

India Pakistan Arms Race and Militarisation Watch

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1.

EMINENT JURISTS BEGIN PROBE INTO COUNTER-TERRORISM LAWS IN SOUTH ASIA

26 February 2007

The Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights is holding public hearings in New Delhi on 27-28 February to assess the responses of South Asian countries to acts of terrorism and their impact on human rights.

The Panel will be represented by its Chair, Justice Arthur Chaskalson, former Chief Justice and first President of South Africa's Constitutional Court and Professor Vitit Muntarbhorn, leading human rights advocate and Professor of Law in Bangkok, who is currently United Nations' expert on human rights in North Korea. The hearing will be co-organized by the Institute of Social Sciences (ISS) and the International Commission of Jurists (ICJ).

"South Asia has lived through serious terrorist threats, both past and present. In response, countries have resorted to extraordinary laws, many of which have raised considerable concerns as to their impact on human rights and the rule of law", said Justice Chaskalson. "In times when the world is struggling to find a

measured response to terrorism we want to hear about the experiences and the lessons to be learnt from South Asia.”

The public hearing is part of a global inquiry by the Panel. It is the eleventh in a series of hearings held around the world by the Panel, a high-level and independent group appointed by the ICJ in October 2005. The Panel will issue a global report in autumn 2007.

“States have a duty to protect their citizens but must do so within and not outside the rule of law”, said Professor Muntarbhorn. “We came here to listen to a wide range of perspectives reflecting both the demands of security and the need to protect human rights.”

In two days of public hearings at the Ashok Hotel, the Panel will hear testimonies from present and former state officials, leading lawyers, senior retired judges, journalists, and national and international civil society organisations. Participants are coming from India, Nepal, Sri Lanka, Bangladesh, and the Maldives. The Panel will subsequently travel to Pakistan to complete its study on South Asia.

Justice J.S. Verma, former Chief Justice of India and former Chairperson of the National Human Rights Commission will speak in the opening session of the hearing. Following the hearing, the Panel members will hold private meetings with senior government representatives in New Delhi, including the Minister for Home Affairs.

On Friday 2 March 2007 at 12.00, the Panel will hold a press conference at the Press Club of India to share its conclusions with the media. Individual members of the Panel will be available for interviews upon request.

Background

The Panel is composed of eight judges, lawyers and academics from all regions of the world. It exercises its mandate independently, with the logistical support of the ICJ Secretariat and its network of organizations. Justice Arthur Chaskalson, former Chief Justice and first President of the Constitutional Court of South Africa, chairs the Panel.

The other members are Hina Jilani (Pakistan), a lawyer before the Supreme Court of Pakistan and the UN Secretary General’s Special Representative on Human Rights Defenders; Mary Robinson, now Head of the Ethical Globalization Initiative, and former UN High Commissioner for Human Rights and former President of Ireland; Stefan Trechsel (Switzerland), former President of the European Commission on Human Rights, and judge at the International Criminal Tribunal for the former Yugoslavia; Georges Abi-Saab (Egypt), former Judge at the International Criminal Tribunals for the former Yugoslavia and for Rwanda; Robert K. Goldman (United States), Professor of Law at American University’s

Washington College of Law, a former President of the Inter-American Commission on Human Rights and former UN expert on counter-terrorism and human rights; and Justice E. Raúl Zaffaroni (Argentina), a judge at the Supreme Court of Argentina.

The Panel has held hearings in Australia, Colombia, East Africa (Kenya, Tanzania and Uganda), the United Kingdom (in London on current counter-terrorism policies and in Belfast on lessons from the past), North Africa (Algeria, Morocco and Tunisia), the United States, the Southern Cone (Argentina, Brazil, Chile, Paraguay and Uruguay), South-East Asia (Indonesia, Malaysia, the Philippines and Thailand) and the Russian Federation. Other countries or regions where the Panel will also hold hearings include Pakistan, Canada, the Middle East and Europe. The final report of the Panel is expected to be published in autumn 2007.

