. The well is now reinforced in concrete and painted blood red, complete with drips to make it look like the murders just happened. The nationally known Sacred National Ideology Monument looms over the Verandah of Torture and the Well of Death.

28 Ibid., 8–9.

A massive structure, its base tells the history of independent Indonesia with an emphasis on the dangers of Communism and the ways in which Suharto restored order. Above this Borobudur like piece, stand statues of the dead generals. General Yani stands in the front and points an accusatory finger directly at the Well of Death. Foregrounding the alleged violence of the coup, this section of the Lubang Buaya complex is an open call for revenge. James Siegel's brilliant ethnography of the New Order illustrates the ways in which the regime's use of mass violence saturated many wide-ranging aspects of Indonesian culture.[29]

From Crimes to Remnants

In contrast to Jakarta's decades of anti-Communist intransigence, Ho Chi Minh City's museum has gone through several revisions and name changes as it adjusted to the new geo-political realities of the post-Cold War world: Exhibition House for U.S. and Puppet Regime Crimes (Nhà trưng bày tội ác Mỹ-ngụy), 1975–1990, Exhibition House for Crimes of War and Aggression (Nhà trưng bày tội ác chiến tranh xâm lược), 1990–1995, and the War Remnants Museum, 1995-present.[30] Established immediately after Vietnam's three decades of warfare, including a war for national liberation against France, a civil war between the northern and southern regimes, and an insurgency against American military intervention, the museum was an important component of the Marxist party's propaganda as it solidified control over the newly unified nation.[31] Its original name directly accused both the Americans and the Republic of Vietnam of war crimes. The name reflects the Communist Party's suspicious attitude towards

29 James T. Siegel, *A New Criminal Type in Jakarta: Counter-Revolution Today* (Durham: Duke University Press, 1998).

30 Jamie Gillen, "Tourism and National Building at the War Remnants Museum in Ho Chi Minh City, Vietna," *Annals of the Association of American Geographers* 104, no. 6 (2014): 1307–1321.

31 Christina Schwenkel, *The American War in Contemporary Vietnam: Transnational Remembrance and Representation* (Bloomington: Indiana University Press, 2009) focuses on the memory of the war in Vietnam, while scholarship such as Julia Bleakney, *Revisiting Vietnam: Memoirs, Memorials, Museums* (New York: Routledge, 2006) and Scott Laderman, *Tours of Vietnam: War, Travel Guides, and Memory* (Durham: Duke University Press, 2009), 151–182, looks at the memory of the war in the United States of America. Only Viet Thanh Nguyen, *Nothing Every Dies: Vietnam and the Memory of War* (Cambridge, MA: Harvard University Press, 2016) takes a holistic approach by considers a variety of transnational perspectives.

the south as well as its anti-imperialist diplomacy and international posture as the heroic martyr of the global south.[32] Hue-Tam Ho Tai and Heonik Kwon have addressed the significance placed upon the politics of memory in post-war Vietnam.[33] With the dramatic ideological and policy changes that followed Lê Duẩn's death in 1986 (he had been General Secretary of the Central Committee of the Communist party of Vietnam since 1960), the impact of the Đổi Mới economic reforms, and the collapse of the U.S.S.R., the Party rebranded the museum. The second name deleted references to the U.S.A and the so-called puppet regime but still stressed the war's brutality and the suffering of the Vietnamese people. By the mid-1990s, as Hanoi and the Clinton administration moved to normalize relations in 1997, a third change resulted in its current rather vague name. "War Remnants" downplays the violence of the war, fails to capture the anger of the previous two decades, and implies a move towards international and domestic reconciliation. While still very much a war museum, the Communist Party's museum officials have shown great professionalism and sophistication in their evolving interpretation and curation of artifacts on display.

If the history of the Ho Chi Minh City museum's name shows one difference with the Jakarta complex's consistency, the two institutions' ideological conflicts are even more profound. As one museum represents Southeast Asia's fiercest anti-Communist state and the other is the symbol of the most successful revolutionary war in the region, this should come as no surprise. However, the two institutions show some fascinating similarities in their collections. Both contain a combination of artifacts ranging from military hardware to personal effects, collections of photographs, and recreations with life-size mannequins and miniature dioramas of historic acts of violence. Both emphasize human physical suffering in gruesome detail. The photographs of war dead in Vietnam and the Indonesian general's decaying corpses are nothing short of nauseating. Yet, the Vietnamese museum's massive permanent collection of physical artifacts puts the paltry Indonesian displays to shame. In Jakarta, Suharto's jeep

32 See K.A. Denton, "Museums, Memorial Sites and Exhibitionary Culture in the People's Republic of China," *The China Quarterly* no. 183 (2005): 565–586, for a comparative example.

