

THE UNSPOKEN AND THE UNSPEAKABLE

More than freedom of expression is under threat in Bangladesh, where the policing of dissent has led to a high-profile court case, writes [Dina M Siddiqi](#)

On 20 December last year, the Bengali language daily *Prothom Alo* published a statement signed by a group of 50 prominent individuals (one revoked her position a day later). It expressed concern over the effects on freedom of expression of the guilty judgment issued by Bangladesh's International Crimes Tribunal (ICT) in a contempt-of-court case.

A Supreme Court lawyer had brought contempt charges against David Bergman, an award-winning investigative journalist with extensive knowledge and experience of Bangladeshi politics, for several entries in a blog on ICT proceedings. Among other things, the blog documented what he considered procedural irregularities at the trials. It also brought to attention academic studies that differed from the official Tribunal-sanctioned figure of 3 million people killed during the Bangladesh War of Independence.

Bergman's punishment was symbolic, but the judgment sent an unambiguous message: dissent on certain matters was simply not permissible. Even though the signatories to the statement – freedom fighters, lawyers, journalists, feminists, writers and academics, including those who had carried out research and provided input to the Tribunal's work, and campaigned for it to be set up – made their support for the ICT's mission clear, the Tribunal found the contents contemptuous of its authority. It directed the statement-makers to 'explain' their position, failing which they too were to be charged with contempt of court.

For various reasons – possible political retribution, the general climate of fear, personal constraints – 26 of the original statement-makers (including the author of this piece) apologized 'unconditionally' to the Tribunal, which exonerated them. The remaining 23 faced up to a year in prison, or a fine, or both, if they were found guilty. With some exceptions, public intellectuals and mainstream human rights organizations have been notably silent on the case.

No space for nuance

What accounts for the kind of emotion that would move a private citizen to file a contempt charge in the ICT for the contents of a blog that could perhaps just as easily be ignored? Such nationalist passion, as well as the actions of the ICT, must be situated in a broader historical context. First, we must understand the 2013 people's movement of Shahbagh, which irrupted into the Bangladeshi public sphere in a spectacular manner.

The political moment was propitious, profoundly meaningful. Forty years after atrocities committed during Bangladesh's War of Independence in 1971, the government had set up a domestic tribunal known as the International Crimes Tribunal (ICT) to try citizens who had actively collaborated with the occupying Pakistani forces for crimes against humanity. Primarily from the Jamaat-i-Islami party (JI), these men had until then enjoyed a remarkable degree of legal impunity and political authority, several having served as ministers in a previous government.



A torch procession in Shahbagh Square in 2013, where tens of thousands gathered to demand that war criminals finally be punished for their crimes, 40 years after Bangladesh won its independence. © Shahidul Alam

In early February 2013, a small group came together at the crossroads of Shahbagh to protest the life sentence awarded to a JI member convicted by the Tribunal. Concerned that a change in government would lead to the former's release, they insisted instead on the death penalty. It was a demand that resonated powerfully with otherwise 'non-political' citizens who had seen too many criminals walk free after a regime change¹ and who had waited a long time for these trials. Dubbed *Gonojagoron Mancha*, or the Platform for People's Awakening, Shahbagh quickly became a people's movement, at its peak drawing several hundred thousand men, women and children to its centre daily.

Fractures emerged almost as immediately, revealing unspoken rules about what could and could not be said about the 1971 war and, by extension, the Tribunal. Formal and informal policing of the 1971 story corresponds with revisionist political projects launched by successive military regimes over the years, and the continued deferral of war crimes trials.

The competing and extraordinarily partisan versions of history that circulate today in Bangladesh must be located in this context. Such a charged setting leaves little space for nuance or complexity. Indeed, the story of 1971 has taken on something of a sacred quality, so that any criticism of the sanctioned narrative appears to verge on the blasphemous. In particular, the figure of 3 million dead has become sacrosanct; in the face of long-term denial of wartime atrocities, the number carries profound emotional force.

In the prevailing environment, Shahbagh worked as a litmus test of sorts, readily re-inscribing older binaries: one was either *for* the movement and so *for* liberation and secularism or against it, and thus for Pakistan/Jamaat and fundamentalism. Long-time advocates of holding war crimes trials found their patriotic credentials questioned for refusing to support, on ethical grounds, the strident insistence on a mandatory death penalty for those found guilty. Remarkably, calls for hanging were chanted by young children, professionals and activists alike.

It was only a matter of time before David Bergman became a target. It mattered little that he had worked on the award-winning 1995 documentary *War Crimes Files*, screened every night before packed crowds at the height of the movement. Or that the film was made at considerable risk at a time when it was still very difficult to campaign for trials. Shahbagh staged the contradictions of the nation quite literally as public drama.

Attacks and impunity

The developments sketched above have not taken place in a vacuum. Longstanding cultures of impunity nurtured across regimes (military and elected) as well as the systematic suppression of political dissent through legal provisions have produced the current conjuncture.

Freedom of expression is one of several casualties. Just this year, three atheist bloggers have been murdered in public. The most prominent, Avijit Roy, was hacked to death during the annual Boi Mela (a book fair held in February to honour Bengali 'language martyrs') in the presence of police who apparently felt little need to intervene. No-one has been arrested for the murder. A fourth blogger has been receiving regular death threats.

In April, during celebrations of the Bangla New Year near Dhaka University, several women and girls were systematically disrobed and assaulted in public, allegedly by ruling party cadres. As in the case of Avijit Roy, few bystanders intervened, presumably due to fear – or perhaps because violence is so easily rendered into spectacle.