For further information on the public hearing and to arrange interviews with the Panel, please contact:

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2.

www.sacw.net - March 3, 2007

SO-CALLED ANTI-TERRORIST LAWS ARE TOOLS OF STATE
TERRORISM

(Submission for South Asia Sub-Regional Hearing in New Delhi, New
Delhi, 27-28 February 2007)

by Rohit Prajapati

FULL TEXT OF THIS PAPER IS AVAILABLE AT:
<http://www.sacw.net/hrights/rohitICJFeb2007.pdf>

The News International
February 20, 2007

MILITARISATION OF POLITICS
by Afiya Shehrbano

If there is one thing we can be sure about in the anticipated national elections, it is that they will have no relevance to politics. Traditionally, politics is about devising policy and strategies for governing the affairs of the state; elections are merely the process or method of empowering some from amongst us to represent and graft our concerns with regard to these policies. However, what can we expect from a process and method that are both loaded against those who live on the fringes, far away from central command and irrelevant to the powerbrokers?

One of the effects of the militarisation of politics is the embedding of the idea that in fact there are two species of civilians. There are the political civilians who are corrupt, inept and unpatriotic, or the unsuspecting civilian who is irresponsible, uneducated, undisciplined. Blaming the civilian has been a favourite game in our military-politico establishment and it has become institutionalised precisely because we have allowed ourselves to fall into this trap, in varying ways.

Stereotyping and distortion have led us to devalue ourselves and each other as the undeserving, the villains or victims that do not deserve to be empowered or at the very least, need to be democratised. Like any other form of oppression, this has become institutionalised so that we believe that we are incapable of running our own corporations, real estate, cricket or hockey teams, even universities and foreign policy.

The second effect of systematising military politics is that it convinces us to adopt and adapt to its ideology and accept the chain of command or hierarchy that is vital to its operations. Thus, power is not shared or collective, but at best, distributed or dispensed from the centre. It is easy to despise those who reap the rewards off collaboration by ingratiating themselves to those privileged enough to command the centre but the opportunists face a true dilemma.

They cannot attack the system that has been so good to them but to keep their legitimacy as political 'representatives' they have to appease their voters too. Thus they turn on themselves, shift their allegiances and become part of the blame game. This puts them in a unique, if peripheral privileged position and allows them to bask in the rays emanating from the centre while still feeling self-righteous in the final analysis. It is a brilliant compromise.

This also explains the third and most devastating effects of institutionalised military politics. It is not just that elections which are not party-based or where party leaders cannot participate are drained of their true meaning. Rather it is the more insidious effects of a political process that conveniently makes a central issue dominate over all else and renders deeper, fundamental concerns invisible.

It may be argued that in democratic states this applies equally, whereby 'terrorism' became the rallying call for states to ride their election campaigns on and arguably, led them to victory. The difference is however, that within those systems, there are self-regulatory mechanisms that enable the dismantling of such myths. How can we depend on systems that are not independent of the military nor therefore, self-regulatory and a justice system that does not apply to the institution in power?

As a part of these structural issues, there is the very serious concern of the political economy of the military on which academic research is being pursued at this time. However, the effect on civilian politics is more than that. It allows the few political actors left in the game to divert attention and render crucial issues invisible. For example, class as a concept has dropped off all political agenda.

The success of the neo-liberal order in conjunction with political parties gravitating simultaneously to the centre has been that no one talks about class oppression, class privilege or the class nature of society. It is much more opportune for economists and politicians to encourage the working classes to identify with their employer, industry or occupation rather than with each other.

Class has also been stripped from popular culture and replaced by poverty with economists pursuing an agenda to alleviate the underprivileged through aggressive liberalisation. At the same time, social commentators and liberal politicians speak about a pro-poor agenda rather than suggestions of exploitation and cause of conflict. Both obscure the class structure and deny class exploitation (or at best attribute it to feudalism and feudal 'mentality'). More importantly, they refute the causal relationship of extreme poverty as an outcome of economic policies and, extreme affluence.

A new vision of democratic norms and values needs to be worked out which challenges exploitative and oppressive institutions but also those structures that prevent equal participation and representation at ground levels. Women and minorities have gained liberal currency in the post 9/11 world but as long as class remains unfashionable amongst our leaders and politicians, we can expect power to re-assert itself in all sorts of ugly ways, which will undermine democracy while a 'free market' ravages the people and our communities.

The writer is a sociologist based in Karachi. She has a background in women's studies and has authored and edited several books on women's issues

4.