33 Hue-Tam Ho Tai, ed., *The Country of Memory: Remaking the Past in Late Socialist Vietnam* (Berkeley: University of California Press, 2001) and Heonik Kwon, *After the Massacre: Commemoration and Consolation in Ha My and My Lai* (Berkeley: University of California Press, 2006) and *Ghosts of War in Vietnam* (Cambridge: Cambridge University Press, 2008). Elsewhere, Patricia Pelley, *Postcolonial Vietnam: New Histories of the National Past* (Durham: Duke University Press, 2002) and Wynn Wilcox, *Allegories of the Vietnamese Past: Unification and the Production of a Modern Historical Identity* (New Haven: Yale University Southeast Asia Studies, 2011) address the longer history of memory in 20th century Vietnam.

and General Yani's antique American car sit outside the Museums of Communist Treachery and inside there is a display case containing a handful of quaint looking hand and machine guns. The adjacent Room for Relics and Other Historical Effects contains numerous personal possessions, including the clothes in which they were murdered but also such things as a general's fishing pole and pipe. On closer inspection many of these banal items turn out to be replicas.[34] Such items would be trivial if they were the originals but as replicas they border on the farcical, leading some to question the authenticity of other artifacts in the collection. Short on documentary evidence for its political mythology, the Jakarta museum uses staged photographs as part of its display. We can see this in the depiction of General Ahmad Yani's murder. Beneath a miniature diorama of a pajama clad Yani slamming his kitchen door in the rebel soldiers' faces there is photograph of his corpse being dragged across his bloody tile floor. While presented as documentary evidence of the crime, the image is a black and white still from the propaganda film *Pengkhianatan G30S-PKI* (which was shot in color in 1983). The museum's displays for the period after the coup do not discuss mass violence as an aspect of the destruction of the PKI. Rather, there are dioramas depicting the "legal" transfer of power from Sukarno to Suharto, including the controversial 11 March 1966, meeting in which Sukarno allegedly signed a decree. Known as Supersemar, an acronym for "Surat Perintah Sebelas Maret," Order of March the Eleventh, the document gave Suharto extraordinary powers to restore order during the widespread violence. Many experts speculate that the document is a forgery. Another miniature diorama has a stoic Suharto being sworn in as the new president in March, 1968. There are depictions of the arrest of PKI chief D.N. Aidit and several operations against PKI holdouts, but these are presented as heroic military events. Needless to say, there are no depictions of the summary executions, torture rooms, rapes and sexual abuse, and mass incarceration that characterized the destruction of the PKI.

In Ho Chi Minh City, the grounds of the museum are littered with tanks, aircraft, and artillery pieces from the war. Inside there is an extensive collection of firearms used in combat. The three-floor structure is home to permanent and rotating displays with hundreds of photographs of the war, many stressing the horrific violence endured by Vietnamese civilians. As in Jakarta, there are life size and miniature recreations, such as an American assault on a provincial hamlet, a South Vietnamese prison, and a village well from a civilian massacre. The model prison contains a French guillotine, torture devices, the infamous

34 Cohen, "Red Menace."

"tiger cages," and an emancipated mannequin shackled to hard wood bedframe and showing signs of brutal mistreatment.

The majority of the museum's displays emphasize the war's violence by depicting the destructive collateral damage of American counter-insurgency tactics, the devastating power of American bombs, and the alleged brutality of the anti-Communist Saigon government. Many visitors describe the experience as emotionally powerful if not overwhelming. Some Americans have reacted defensively to the museum, claiming that it vilifies the American troops.[35] Yet there are important moments of optimism. These include a section on the international anti-war movement, the children's peace center on the top floor called the Dove, and the museum's logo, a white dove covering up red tipped bombs. In stark contrast to its museum's first twenty years (and in contrast to its Jakarta analog's stubbornness), the Ho Chi Minh City museum currently promotes reconciliation.

Museums on the Site of Horror

In Cambodia, the Tuol Sleng Genocide Museum and the Choeung Ek Genocidal Center (popularly known as "the Killing Field") have grown from sparse minimalist memorials to increasingly sophisticated museums with interpretive displays.[36] Unlike Lubang Buaya, both locations have an international reputation associated with the Khmer Rouge's unspeakable acts of violence.[37] "Khmer Rouge" is a political epithet for the Communist Party of Kampuchea coined in the 1960s by Prince Sihanouk. After seven years of a nation-wide guerilla insurgency, this revolutionary Marxist party overthrew the U.S. backed strongman Lon Nol (1913–1985) and occupied Phnom Penh on 17 April 1975. Hardened by the rigors of tropical jungle warfare, disciplined by a brutal and secretive

35 Schwenkel, *The American War in Contemporary Vietnam*, 168–171.

36 Rachel Hughes, "Dutiful Tourism: Encountering the Cambodian Genocide," *Asia Pacific Viewpoint* 49, no. 3 (2008): 318–330 and Paul Williams, "Witnessing Genocide: Vigilance and Remembrance at Tuol Sleng and Choeung Ek," *Holocaust and Genocide Studies* 18, no. 2 (2004).: 234–254.

37 There are a number of excellent histories of the Democratic Kampuchea, they include but are not limited to David Chandler, *Brother Number One: A Political Biography of Pol Pot* (Boulder, CO: Westview Press, 1999); Craig Etcheson, *After the Killing Fields: Lessons from the Cambodian Genocide* (Westport, CT: Praeger, 2005); Alexander L. Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2005); Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–79* (New Haven: Yale University Press, 1996); and the film *S21: The Khmer Rouge Killing Machine*, directed by Rithy Panh, DVD (Human Rights Watch, 2003).

political leadership known only as Angkar ("The Organization"), and traumatized by years of devastating American bombing, the zealous Khmer Rouge cadres immediately forced the evacuation of Phnom Penh, a city swollen in size due to a massive internal refugee crisis.[38] Claiming that American B-52s would soon bomb the city, close to two million people were marched out into the country-side with only what they could carry. After years of civil war and one of the most intense bombing campaigns in history, many hoped that peace would soon return to Cambodia. However, this was actually a carefully calculated ruse to seize and execute Lon Nol government officials, military officers, and rank and file soldiers.[39] The evacuation was also central to the Khmer Rouge's anti-urban vision of an agrarian socialist utopia. Within weeks, the nation's population was forced into collective farms. Claiming to celebrate the Khmer peasantry as "base people," these rural revolutionaries with totalitarian aspirations condemned educated urbanites as corrupted "new people." During the next three and a half years, over a million Cambodians would die from mistreatment, malnutrition, disease, and general economic mismanagement.