Although CCTV footage captured the entire episode, it was only after massive mobilization that police eventually identified the suspects and put out a bounty for their arrest. Earlier, an Inspector General of Police, [AKM Shahidul Haque](#), had dismissed the event as young boys 'having fun'. A spate of rapes and gang rapes of working women have since been reported.

1 Arguably, such fears could have been allayed by the introduction of a constitutional provision whereby those convicted of having committed crimes against humanity in 1971 would not be eligible to seek presidential pardon in the future.

These incidents cannot be seen in isolation. One theory doing the rounds is that the New Year Day assaults were the handiwork of JI, part of a conspiracy to de-legitimize secular Bengali culture and discourage the presence of women in the public sphere. Certainly cultural practices such as attending the Boi Mela and celebrating the Bangla New Year are identified increasingly with Bengali secularity, and as forms of resistance to ‘creeping fundamentalism’.

Given the longstanding history of ruling party cadres eluding accountability, and the impunity with which sexual assaults (invariably on subaltern women’s bodies) take place, the spectre of Islamists lurking in the shadows seems misplaced, in this instance at least. The binary logic fits comfortably into sanctioned narratives but glosses over the administrative failures, regime complicities and vested interests that enable multiple cultures of impunity to flourish.

The government justifies its refusal to openly condemn these murders as a strategy to avoid inflaming further extremist rhetoric. Others read this silence, in conjunction with the climate of impunity, as license for further violence. The danger from a religiously motivated ‘lunatic fringe’ is very real, as the murders of Avijit Roy and his fellow bloggers make clear.

Nevertheless, laying the blame for all manner of political and sexual violence at the feet of ‘fundamentalism’ would be a mistake. The deployment of particular tropes and discourses – hyper-nationalist rhetoric, the threat of ‘Islamism’ or the need to protect ‘Muslim sentiments’, works as ideological cover for a host of other interests and asymmetries.

A chilling effect

It is worth recalling that it is the laws of the secular liberal state, many of them inherited from the colonial era and further refined, in conjunction with their rigid interpretation by the judiciary (as in Bergman’s contempt case), that allow for the current climate of fear and policing of speech.

Indeed, several years ago, it was the government that silenced bloggers, arresting four young men for their blog posts on the grounds that they ‘hurt the sentiments’ of the religious majority (the notion that an entire religious community’s sentiments could be hurt was institutionalized by the colonial state). The bloggers were prosecuted under newly introduced legislation, the Information and Communication Technology Act, which gives the state draconian powers over online content. As the legal limits of the unspeakable expand, fewer and fewer people are willing to risk speaking out.

On 10 June 2015, the ICT exonerated 22 of the 23 statement-makers. Noted freedom fighter Dr Zafrullah Chowdhury, who had come before the court once before on contempt charges and been exonerated, was found guilty of ‘habitual’ contempt, and awarded a symbolic sentence. While the exoneration of the 22 can be counted as a victory, the conviction of Dr Zafarullah clearly signals that the courts will not tolerate multiple incidents of open dissent.

What is at stake here, especially since everyone agrees the Tribunal must continue with its task? Getting to the ‘truth’ of the numbers or the ‘correct’ version of the 1971 story is not what this struggle is ultimately about. Certainly, it is essential that academics and other researchers are able to question and rethink received narratives in the course of their work. Indeed, it may well be that the number of those killed is more than 3 million.

Beyond that, however, it is urgent to attend to the processes through which hegemonic versions of history are produced, sustained and gain such emotive power; that is, to map the deep entanglements of knowledge, power and particular regimes of truth. What is at stake, then, is the ability to challenge the political determinations that fix the lines between that which can/must be said and that which must remain unspeakable.

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â€œUnspoken and Unspeakable One, Knight of Abyss, Overseer of the Eaten Worlds, praise and reverence unto your Chosen Bride. May she intercede for us.â€ Csorwe raised the cup and took a breath.â€ The Unspoken One drew back from her, like a wave falling back down the shore, leaving only a sheen of brightness where it had touched, and then nothing. She was herself again, on the dais, in the House of Silence, with the bitter aftertaste of lotus in her mouth. Her head swam, the cup fell from her fingers, and she fainted.

Harbinger Series: The Unspoken and the Unspeakable Oil on canvas 24"x40" April 2010. Image details. Image size. 600x1046px 637.09 KB. Make. Eastman kodak company. Model. [MORRISON] Unspeakable Things Unspoken. 133. knowledge from the apparatus of control, most notably those who are engaged in investigations of French and British colonialist literature, American slave narratives, and the delineation of the Afro-American literary tradition. Now that Afro-American artistic presence has been â€œdis-coveredâ€ actually to exist, now that serious scholarship has moved from silencing the witnesses and erasing their meaningful place in and contribution to American culture, it is no longer acceptable merely to imagine us and imagine for us. We have always been imagining An Unspeakable was a wizard or witch who worked in the Ministry of Magic's Department of Mysteries. Little is known about their workplace, and even less is known about their jobs. Employees of the Department of Mysteries were forbidden from discussing their jobs or disclosing any information about their department, hence the name "Unspeakable." " Ron heard those two Unspeakables complaining about it." JFK and the Unspeakable: Why He Died and Why It Matters is a book by theologian and Catholic Worker James W. Douglass (Orbis Books, 2008; Touchstone Books, an imprint of Simon & Schuster, 2010) that analyzes the presidency of John F. Kennedy as well as the events surrounding his assassination. The book is drawn from many sources, including the Warren Report. The book's central thesis is that Kennedy was a cold warrior who turned to peace-making, and that as a result he was killed by his own security