Statement of Concern regarding Tribunal's Contempt Judgment on David Bergman

We express our deep concern about the use of contempt of court law to curb freedom of expression and at the recent conviction and sentencing of journalist David Bergman by the International Crimes Tribunal 2 on charges of "contempt of court".

We state firmly and unequivocally that those responsible for committing genocide and other international crimes during the Liberation War must be prosecuted and punished. We also believe that the process of accountability should be above reproach, and that this can be best done through ensuring an open and transparent process of justice.

We are aware that in his blogs, posted most recently two years ago, Bergman cited figures from published research on deaths and other casualties during the 1971 Liberation War. These were sent to amongst others a senior Tribunal prosecutor, the Tribunal investigation agency as well as an Additional Attorney General and did not elicit an adverse reaction from any of them.

We firmly believe that it falls within any person's right to examine and comment on the differing historic narratives about the 1971 liberation war including the official ones and that all institutions including the judiciary should welcome a fair share of commentary and rigorous analysis. The number of killings carried out during the genocide by Pakistani forces and their collaborators, whether more or less, does not in any way diminish the truth that heinous and widespread war crimes were committed in 1971 - and, in any case, Bergman's articles in no way seek to do that.

It is in the nature of scholarly practice that all histories, including 1971, should be subject to scrutiny, review and continuous verification. Even more so in cases where legitimate researchers and historians widely differ.

We are also particularly concerned about the portrayal by the Tribunal of David Bergman who worked on an award winning film documenting 1971 war crimes which was used as key evidence in the Tribunal's own proceedings against Chowdhury Mueenuddin; and has written widely in support of the need for accountability and war crimes trials in relation to the liberation war.

We find the Tribunals' decision may have a stifling effect on freedom of expression with ramifications for journalists and other writers and hinder research and debate on the history of our War of Liberation. We also express our distress that no appeal is allowed against contempt orders of the court which undermines the very concept of due process and rule of law since
appeal against any conviction is an integral part of fundamental rights. The sentencing of David Bergman is nothing but a continuation of curbing of all forms of freedom of expression and differences of opinion about the International Crimes Tribunal.

We urge and appeal to the authorities concerned to reform the contempt of court law as it is a relic of our colonial past that undermines the very spirit of Bangladesh’s glorious war of national liberation.

1. Dr. Shahdeen Malik, Advocate, Supreme Court
2. Rasheda K. Choudhury, Development Practitioner, Former Adviser to the Caretaker Government
3. Dr. Ali Riaz, Professor and Chair, Department of Politics and Government, Illinois State University, USA
4. M. Hafizuddin Khan, Chairman, Shujon
5. Dr. Binayak Sen, Academic
6. Imtiaz Ahmed, Professor of International Relations, University of Dhaka
7. Shireen Huq, Women’s Rights Activist
8. Dr. Zafrullah Chowdhury, Health Activist
10. Dr. Badiul Alam Majumder, Secretary, Sushasoner Jonno Nagorik
11. Syeda Rizwana Hasan, Advocate, Supreme Court
12. Dr. Perween Hasan, Professor
13. Dr. C R Abrar, Professor of International Relations, Dhaka University and President, Odhikar
14. Dr. Firdous Azim, Academic
15. Dr. Amena Mohsin, Academic
16. Farida Akhter, Executive Director, Narigrantha Prabartana
17. Mohiuddin Ahmed, Publisher Emeritus
18. Dr. Faustina Pereira, Human Rights Advocate
19. Dr. Bina D’Costa, Peace and Conflict Specialist, Australian National University
20. Shaheen Akhter, Writer
21. Afsan Chowdhury, Researcher
22. Dr. Asif Nazrul, Academic and Political analyst
23. Rahnuma Ahmed, Writer
24. Dr. Shahidul Alam, Photographer
25. Leesa Gazi, Cultural Activist
26. Dr. Dina M. Siddiqi, Academic
27. Anu Muhammad, Professor of Economics, Jahangirnagar University
28. Lubna Marium, Cultural Activist
29. Elora Shehabuddin, Academic
30. Dr. Naila Zaman Khan, Professor and Head, Department of Pediatric Neuroscience, Bangladesh Institute of Child Health, Dhaka Shishu Hospital
31. Zakir Hossain, Human Rights Activist
32. Tahmima Anam, Writer
33. Arup Rahee, Singer, Writer and Activist
34. Muktasree Chakma Sathi, Activist
35. Dr. Zarina Nahar Kabir, Associate Professor, Karolinska Institute, Stockholm, Sweden
36. Md. Nur Khan Liton, Human rights activist
37. Dr. Samia Huq, Associate Professor, Department of Economics and Social Sciences, BRAC University
38. Dr. Shahnaz Huda, Academic
39. Shabnam Nadiya, Writer
40. Mahmud Rahman, Writer
41. Nasrin Siraj Annie, Anthropologist and film maker
42. Seuty Sabur, Academic
43. Anusheh Anadil, Founder of Jatra, singer/song writer and activist
44. Sarah Shehabuddin, Academic
45. Ilira Dewan, Writer and Activist
46. Tibra Ali, Editor at Alal O Dulal and Fellow at Perimeter Institute for Theoretical Physics
47. Delwar Hussain, Anthropologist, University of Edinburgh
48. Masud Khan, Consultant
49. Rezaur Rahman, Activist
50. Ziaur Rahman, Advocate
51. Lutfus Sayeed, Professor, San Francisco State University
52. Hana Shams Ahmed, Writer and Activist