

SOUTH ASIANS FOR HUMAN RIGHTS (SAHR) NEWSLETTER

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War on Terror Hits Human Rights

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Truth is said to be the first casualty of war. Human rights are the other. This is clearly in evidence in the war on terror being waged in Pakistan for the past several years. Since 2003 when the conflict acquired an intensity of its own, over 8,000 people have lost their lives. And these are rough estimates.

What is more disturbing is that the war in which Pakistan is engaged is not a conventional war between the armies of two states in which the fighting forces are clearly defined. The war in Pakistan's northern regions is more complex because it is a fight between the security forces of the country and non-state actors. These were at one time created and nurtured by Pakistan's intelligence agencies. The tables have now been turned in the wake of 9/11 giving rise to contradictions that have blurred the war scene.

What began as a strike against the al Qaeda under American pressure is now also targeting the Taliban under whose wings are militants of all hues. Religion provides them the ideological cover they need. They constitute an enemy that is not easily identifiable as it is drawn mainly from the local population. Some foreign fighters are known to be hiding in Waziristan

but they are sheltered by their hosts and have put up a stiff resistance.

The war has acquired its present dimension since 2004 when hostilities intensified in the Federally Administered Tribal Areas (Fata) that border Afghanistan. This region has been perpetually in a state of turmoil for the last five years with hostilities being punctuated with peace deals that have brought short periods of fragile truce. Meanwhile the theatre of war has also expanded to the so-called settled areas.

Since April 2009 the Pakistan Army has thrown its full might against the militants in what it claims is to be a fight to the finish. What provoked this response was the refusal of the Taliban to observe the rules of the game as laid down by the army, respect commitments made under peace deals and their ruthless style of asserting their power that embarrassed the Pakistan government. They began by torching and bombing schools and video shops. Stringent laws were announced that forbade men from shaving and women from leaving their homes. Anyone defying these instructions or suspected of being a collaborator could end up as a victim of the Taliban style of brutal justice. Decapitated corpses hanging from trees became a common sight and the town square in Mingora (Swat) was renamed "Khooni Chowk" (Bloody Square). And all this came after the government had entered into a deal with the Taliban to impose the Nizam-i-Adl (Islamic system of justice) on the demand of the militants.

The proverbial last straw came when a teenaged girl was flogged in a public square and the video televised on the electronic media in April. The outrage was enough to stir the army into action as it was then assured of public support for its operation. It took two months to clear Swat and the surrounding districts of Malakand.

Then came a pause. But the Taliban had not been decimated. They continued to make their ugly presence

felt through their deadly terror tactic of suicide bombing in public places in major cities to terrorise people and create panic to destabilise the state and society. When they attacked the Army headquarters in Rawalpindi in October, its response of enough is enough led to retaliation a week later. Fata came under attack and the offensive is still under way at the time of writing.

This is a classic example of the changing nature of war and its socio-political and economic implications for the country. When governments begin to link their clandestine foreign and domestic policy goals to their military strategy and the use of force, one cannot anticipate the human rights implications of their action. For instance, they engage militants to fight their wars by proxy in covert operations and thus absolve themselves of many of the responsibilities that states must shoulder when they are formally at war.

In normal times too, Pakistan's human rights record has not been ideal. And these are not normal times and the changed nature of warfare has resulted in gross violations caused by the way hostilities have been conducted. Violence has become endemic and for a nation whose constitution guarantees its citizens the right to security of person, it is ironical that bomb blasts should have become a way of life. In recent weeks, bomb explosions (conducted mostly by suicide bombers) in crowded places have become practically a daily occurrence. According to government sources, 3,000 people have lost their lives in bombing incidents in the last two years.



There is also the problem of homelessness. Millions – 2.3 million in Malakand alone — have been forced to flee their homes as civilians were ordered to evacuate from the war affected areas to minimise the loss of human lives. The government has sought to mobilise resources at home and abroad to provide the Internally Displaced Persons shelter, food,

medicines and relief. Funds have been raised but less than half of the foreign aid that has been pledged — \$542 million by one count — has actually been disbursed, affecting the quality of the relief operations. Besides it is impossible to compensate a person for the trauma of homelessness and economic disruption. Losses suffered have been tremendous. In Swat the IDPs began returning home in July but normality has still to return fully. And it is unlikely that life will ever be the same as it was before the Taliban struck. Moreover, fear still prevails that the nightmare of the summer of 2009 is lurking round the corner. After all, the wider socio-economic and political climate all over the country remains unchanged. Until early September only 1.65 million IDPs had returned home.

A new front for IDPs was opened in Fata where the operation began in October. One third of Fata's 3.5 million people have been displaced. They have been housed in camps in Dera Ismail Khan and Tank in the Frontier province.

The war has also taken its toll in the education sector which has, even under normal circumstances, remained neglected in Pakistan. Why should children be deprived of this right when armies are at war? According to UNICEF, 550 schools were destroyed/damaged in Swat and Fata. Even before the army stepped in to check the attacks, girls in Swat had stopped going to school as threats from the Taliban against female education had instilled fear among families. In October, the mounting bomb incidents and the Taliban attack on the Islamic International University in Islamabad led to a virtual shut-down of education institutions all over the country. Schools, colleges and universities were ordered to beef up security in accordance with guidelines provided by the authorities. Even now the picture is not clear. Some schools are still not functioning.

The most serious violation of human rights has come in the war zones but there is no way of establishing its extent and gravity. What causes concern is that a traumatised population in a highly polarized environment is vulnerable to violence from both sides. It is therefore unlikely to raise its voice against aberrations that it is privy to. The danger is that these may never get reported. In this context the efforts of the Human Rights Commission of Pakistan are greatly appreciated. It has continued to courageously play a role in bringing to public notice human rights violations when they are suspected to be taking place.