Deccan Herald
14 February 2007

WAR IN AFGHANISTAN AND PAKISTAN
by MB Naqvi

On Pakistan's western front, war in Afghanistan, may be about to take a fateful turn. Despite Pakistan's objections, the Nato and American officials still assert that Taliban are using Pakistan as a sanctuary from where to mount attacks on western and Afghan targets. So the Nato's American commanders are asserting the right to hit the Taliban inside Pakistan. Think a little and it is the right of hot pursuit.

Where would this line of thought lead is an urgent question. The US is single-minded in fighting what it calls Islamofascist - and Taliban fall into this category who are likely to mount a stronger military push in spring. That has concentrated every body's minds. War in Afghanistan seems steadily to be coming to Pakistan.

Pakistanis think that Taliban cannot be defeated by Nato and America. The more they are killed, the more new Taliban there are. Additionally, Taliban are also a factor in Pakistan's politics. Indeed, they are emerging as a state within the state in Federally Administered Tribal Areas in NWFP and over parts of Balochistan. The rest of the NWFP and two Punjab districts adjoining NWFP are also under their influence where Taliban attacks have been on Pakistan's military or paramilitary targets. There is some fatalism around.

Pakistan has been assiduously recommending a patch between the Americans and Taliban. The idea was tentatively accepted and Karzai made some ineffectual gestures. But now it seems that the US has rejected this approach and seems to hold that Pakistan's Sept 5 like agreement with effectively Taliban has been counterproductive. Ego, Taliban have to be hunted down wherever found.

War in Afghanistan is about the future of Afghanistan. For outsiders Pakistan's intentions are not focused on a purely military victory over Taliban. Islamabad is perceived by the US and Afghans as being half hearted in this war on Islamic extremists and Taliban. It regards Taliban as a force that should be utilized by the Americans and the Nato who should make a deal with them. Pakistan does not publicly advocate this course of action, though behind the scenes it has always persuaded the Americans and the British to start negotiating with Taliban.

The Americans had hitherto seemed double minded: they listened to Pakistan and half-heartedly gave assent to September 5 agreement. But now they want Taliban to be eliminated altogether even from Pakistan, in fact more importantly from Pakistan than even Afghanistan.

The war is surely going nowhere; it is more or less a stalemate that is likely to persist because Taliban are not a regular army and do not fight pitched battles and are not concerned with controlling areas. They act as guerrilla fighters, if also attracted by money. As things stand, the place where the danger is larger is Pakistan, not Afghanistan. Afghanistan was the area over which anarchy, in the shape of warlords and district commanders, ruled and this anarchy substantially survives and looks likely to stay. The Taliban hope that the Americans will ultimately throw in the towel and so will Nato's ISAF forces. Who will inherit Afghanistan is the question? While the Americans seem to worry about what will happen to Pakistan, a nuclear state where the nuclear weapons can certainly fall into Islamic extremists hands, in one way or another.

Which is the reason that a succession of western dignitaries continues to arrive. February 13 saw Robert Gates, the US War Secretary, and Nato's top commanders in Islamabad came a day later to discuss the Afghanistan war and situation in parts of Pakistan. They want to cooperate more closely with this country the better to eliminate the threat from all Islamic militants. What precisely do they want is not clear? Possibilities include right of hot pursuit or Pakistan being persuaded to make another U turn and permit joint Nato-Pakistan operation on both sides of the Durand Line. It is scary.

What Robert Gates said in public was that America has promised continued alliance with Pakistan into an indefinite future. This could only be an assurance to those Pakistanis who have been complaining that Americans utilize their services and then ignore them. Which means they give aid for specific purposes and then stop it. The promise concretely amounts to continued military aid which (Army) is the one institution the Americans rely upon and have always supported. But why this assurance is necessitated now? It is because of a required greater Pakistan role in the Afghan war.

Nato commander and their political commissars have been discussing just these things in Islamabad. Among them the right to fire at Pakistani targets inside Pakistan, if they can find it and cannot wait for the long procedure of obtaining Pakistan's permission first.

