

# INDIA OPENS WAY FOR DACCA TRIALS

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## Will Turn Over Prisoners in 'Prima Facie Cases' of Pakistani War Crimes

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Special to The New York Times

**DACCA, Bangladesh, March 17** — The Indian Government said tonight that all Pakistani military prisoners against whom Bangladesh presents "prima facie cases" of atrocities and similar crimes would be turned over to the Bangladesh Government for war-crimes trials.

This statement—the furthest the Indians have gone to satisfy Dacca on one of the thorniest issues on the subcontinent — was made by an Indian spokesman as Prime Minister Indira Gandhi began her first visit to the new Bengali nation that she helped create.

The spokesman, at a briefing for newsmen, said that the Bangladesh Government was still "collecting data" and that he

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would not speculate on how many in the Pakistani military might be tried. But he said that India would accept Bangladesh's judgment on what constituted a prima facie case and would turn over those Pakistanis so charged.

The spokesman said that India was satisfied that the Bangladesh Government was gathering evidence "according to a legal and objective examination of the crimes," and added, "This is going to be a very proper legal process which will culminate in fair trials."

Up to now the Indian Government would say only that it would give due consideration to requests by Bangladesh for handing over Pakistani troops for war-crimes trials.

The problem is complicated. India is holding over 90,000 Pakistani prisoners, members of the military force that last year sought to crush the autonomy movement in East Pakistan, now Bangladesh, and that surrendered to the victorious Indian Army in the two-week war in December.

Technically, the Pakistanis surrendered to a joint command of the Indian Army and the Mukti Bahini, the Bengali guerrilla force fighting for independence. Therefore India and Bangladesh must agree on

disposition of the prisoners before India can begin broad peace negotiations with Pakistan on prisoner repatriation and other issues.

The Indians have scrupulously observed the Geneva convention in their treatment of the prisoners, and Mrs. Gandhi's Government wants to insure that any war-crimes trials will stand international scrutiny.

The Indians are also concerned that war-crimes trials, by angering the Pakistani Government, might delay a final peace settlement—which New Delhi is eager to reach.

## Retribution Demanded

On the other hand, the Pakistani troops and their collaborators, by conservative estimates, killed hundreds of thousands of Bengalis during the nine months of military operations, and the public's demand for retribution is still strong. The Bangladesh Government, led by the Prime Minister, Sheik Mujibur Rahman, feels that it must satisfy this passion with something more than trials of local collaborators.

Some observers, including Bengalis, wondered whether the Indian spokesman, in indicating broad willingness to turn over prisoners for trials, had not gone beyond his Government's position.

The prisoner issue, perhaps

the only one on which the two extremely friendly countries have any significant differences at this point, was one of the subjects taken up today at the start of talks between Mrs. Gandhi and Sheik Mujib and their closest advisers.

Mrs. Gandhi, whose two-day visit will conclude Sunday, is a hero in Bangladesh and was welcomed as such. But the euphoria of independence has faded somewhat, for the 75 million people of this battered new nation have faced difficult times.

This probably explains why the welcome for Mrs. Gandhi, though extremely warm, was something less than tumultuous by Bengali standards. The crowd at the airport to greet her plane was not only small but relatively quiet, offering only slight applause as she emerged.

The big event of the day, a public meeting at the Race Course parade grounds, drew a few hundred thousand, perhaps half a million. But the Government had predicted two million, having declared the day a holiday—it was also Sheik Mujib's 52d birthday.

The throng, subdued for a gathering of the emotional Bengalis, cheered infrequently during speeches by Sheik Mujib and Mrs. Gandhi. Both had two main themes: mutual admiration and mutual condemnation of "outside interference" on the subcontinent.