The killings first began with the Taliban going on the warpath. The number of people who died at their hand is not known. When the army entered the scene and

war broke out, the lines between the fighters and the civilians became blurred. As a result there is no way of determining how many civilians have been killed in this conflict. The Taliban's attire is like that of any other inhabitant of the region where the war is taking place. The Inter-Services Public Relations spokesman releases figures for the casualties every day. He speaks of the number of "security personnel martyred" and the militants killed. It is unbelievable that there are no civilian casualties. They are obviously lumped with the militants.

Doubts were cast on this score when the HRCP sent a fact finding mission to Swat in August where two mass graves were discovered. Besides 102 bodies were also found that were suspected of being victims of extra-judicial killings. The Army promptly denied having a hand in this business and it was difficult to ascertain who was responsible for the crime. With hatred and fear running high and the administration's authority at a low ebb, it has become easy for people to settle old scores.

But the government cannot absolve itself of the responsibility of observing its obligations under international law. Even though the Taliban have shown no respect for humanity, the government cannot on that plea brazenly defy humanitarian law. It is a signatory to the Geneva Conventions and numerous human rights instruments. With independent bodies such as the ICRC, aid organizations and the media denied access to the conflict zones there is absolutely no way of ascertaining the authenticity of the claims made by the government. The HRCP's demand that the government should set up a transparent mechanism to monitor the violence therefore makes sense and should be considered favourably.



Programmes and Activities

SAHR Strategic Planning and Evaluation Meeting

The three day workshop held in Colombo, Sri Lanka was attended by key SAHR Bureau members, former Bureau members, management staff, and SAHR members. The workshop commenced with a discussion of the findings and recommendations of the evaluation, and was followed by an in-depth analysis of the internal and external context in which SAHR operates. Key result areas and feasible outcomes were identified, and a detailed analysis of the organisation's stakeholders was carried out through group sessions.

The selection of the key programme areas was based on an in-depth context analysis of the situation prevailing in the South Asian region. Originating from the vision, goal and purpose and building on its past experience and activities such as governance, torture, minority rights, displacement etc. SAHR has identified three key programme areas.

1. State, Democracy and Citizen's Participation
2. Impunity and Conflict
3. Displacement

Workshop on Right to Transparent Governance

The event brought together experts and practitioners of freedom of information laws and other civil rights activists from the countries of the region on the issue of right to transparent governance in order to learn from each other's experience and develop a minimum common regional agenda and set of standards in light of the regional and local needs, international experience and best practices, and international instruments such as the SAARC Social Charter of 2004.

Experts on the matter of transparency in the judiciary, executive, and parliament came together at the consultation to discuss and debate on the draft guidelines which were prepared earlier. After engaging in constructive and informative discussions, guidelines on transparency in the Parliament were decided on and drawn up. The guidelines on parliament are due to be published by the end of this year.



Human Rights Mainstreaming Workshop – Maldives

By request of the Human Rights Ambassador for Maldives Mohammed Latheef, SAHR conducted a workshop with government, parliament and civil society stakeholders to identify the needs and priorities for the protection and promotion of human rights in the Maldives.

The workshop was conducted on the 26th and 27th of May 2009 with the purpose of outlining an implementation strategy for the Maldives National Human Rights Mainstreaming project. The consultation sought to assess the provisions and deficiencies in human rights protection and promotion in the Maldives, as well as the objectives and indicators for any interventions through an exercise with key stakeholders. The consultation focused on three main areas – Political Conduct; Governance and the Legal System; Awareness; and Institutional Capacity

Fact Finding on the Use of Religion by the Majority

The Fact finding was taken up by Bangladesh, India, Nepal, Pakistan, and Sri Lanka in order to consider how discrimination, hatred and violence against minority religious groups is created through the use of educational texts, curricula, different education media (religious schools), education and employment policies, and other policies and programs, and how these lead to militancy and violence. Work done in the different countries has examined the varied factors that have increased the polarization of the minorities at a societal level and how state policies and laws have augmented the unequal treatment of the minorities and increased hatred towards them. The national reports have been completed, and are in the process of being assessed and condensed to form a more concise regional document.

Lawyer Training Programme – Afghanistan

SAHR and the Afghan Peace and Democracy Act (APDA) organized and conducted a three-day training programme starting from the 11th of July for the lawyers of the Independent Bar Association of Afghanistan and human rights activists from Afghan civil society organizations. The Afghan Organization for Human rights & Environmental Protection (AOHREP) also collaborated in the organization of the training. A total of 35 participants including 6 participants from provinces actively participated as trainees and trainers during the three day workshop.



Regional Fact Finding on Custodial Torture in South Asia

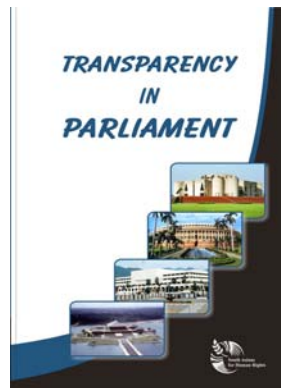
The fact finding on Custodial Torture came at a crucial time in South Asia, with the increase in militarization and the presence of draconian anti terror laws which encourage impunity and provide armed forces with broad powers. National studies were conducted in Afghanistan, Bangladesh, India Nepal, Pakistan, and Sri Lanka, and covered the incidence of custodial torture by law enforcement agencies and the report prepared will be published in 2010.

Publications in 2009

Fact Finding on the IDP's in Baluchistan



Transparency in Parliament



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