It does not seem as if the west is more worried about Afghanistan. As Gates asserted the US will be around ^ in Afghanistan - for a long time; that means the GIs can hold the fort in that mountainous country. It is being feared that America to be more worried that Pakistan should accept the right of the Nato forces to fight the Taliban inside Pakistan territory. If so, it cannot remain confined to just this. This argument leads directly to the right of hot pursuit. What the Americans

seem to be assuring Pakistan that we are there to protect the interests of the military regime but it should permit Nato to operate in side Pakistan also. This interpretation is however a possibility not a certainty.

5.

The News on Sunday
21 January 2007

weapons

ARMS BAZAAR:
SOURCES OF ILLEGAL WEAPONS ARE ALL TOO WELL KNOWN TO
NEED INVESTIGATION

by Rahimullah Yusufzai

Pakistan is awash with weapons, both legal and illegal. Thanks to the lucrative gun-running business, there has never been a shortage of arms in the country but the Afghan conflict, which was triggered by the communist Saur Revolution in April 1978 and is still continuing after many twists and turns, was the single largest factor for the proliferation of weapons of every description in both urban and rural areas. The problem is definitely acute in the NWFP, the Federally Administered Tribal Areas (Fata) and Balochistan, all of which border Afghanistan, though other provinces haven't escaped from the fallout of the Afghan war.

First the former USSR, and later the US and its Cold War allies in the West and in the Arab world and South Asia, introduced the most lethal weapons into Afghanistan. The AK-47 (Kalashnikov) assault rifle was initially manufactured in the Soviet Union but its copies were made in several other countries. To counter Moscow's accusations that the US and countries allied to it were sending arms for the Afghan mujahideen, the AK-47s made in Egypt, China and Czechoslovakia were bought in bulk and smuggled into Afghanistan. These Kalashnikovs were inferior in quality to the real ones made in Russia, but the strategy helped bring down prices and enabled the US, at least for some time, to deny the allegation by Moscow that arms from stockpiles in Pakistan were being sent to Afghanistan to equip the Afghan mujahideen. It is another matter that this secret was out soon and the Pakistan Army conceded the futility of the exercise by allowing a former Inter-Services Intelligence (ISI) operative Brigadier Mohammad Yousaf to write a tell-all book. It revealed the story of CIA and ISI-sponsored assistance given to the Afghan mujahideen to fight the Khalq-Parcham-led communist regime in Kabul and the Red Army that was deployed

for 10 years in Afghanistan to save the crumbling governments led one after the other by Babrak Karmal and Dr Najibullah.

The Kalashnikov in due course of time became the symbol of status and pride. It was the only automatic and sophisticated weapon that made its way into the Pakistani markets, as well as conscience. It gave its name to the term 'Kalashnikov culture,' which was used to describe the influx of illicit arms into Pakistan. The Kalashnikov retained its pride of place even though bigger and more lethal weapons such as the Russian-made Dachaka and Zikoyak machineguns subsequently reached the arms markets in our tribal areas, collectively known as Fata. The 32-bore TT pistols and advanced versions of the AK-47 known as Kalakov and Karankov also debuted in the tribal borderlands and gradually became available in settled areas of NWFP and beyond. The RPG-7 rockets and rocket-launchers of different description too were sold and bought by the resourceful and discerning sellers and buyers.

During the height of the Afghan war in the 1980s and 1990s, there were reports that the shoulder-fired anti-aircraft missiles including the US-made Stinger and the low-quality British-manufactured Blowpipe were up for sale in Fata for the right price. Alarmed that the Stinger missiles could fall into the hands of their Iranian foes and also terrorists and criminals, the Americans later launched a CIA-funded buy-back programme but it didn't achieve much despite offering huge amount of dollars to anyone willing to sell their Stingers.

Apart from the modern and sophisticated weapons that entered Pakistan from war-ravaged Afghanistan, there were always arms markets in Fata catering to the needs of local buyers. The gun-manufacturing bazaar in Darra Adamkhel is almost 110 years old. Then there are arms bazaars, where manufacturing, assembling and repairs take place along with weapons' sales, in Nawagai in Bajaur Agency and a few other places in Fata. There is even a small arms market, along with repair shops, in Sakhakot in the provincially administered tribal area (Pata) of Malakand Agency.