The Khmer Rouge immediately turned Phnom Penh's Tuol Sleng high school into an infamous prison run by Santebal, the party's security police. Known as S-21, the site was shrouded in secrecy. Classrooms were divided in to various sizes of cells or became torture rooms. Elsewhere the small S-21 staff compiled thousands of dossiers on each prisoner, including mug shots, autobiographical confessions, and interrogation notes. Party veteran Comrade Duch ran the site.[40] At first a prison for a few hundred Lon Nol loyalists and other alleged enemies from the civil war, Pol Pot's increasingly paranoid inner circle began to arrest thousands of Khmer Rouge party cadre suspected of counter-revolutionary activities or sentiments.[41] In these purges, an estimated 14,000

38 Elisabeth Becker, *When the War Was over: The Voices of Cambodia's Revolution and Its People* (New York: Simon & Schuster, 1986); Ben Kiernan, *How Pol Pot Came to Power: Colonialism, Nationalism, and Communism in Cambodia, 1930–1975* (London: Verso, 1985); William Shawcross, *Sideshow: Kissinger, Nixon, and the Destruction of Cambodia, Revised Edition* (New York: Cooper Square Press, 2002).

39 François Bizot, *The Gate* (New York: Alfred A. Knopf, 2003) is an eye-witness account of the occupation and evacuation of Phnom Penh. An anthropologist fluent in Khmer, Bizot was taken prisoner by the Khmer Rouge and interrogated for several months by Comrade Duch. Ironically, the former S-21 commandant argued for Bizot's release, saving his life.

40 Alexander Hinton, *Man or Monster? The Trial of a Khmer Rouge Torturer* (Durham: Duke University Press, 2016).

41 David Chandler, *Voices from S-21: Terror and History in Pol Pot's Secret Prison* (Berkeley: University of California Press, 1999) is the definitive history of the prison. Chandler stresses the absurd Kafkaesque nature of the charges levied against the accused.

men, women, and children, including both ethnic Khmer and several hundred foreigners were imprisoned, tortured, and interrogated before being sent to their death. Only seven inmates survived. Initially, there were regular executions at Tuol Sleng but after about a year the condemned were taken to neighboring villages where they were beaten to death and thrown into shallow graves. Almost 9,000 victims (some estimates are much higher), many from S-21, were sent to Choeung Ek, previously a Chinese cemetery and now the most famous of the so-called "killing fields." After several years of tension between Phnom Penh and Hanoi, increasing evidence of anti-Vietnamese massacres, and quixotic Khmer Rouge cross-border raids, Vietnam invaded Cambodia on 25 December 1978, quickly chasing the Khmer Rouge out of the eastern provinces. While the massive Vietnamese army bore the brunt of the fighting, a small contingent of Khmer Rouge defectors, including Hun Sen, joined the campaign. In the ensuing political vacuum, the Vietnamese Communist Party supported and supervised the creation of a new Marxist client state.

Faced with military collapse, the Khmer Rouge leadership once again evacuated Phnom Penh, ordering tens of thousands of party loyalists to flee west. The city, which had roughly 40,000 inhabitants under Khmer Rouge rule, was once again deserted. The foreign invasion force entered the city on January 7, 1979. The following day, two Vietnamese photojournalists were stunned to discover the urban torture center.[42] Further horrors awaited the troops who later discovered the suburban execution grounds. Both sites showed evidence of recent violence, including fresh blood on the floors of the former school buildings and a stench that lingered for months. While legitimately dismayed by the carnage of this revolution gone wrong, the Vietnamese occupiers and their Cambodian allies were quick to politicize and publicize their enemies' crimes against humanity. The context of the international community's condemnation the Vietnamese invasion of their neighbor and the introduction of punitive American sanctions against war-torn Vietnam made this all the more important. Led by pro-Vietnamese former Khmer Rouge, the People's Republic of Kampuchea (1979–1989) set up Tuol Sleng as a museum to document the Pol Pot regime's horrific violence in 1980. Brigitte Sion has described Tuol Sleng as "a promotional tool for post–Khmer Rouge government."[43] The Vietnamese Communist Party played a major role in the establishment first of Tuol Sleng as a "genocide museum" and then of Choeung Ek as a memorial site. Vietnamese

42 Chandler, *Voices from S-21*, 2–3.

43 Brigitte Sion, "Conflicting Sites of Memory in Post-Genocide Cambodia," *Humanity* 2, no. 1 (Spring 2011).

officials sent Colonel Mai Lam, who had previously worked on Ho Chi Minh City's Exhibition House for U.S. and Puppet Regime Crimes, to oversee the project.[44] Working with East German advisors and visiting Holocaust museums and memorials in France, the U.S.S.R., and Soviet bloc countries, Mai Lam made several fundamental decisions that set the tone of these sites for decades. Despite the need to communicate the horror of the Khmer Rouge years, the museum organizers did not want to tarnish the image of Marxism. Gerhard Scheumann, a propaganda film maker from the German Democratic Republic, was sadden that this violence was "carried out under the hammer and sickle" and held that the Khmer Rouge had "dragged the Communist Party in the dirt."[45] The result was a series of aesthetic choices that linked S-21 to memories of Nazi concentration camps.[46] For example, there is no Marxist or socialist realist iconography so typical of revolutionary regimes. Nor are there political slogans printed on banners. Rather, the museum contains a series of bare rooms with shackles on the floor and a framed photograph of the how the room was found on 8 January 1979. The stark concrete is reminiscent of Auschwitz, the ultimate site of fascist violence. Serge Thion held that the Tuol Sleng Genocide museum invoked the "sinister charisma" of the infamous European death camp.[47] Thion, who had taught in the high school during more peaceful times stressed the Vietnamese and Eastern European influence, thus questioning the site's authenticity:

> But the place was not as it was when Deuch had left it. Vietnamese experts had been brought in, soon after the discovery. Since 1975, these North Vietnamese experts had created throughout Vietnam several political museum. Some of them had been trained in Auschwitz, Poland. Auschwitz itself had been closed for several years, in the 50's, to allow rebuilding and redesigning. In Toul Sleng also, many things have changed over time.[48]

With its minimalism, Tuol Sleng looks very different from Mai Lam's Ho Chi Minh City museum or Jakarta's anti-Communist museum. The few displays,

44 David Chandler, "Tuol Sleng and S-21," *Searching for the Truth, Magazine of DC-Cam,* no. 18 (June 2001): 29.

45 Cited from an interview in Maguire, *Facing Death*, 94.

46 Angelina Jolie's film *First They Killed my Father* (Jolie Pas, 2017) includes traditional Marxist iconography in its depiction of the camps, including hammers and sickles and portraits of Marx and other leaders.

47 Serge Thion, "Genocide as a Political Commodity," in *Genocide and Democracy in Cambodia*, ed. Ben Kiernan (New Haven: Yale University Press, 1986), 184.

48 Serge Thion, "Meaning of a Museum," *Phnom Penh Post,* August 27, 1993.

such as piles of victim's clothing and a map of Cambodia made of human skulls and bones with the Mekong and Tonle Sap rivers painted blood red, directly resonated with Western memories of the Nazi death camps (the map of skulls has since been taken down but a large photograph of it adorns the wall of one room). Even the decision the include the contested term "genocide" in the museum's name is a political act designed to invoke fascist not Marxist mass violence.

It took about a year to set up the school-cum-torture center as a museum. As early as March, 1979, the new Democratic Republic of Kampuchea organized tours for foreigners. Reports indicate that the buildings continued to have the horrible stench of death.[49] While Mai Lam and his team remained in Phnom Penh until 1988, Ung Pech became the director when it opened to the local population in July, 1980. Importantly he was not only Cambodian but one of the very few survivors of the prison (that said, evidence indicates that the Vietnamese controlled the museum during this decade). Tens of thousands of Cambodians flocked to the prison in the first few weeks, and hundreds of thousands by year's end.[50] During the subsequent civil war, United Nations occupation, and reestablishment of an effective and independent government, the site became an internationally recognized symbol of the unfathomable violence of revolutionary excess.

For several years Tuol Sleng had relatively little in the way of documentation or displays. However, in the past fifteen years the museum has grown. In addition to the existing artifacts such as shackles and chains, cells have been reconstructed and water-boarding equipment has been put on display. The museum's iconographic symbol is the collection of photographs of the former inmates. Using colonial era French police techniques and equipment, the Khmer Rouge took thousands of mug shots of prisoners, often moments before certain torture and death.[51] These photographs were part of the party's surprisingly elaborate system of intelligence files found by the Vietnamese. Several rooms at Tuol Sleng are filled with these haunting images. The ground floor rooms maintain the original presentation style established by Mai Lam's team.

49 Judy Legerwood, "The Cambodian Tuol Sleng Museum of Genocidal Crimes: National Narrative." *Museum Anthropology* 21, no. 1 (1997): 82–98.

50 Chandler, *Voices from S-21*, 8.

51 Stephanie Benzaquen, "Remediating Genocidal Images into Artworks: The Case of the Tuol Sleng Mug Shots," *Rebus* 5 (2010): 1–20; Michelle Caswell, *Archiving the Unspeakable: Silence, Memory, and the Photographic Record in Cambodia* (Madison: University of Wisconsin Press, 2014); Chris Riley and Douglas Niven, *The Killing Fields* (Santa Fe: Twin Palms Publishers, 1995).

In contrast to its Spartan beginnings, today's museum is much more robust. Perhaps the greatest innovation is the audio tour. Starting in 2015, visitors can rent a set of headphones with dozens of two to six minute audio clips that guide one through the site. There are also a series of posters presenting a very brief history of the Khmer Rouge era. Elsewhere there is a collection of paintings by Vann Nath, one of seven survivors, that depict the various torture and execution practices.[52] A gift shop offers a variety of books, t-shirts, and souvenirs as well as cold beverages. On the upper floors of three of the four buildings there are newer and more nuanced presentations. The third floor of Building A has a room for temporary art exhibits and room that critiques poorly informed Western leftists who supported the Khmer Rouge. In Building B there are several rooms for temporary exhibits, such as the excellent "Children of Angkar" (August 19, 2017 to August 1, 2018). In Building D, the second floor contains previous temporary exhibits and the third floor has an "Education Room" with Khmer language sources including books, posters, timelines, maps, and iPads running a Khmer Rouge history app. On this floor there is also a film room with daily screenings. Finally, visitors have the opportunity to meet S-21 survivors Bou Meng and Chhum Mey. Both of whom sit at tables with books for sale and will pose for photographs with visitors. In March, 2018, the museum had an air-conditioned room where twice a day two short videos were screened and Norng Chan Phal, a child survivor of S-21, would tell his story. When I spoke with him he said that he needed to write a book in order to support his family.