Buyers are able to purchase unlicensed arms from these markets or they manage licenses and then place orders for a particular weapons made in Darra. The copies that the skilled gun-makers of Darra produce are clever replicas of famous Western guns and pistols. They look like weapons made in Spain and Italy but are priced much less and are of inferior quality. In the past, plans were made to modernize gun-making at Darra by imparting technological skills to gun-makers in the Pakistan Ordnance Factories in Wah and introduce manufacturing of export-quality sports guns for Western markets there but nothing materialised. Now federal minister Jehangir Tareen has come up with a new initiative on almost the same lines for the benefit of Darra's gun-makers and one would have to wait and see its results.

The Afghan mujahideen in the early days of their 'jihad' bought some of their arms from Darra and elsewhere in Fata. Later, the flow of arms was reversed and Darra started getting automatic and sophisticated weapons from Afghanistan for sale and repairs. The arms were also supplied to buyers and middlemen from downcountry, as far as Karachi and to place in interior Sindh and Punjab. Some arms to Sindh and Punjab came from Balochistan, which was the first stop for gun-runners smuggling weapons from southwestern Afghanistan. As the demand for modern and better quality arms rose, the suppliers and smugglers were prompted to look for new sources of supply and routes to ply the trade. There was so much money to be made in the business that members of law-enforcement agencies also became involved in gun-running. That explains the ease with which arms are smuggled all the way from Pakistan's western borders with Afghanistan down to Karachi in the south. Smugglers, whether of guns or drugs, and other criminals are in many instances better armed than the cops and are thus feared.

Past governments have made half-hearted efforts to seize illicit arms or regularize the sale of weapons. One such attempt was made by the Nawaz Sharif government but it ended in a dismal failure. A major hurdle in making a success of such projects is the inability of our rulers to ensure the rule of law and to refuse exemptions to the privileged few. Granting licenses of prohibited bore weapons to the resourceful people and allowing the rich and the powerful to procure as many arms as they want invariably set bad precedents and prompt others to gain similar privileges by offering bribes to those who matter. Maintaining law and order in such a situation is a challenging task, more so on account of the political interference that is a fact of life in Pakistan and is known to impede and affect police work.

Pakistan is presently confronted with insurgencies in two areas -- Waziristan and Balochistan -- and the Islamic militants and Baloch nationalists fighting the military there use all kinds of weapons, from missiles to landmines. The armed forces employ gunship helicopters and long-range artillery in this battle. Whatever the outcome of these insurgencies, one thing is certain. Some of these dangerous weapons, in due course of time, would reach relatively peaceful parts of Pakistan and become available to those desirous of seeking more lethal arms. The end-result would be worsening of the law and order situation.

6.

Rediff.com
February 24, 2007

GUNS FOR PLEASURE, ANYONE?
by Aabhas Sharma

On a recent visit to Munger, a small town in Bihar, my cabbie, speaking in a thick Bihari accent, decided to play guide, "Munger has one of the biggest gun factories in India, and guns are easily available here," he pointed out matter-of-factly.

But forget Munger, what about the rest of the country? If one has to buy a licensed firearm, what are the choices and what are the prices? While a majority of arms dealers are tightlipped about the subject, there are a few who are more willing to divulge information.

Shyam Sodhi, owner of Delhi Arms and Armoury, feels, "It is a floundering business which has suffered a lot in the last 10 years or so."

Sixty-year-old Sodhi, who has been running his shop since 1966, admits that there are months when he doesn't sell a single weapon and other times when he sells four-five of them. "The most popular weapons these days are revolvers and shotguns."

But since import of weapons was stopped almost two decades back, the guns in his shops keep doing the rounds. "We have old guns and sometimes people even leave weapons with us, after the owner has died, for safe custody," he says.

Sodhi's shop houses everything from the weapon world including revolvers like Beretta, Walther and Smith, Browning (these are imported), to rifles and shot guns. The business, however, faces a massive lull.

Shabbir Bandoowala, proprietor of India Arms in Mumbai's Crawford Market, feels that most people who buy guns these days, buy them for reasons of security.

He bemoans the strict rules and regulations that govern the procurement of weapons. "There was a time when we used to have frequent visitors looking for hunting rifles, but these days we only manage to sell shotguns and revolvers." The import of guns, he informs, was prohibited by the Indian government almost two decades back, in 1986.