Over a dozen kilometers outside of the city, the Choeung Ek Genocidal Center has gone through a similar transformation. Initially there were only a few wooden structures to house bones and scraps of clothing discovered on the site. The intention was to preserve them as evidence against the Khmer Rouge. To mark the tenth anniversary of the Vietnamese invasion, Mai Lam and his colleagues erected a massive Buddhist stupa. The structure is not unlike the scores of memorials built throughout Vietnam in the 1980s. Inside were seventeen shelves with chemically treated bones and clothes. With the bones sorted by size and type, the lower levels contain some 5,000 skulls carefully arranged to stare back at visitors. Once the new structure was completed the former execution ground became an established memorial site. For years there was little to see and only minimal documentation to contextualize the horrifying detritus of mass murder.[53] Visitors freely wandered this literal killing field, walking on

52 Vann Nath, *A Cambodian Prison Portrait* (Bangkok: White Lotus Press, 1998).

53 Louis Bickford, *Transforming a Legacy of Genocide: Pedagogy and Tourism at the Killing Fields of Choeung Ek* (New York: International Center for Transitional Justice, 2009).

the remains of thousands of victims. During the annual monsoon rains it was not uncommon for bone fragments to appear in the mud. In 2004 several wood shelters were built over mass graves with signs stating that they contained 166 decapitated soldiers, over a hundred women and children, or 450 victims. New signs also stated that babies' heads were smashed on a certain tree. In 2011, the management expanded the informational displays and set up an audio guide with headphone rentals. While previously visitors were once free to wander the grounds and chat as they saw fit, now there is an extensive wood boardwalk, a set itinerary coordinated with the audio commentary, and numerous signs and the audio tour remind visitors to stay off the thick Cambodian mud that still holds un-exhumed remains.[54] Groups of travelers, dutifully listening to the audio narration, now silently walk through a numbered tour of the killing field. A ritual has developed of tying colorful woven bracelets to makeshift shrines, an invented tradition that many foreigners seem to enjoy. In a far corner of the complex there is a small three-room museum. The largest room contains posters and photographs telling the history of the Khmer Rouge and of the Choeung Ek site. There are also displays of farm tools used to execute victims, a sets of ankle shackles (some in a case but other sitting on the floor next to the case), and a male and female set of Khmer Rouge clothing, including the loose fitting black pants and shirt, red scarves, and handmaid sandals. Another room is an air condition theater with some two dozen seats that screens a 15-minute film seventeen times per day. Upon exiting the theater, the audience is guided into a small room with reproductions of Vann Nath's paintings and further poster displays on the history of the site, the Khmer Rouge, the Extraordinary Chambers in the Courts of Cambodia, and Comrade Duch. Yet few visitors venture to through the foliage to the museum.

The complex's physical and emotional center point remains the stupa. The famous bone-filled structure has provoked some debate over the years. King Sihanouk himself asked "[w]hat Buddhist man or woman accepts that, instead of incinerating their dead relatives . . . one displays their skulls and their skeletons to please 'voyeurs'?"[55] For many visitors staring into the empty eye sockets of hundreds of human skulls is difficult to forget. While the site instructs

54 Such signs do not exist in Bali, Indonesia, where the 80,000 victims of weeks of violence in 1966 were sometimes thrown into mass graves in what was to become prime tourist real estate, Adrian Vickers, "Where Are the Bodies: The Haunting of Indonesia," *The Public Historian* 32, no. 1 (2010): 45–58.

55 Ian Harris, *Buddhism under Pol Pot* (Phnom Penh: Documentation Center of Cambodia, 2007), 233.

visitors to show respect by observing silence and removing their shoes as they enter the stupa, the display invokes an undeniable morbid curiosity.

The Tuol Sleng Genocide Museum and the Choeung Ek Killing Fields are free of the heavy-handed ideology seen in Jakarta and Ho Chi Minh City. Tuol Sleng does have several signs that refer to "The Pol Pot Clique" and a few other ambiguous references, but visitors do not get a clear sense of the violence's historical context and its relationship to the Cold War. Indeed, it is difficult to label the narrative either Communist or anti-Communist. Many visitors would be surprised to learn that the museum was created by an international team of Communists. Emotionally powerful, the sites emphasize Cambodia's victimization. Yet the 14,000 victims of S-21 are not an accurate representation of the Khmer Rouge's violence. The overwhelming majority of the deaths between 17 April 1975 and 7 January 1979 occurred on the regime's utopian communal farms scattered throughout the country-side not in the all but abandoned city. While there were hundreds of thousands of summary executions and fatal tortures, the majority of the roughly 1,700,000 deaths (~20% of the population) were due to disease, malnutrition, and the gross mismanagement of essential infrastructure. The regime's disastrous and unhinged attempt at radical rural egalitarianism was the biggest killer. Yet this is not the Tuol Sleng Genocide Museum's narrative. Furthermore, after the initial purge of Lon Nol loyalists most of those sent to S-21 were Khmer Rouge cadres, many of whom were high ranking party members. While not denying that unspeakable suffering was inflicted on these individuals, up to their arrest most had participated in the brutality of the Khmer Rouge revolution. Indeed, the surviving interrogation reports illustrate widespread confusion amongst the detainees. As in Stalin's purges, the party was turning on itself. While David Chandler's seminal research shows that their arrest, interrogation, and forced confessions were the product of a merciless machine obediently following the orders from a paranoid leadership, many of the faces staring out of the mugshots belonged to those who had engaged in revolutionary excesses. In many ways, the Tuol Sleng narrative of violence is ahistorical, silencing discussions of more complicated histories.

All three institutions beg a rigorous gender analysis. The Indonesian museum warns that liberated women can become dangerous, unrestrained, and violent beasts. The displays promote the lie that female PKI cadre sexually mutilated the generals with razor blades and hold up submissive Javanese mothers as the true feminine ideal.[56] The dead generals, especially Yani, come

56 Wieringa, *Sexual Politics* and "Sexual Slander."

across as virile men, embodying a masculine ideal. Conversely, the Vietnamese museum celebrates Viet Cong women as active participants in a revolutionary war of liberation. There are heroic socialist realist propaganda posters of strong women defying American bombs and photographs of diminutive peasant girls holding large Anglo-American aviators at gunpoint. Elsewhere, the "long-harried warriors" are celebrated for their role in the guerilla war.[57] Visitors to the War Remnants Museum may wonder if the revolution succeeded in overturning patriarchy.[58] The Cambodian museum presents women and children as the ultimate victims, universal martyred innocents. Some of the most striking Tuol Sleng mug shots are of young mothers holding infants, both of whom will soon be dead. Several large bulletin boards contain only images of women. However, the presentation of numerous images of women is arguably disingenuous. Despite many missing dossiers, Chandler's research records that perhaps a little more than 6.4% of those who passed through S-21 were female.[59] The vast majority of Tuol Sleng's victims were young men. While not representative of the prison's violent history, the trope of the martyred woman has an undeniable emotional power. Choeung Ek's emphasis on a mass grave of women and children and the smashing of babies' heads on a tree furthers the idea of the suffering of innocents. A gendered memory of mass violence generates more sympathy and thus achieves greater political results. With the figure of women as pitiful victims, vicious killers, or brave heroines, each museum uses gendered imagery for a specific political purpose.

Contemporary Uses of Southeast Asia's Cold War Past

2019 will mark three decades since the Fall of the Berlin Wall and the end of the Cold War. Suharto's rabidly anti-communist New Order collapsed two decades ago. The United States and Vietnam are close trading partners. Chinese and

57 *The Long Haired Warriors*, directed by Mel Halbach, (1998).

58 I remember being very excited to be in Hanoi for International Women's Day in 1997, only to discover that it had become a day to buy flowers for mothers and sweet-hearts, sort of a Marxist Valentine's Day. In Indonesia I was equally bemused to see that by 2013 Kartini Day was an opportunity for department stores to advertise sales on kitchen equipment and washing machines.

59 Chandler, *Voices from S-21*, 37, notes that the figure is likely higher than 6.4% as many wives and mothers of high ranking party members were killed without interrogation files.

Russian capital flows into Indonesia. President Hun Sen, a Khmer Rouge defector brought to power by his Vietnamese Communist patrons, has opened Cambodia to direct foreign investment from scores of international garment manufacturers. By 1999 Indonesia, Vietnam, and Cambodia were all members of the Association of Southeast Asian Nations. Founded during the Cold War to as an alliance against regional Communism, ASEAN now promotes market integration and the free flow of capital as well as collective security. A generation after the Cold War, what is the future of these state sponsored public history sites?

Ho Chi Minh City's museum has gone through a series of important name changes. From the accusatory Exhibition House for US and Puppet Crimes, to the less specific Exhibition House for Crimes of War and Aggression, and to the neutral to the point of banal War Remnants Museum, the transformation indicates Vietnam's adept reading of the shifting currents of history. Today, from the street one can see a massive dove overcoming falling bombs and the words "peace, friendship, solidarity, cooperation, and development" in large letters. Children's art figures prominently in the museum and there is discussion of a Hiroshima style peace park. Clearly, the institution wants to be on the path towards reconciliation and learning from the past in order to promote peace.

Jakarta on the other hand remains stuck in the Cold War anti-Communism of the dead dictator.[60] The Lubang Buaya museums have not been renamed or rebranded. Indeed, the wing devoted to PKI Treachery opened as the Cold War was coming to an end. Clearly Suharto feared the end of the alleged Communist threat would pull the ideological rug out from underneath him. But even after Suharto's 1998 overthrow and 2008 death, similar public history institutions have opened their doors. In 2008, General Naustion's house became a public museum complete with life size mannequins showing the general's escape and the dying Ade in her mother's arms. In 2013, on the site of Suharto's birthplace, his family opened a museum dedicated to his memory. The central display is composed of floating ghost-like statues of the dead generals and the young Ade. Opposite these martyrs is a video displayed of a computer-generated anti-Communist riot. As one approaches the screen a camera captures your image and puts it into the flag-burning mob, thus inviting the visitor to take revenge for these 50-year-old murders. In the far corner of the museum compound is the Suharto family well. Also in 2013, President Susilo Bambang Yudhoyono

60 Ariel Heryanto, *State-Terrorism and Identity Politics in Indonesia: Fatally Belonging* (London: Routledge, Taylor & Francis Group, 2006); idem and Sumit K. Mandal, eds,. *Challenging Authoritarianism in Southeast Asia: Comparing Indonesia and Malaysia* (New York: Routledge, 2003).

oversaw the opening of a two story addition to the Museum of Communist Treachery. The new life-size displays repeat the same old Lubang Buaya narrative. The PKI remains an eternal threat in the minds of many Indonesians raised under the New Order. Along with the 1 October military ceremonies at the site of the generals' murder, mass demonstrations of anti-Communist Islamic groups and hyper-nationalist militia with ties to the mafia warn against the possible return of the atheist PKI, the ultimate personification of political and spiritual evil. President Jokowi, who rose to power as an uncorrupted outsider promising reforms, has joined the army and the mass organizations in threatening violence against anyone who dares revive the party.[61] Even academic conferences have faced intimidation.[62]

In contrast to the Indonesian museum's international obscurity, these Vietnamese and Cambodian public history institutions have received much academic attention and the War Remnants Museum, Tuol Sleng, and Choeung Ek are now established tourist attractions.[63] If thousands of international visitors go to the Phnom Penh and Ho Chi Minh City museums, a foreign face is an extremely rare sight at Jakarta's Museum of Communist Treachery. Conversely, domestic visitors are the vast majority in Jakarta but in a clear minority in Ho Chi Minh City and Phnom Penh.

The War Remnants Museum is a top attraction in Ho Chi Minh City. With the booming tourist industry, the number of visitors has soared in recent years. The building and its collections are subject to active curation, with subtle revisions, additions, and removals over the years. But the museum silences many uncomfortable or politically difficult memories. Not surprisingly, the War Remnants Museum does not engage revolutionary violence committed by the Communist Party. Furthermore, the arrest, imprisonment in reeducation camps, and post-incarceration repression of hundreds of thousands of Southern Vietnamese is not part of the War Remnants narrative.[64] For example,

61 Fabian Januarius Kuwado, "Jokowi: Jangan Sampai Kekejaman PKI Terulang Lagi . . ., " *Kompas.com*, October 1, 2017. Accessed October 10, 2017. http://nasional.kompas.com/read/2017/10/01/09403511/jokowi-jangan-sampai-kekejaman-pki-terulang-lagi

62 Siskia E. Wieringa, "When A History Seminar Becomes Toxic," *Inside Indonesia* 130, 2017. Accessed February 10, 2018. http://www.insideindonesia.org/when-a-history-seminar-becomes-toxic

63 Lien Hoang, "'Communist' Still a Dirty Word in Indonesia," *Voice of America*, January 27, 2014. Accessed February 13, 2018. https://www.voanews.com/a/lien-hoang-communist-still-dirty-word-in-indonesia/1838804.html

64 Ken MacLean, "The rehabilitation of an uncomfortable past: Everyday life in Vietnam during the subsidy period (1975–1986)," *History and Anthropology* 19, no. 3 (2008): 281–303; Hy V. Luong, *Postwar Vietnam: Dynamics of a Transforming Society* (Oxford: Rowman and

the controversy surrounding the alleged massacre of thousands of civilians in Hue by People's Army of Vietnam National Liberation Front does not have a place in the museum.[65] The same goes for decades of criticism from international human rights organizations. Viet Thanh Nguyen, a self-identified refugee who has written academic studies on the War Remnants Museum, fictionalized the history of the reeducation camps in his Pulitzer Prize winning *The Sympathizer*.[66] It will be interesting to see if the novel makes it into the museum's gift shop.

In contrast, the Museum of PKI Treachery lies in relative obscurity, ignored by scholars and tourists. Despite Indonesia's massive tourist trade and despite its close proximity to Tama Mini-Indonesia, another Suharto era project, a foreign visitor to Lubang Buaya is a rarity, provoking much interest from other visitors and the bored staff.[67] On a 2012 visit, I found the building to be dilapidated and subject serious mold problems. By 2014 these problems had been cleaned up but other sections were showing neglect. In November, 2017, I was surprised to be denied entry to the Lubang Buaya complex. The soldiers at the gate informed me that all foreigners would need a special "security clearance" to enter. After numerous phone calls, emails, and visits to various government offices, I gave up the fruitless attempt to secure permission. It was only when the foreigner ban made international news that it was modified to apply only to "researchers." By February, 2018, foreign tourists could once again visit the museum.[68] How the guards will determine who is doing research and who is sightseeing remains unclear. Regardless, the incident revealed the sensitivity surrounding Suharto's New Order propaganda in contemporary Indonesia.[69]

Littlefield Publishers, 2003); and Edward P. Metzner, ed. *Reeducation in Postwar Vietnam: Personal Postscripts to Peace* (College Station, TX: Texas A&M University Press, 2001).

65 Douglas Pike, *The Viet Cong Strategy of Terror* (Washington D.C.: Indochina Archive, 1970) and James H. Willbanks, "Tet – What Really Happened at Hue," *Historynet*, January 25, 2011. Accessed November 30, 2017. http://www.historynet.com/tet-what-really-happened-at-hue.htm

66 Viet Thanh Nguyen, *The Sympathizer* (New York: Grove Atlantic, 2015).

67 For a discussion of Taman Mini-Indonesia's Suharto era political sub-text see John Pemberton, *On the Subject of 'Java'* (Ithaca: Cornell University Press, 1994).

68 Moses Ompusunggu, "Foreign researchers' access to TNI museums restricted," *The Jakarta Post*, February 9, 2018. Accessed February 10, 2018. http://www.thejakartapost.com/news/2018/02/09/foreign-researchers-access-to-tni-museums-restricted—.html

69 Ariel Heryanto, ed., *Popular Culture in Indonesia: Fluid Identities in Post-Authoritarian Politics*. (New York: Routledge, 2008); idem, *Identity and Pleasure: The Politics of Indonesian Screen Culture* (Singapore: NUS Press, 2014).

Despite two decades of democracy, Reformasi Indonesia has yet to replace the Lubang Buaya narrative.

In Phnom Penh, Prime Minister Hun Sen continues to use the Tuol Sleng narrative to reinforce his almost absolute power. Having joined the Khmer Rouge after the Lon Nol coup in 1970, he fought in the revolution, losing an eye on the battlefield before becoming a Battalion Commander in the Eastern Region. When faced with the party's internal purge, he and a number of his men fled Pol Pot's Democratic Kampuchea for Vietnam in 1977. After the Vietnamese Communist Party vetted and groomed Hun Sen for a leadership position, he led the small Cambodian contingent during the devastating Vietnamese invasion. Under Vietnamese patronage he became the new People's Republic of Kampuchea's Foreign Minister in 1979 and Prime Minister in 1985. The country's de facto leader during much of the brutal Cambodia-Vietnamese War (1977–1991), Hun Sen remained in power through the United Nations occupation (UNTAC, 1992–1993) and into the current constitutional monarchy.[70] While originally in a position of regional leadership in the Khmer Rouge, Hun Sen was in the inner circle of the Vietnamese sponsored Kampuchean People's Revolutionary Party. Initially a Marxist-Leninist organization, in the 1980s the party steadily moderated its position on Communist principles such as collectivization. In 1991, Hun Sen oversaw the renaming of the organization as the Cambodian People's Party and the rejection of Marxist-Leninism. Hun Sen shed Communist ideology and embraced authoritarian developmental strategies similar to Suharto's New Order. As the longest serving prime minister in history, he has faced numerous accusations of human rights violations and widespread corruption.[71] When his party lost the 1993 elections, the seven eastern provinces under his control threatened to secede until he was appointed Co-Prime Minister along with the victor, Prince Norodom Ranariddh. Four years later Hun Sen ousted the prince in a bloody coup. In 2014 military police fired on opposition demonstrators, killing four. In the summer of 2016, Kem Ley, a political commentator who had just founded a new political party, was gunned down while getting his morning coffee at a Phnom

70 Steve Herder and Judy Legerwood, eds., *Propaganda, Politics, and Violence in Cambodia: Democratic Transition under United Nations Peace-Keeping* (Armonk, NY: M.E. Sharpe, 1996), 3–49; and Benny Widyono, *Dancing in the Shadows: Sihanouk, the Khmer Rouge, and the United Nations in Cambodia* (Lanham: Rowman & Littlefield, 2008).

71 Amnesty International, *Kampuchea: Political Imprisonment and Torture* (London: Amnesty International Publications, 1987); and Anonymous, "Cambodia is Said to Torture Prisoners," *The Boston Globe*, June 4, 1987.

Penh gas station.[72] 2017 saw the silencing of *Voice of America* and *Radio Free Asia* broadcasts and the shutdown of the *Cambodia Daily* newspaper. With opposition leader Sam Rainsy in exile and Kem Shokha and scores of other activists under arrest, their party was outlawed in November, 2017.[73] In addition to silencing discussions of contemporary violence, Hun Sen's propaganda machine has offered up a version of history firmly entrenched in the Tuol Sleng narrative's historical ambiguity. "Marching Towards National Salvation," a 90-minute hagiography screened on national television and released on several social media platforms in 2018, presents the argument that Hun Sen was the savior of Cambodia from the inexplicable evils of Pol Pot's clique.[74] The film glosses off his Khmer Rouge background, stresses his unflagging patriotism, and repeats his numerous personal sacrifices for the nation. Unsurprisingly, there is no discussion of violence since 1979.[75]

As in Jakarta's Lubang Buaya narrative, the Phnom Penh's Tuol Sleng narrative's careful curation of the past is an essential tactic for regime's stability. Ho Chi Minh City's museum stands in sharp contrast. Under Hanoi's guidance, the Vietnamese museum displays greater nuance and offers a greater variety of perspectives than the intransigent Indonesian anti-Communism or the ambiguous Cambodian a-historicism. Perhaps this can be explained by the Vietnamese Communist Party's political confidence vis-à-vis Indonesia's fragile democracy and Cambodia's growing authoritarianism. Or perhaps it can be explained as a silencing of unwelcome memories and histories of mass violence.

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72 Julia Wallace, "Cambodian Opposition Figure's Killing Recalls Darker Times," *The New York Times*, July 16, 2016.

73 Ben Paviour, "Cambodian Treason Case Highlights Cold War Rivalries," *The Diplomat*, November 27, 2017. Accessed February 13, 2018. https://thediplomat.com/2017/11/cambodian-treason-case-highlights-cold-war-rivalries/

74 Commission of History Research and Press Quick Reaction Unit of the Office of the Council of Ministers, "Marching Towards National Salvation" (YouTube video, filmed 2017, 1:34:11), posted January, 2018. Accessed January 28, 2018. https://www.youtube.com/watch?v=oj3dAlpf7ls

75 The film's reception has ranged from praise by the Vietnamese state, "Marching towards national salvation – A valuable and factual documentary," *People's Army Newspaper* (January 10, 2018), accessed January 29, 2018, http://en.qdnd.vn/culture-sports/culture/marching-towards-national-salvation-a-valuable-and-factual-documentary-488732, to criticism as misleading historical revisionism, Erin Handley and Niem Chheng, "Analysis: In new propaganda documentary, Hun Sen attempts to 'rewrite history'", *The Phnom Penh Post* (January 5, 2018) and Alex Willemyns "Cambodia and China: Rewriting (and Repeating) History," *The Diplomat* (January 15, 2018), accessed January 20, 2018, https://thediplomat.com/2018/01/cambodia-and-china-rewriting-and-repeating-history/

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