But still, these imported weapons cost quite a bit so although people are left with a choice of only old weapons, the supply is scarce. An imported Beretta .32 revolver, for instance, will cost around Rs 300,000 and a Browning .32 would be Rs 280,000.

On the other hand, the ones available from the Indian Ordnance Factory will come for Rs 70,000 or so.

Similarly, a pump action shot gun would cost Rs 30,000 from the IOF and if you want an imported one, then it would cost Rs 200,000. A .315 rifle from the IOF will cost around Rs 40,000 while an imported one can be yours to shoot at around Rs 250,000.

Among imported revolvers and pistols, Smith and Wesson, Walthers and Brownings are still the preferred choice for most. Apart from revolvers, there are pistols available too, but most people don't usually opt for them. A .22 Beretta pistol, which Sodhi terms a "ladies' weapon", costs around Rs 150,000.

It is not only in big cities like Delhi or Mumbai where dealers are finding it tough to sustain business. Smaller cities like Bhopal, which was once considered a hunting ground for licenced firearms, has seen business dwindle steadily over the years.

"The nawabs and those from royal families who required guns for hunting purposes would purchase their guns here. But now we don't manage to sell guns for months together," says a licensed arms dealer in Bhopal.

For the record, it's the same story in towns like Kanpur and Meerut, once considered favourite spots for buying arms and ammunition.

The only way gun shop dealers can now deal in imported weapons is to wait for professional shooters to sell their guns. That makes sense because renowned shooters are still permitted to import guns and ammunition from abroad. Sodhi says that one of the biggest global markets in this sphere is Italy.

It is not guns alone, because getting ammo is as difficult a task. The cartridges are available at IOF but that, say experts, can prove an arduous task. A bullet for a pump action shot gun costs around Rs 40.

But where is the market for arms and ammunition, given that hunting is banned?

Experts say that guns, rifles and shotguns are usually procured by banks and security agencies for their professional duties.

And even as Indian guns of reasonable quality are being manufactured in places like Munger, Jammu, Kanrut district in Assam, Kolkata, Kanpur, and Jabalpur, it is imported firearms that people still desire. So who says a gun can't be for keeps?

Getting a licence

Getting a gun licence is a big task. In Delhi, an application for a license has to be submitted to the DCP/Licencing with the required forms, photographs, other relevant documents and the approval of the local SHO.

The SHO or the local police station has to give the person a clean chit after checking (in negative) for any criminal history.

After that there is a verification process and if one gets through that then a licence can be issued to the person.

7.

The News International
February 05, 2007

NEW POLICY ON MILITARY LANDS
by Farhatullah Babar

At a recent meeting of the Public Accounts Committee of the National Assembly, members protested over the military first acquiring land for a specific defence purpose and later using it for building commercial plazas. They were shocked that 5,000 acres acquired in Khanewal district for building a new cantonment in 1994 was being used for cultivation. Another 35,000 acres acquired in Sargodha in 1984 in the name of defence is being used today for agriculture after carving out of it 3,000 plots. They were surprised that land purchased at throwaway prices from private owners in the sixties and seventies for Gujranwala cantonment was now being sold at millions a kanal for commercial purposes while compensation had yet to be paid to the farmers.

Initially the defence secretary tried to play down the issue of land use as a 'matter of interpretation' but soon realised that it was wrong. A new land policy was on the anvil, he said assuring also that the new policy would address these concerns.

Two days before during question hour it had transpired that the military was acquiring 6,500 acres of land for an international airport at Gwadar. Senators questioned the motivation for the military to acquire land for the airport that had to be built by the Civil Aviation Authority. There was no explanation for the weird decision. The opposition walked out protesting 'the generals had become new land grabbers'.

It is for the first time that the military's insatiable appetite for land has come into adverse sharp focus in a Parliamentary Committee. So far its real estate

adventures have found adverse mention in research studies, journalistic writings, court judgments and occasionally in diplomatic remarks also. A recent cover story of a monthly magazine 'New Land Barons' makes the head shake in disbelief. A Supreme Court verdict in December 2003 also gave chilling advice to a retired brigadier to be content with a "few hundred acres of land allotted to him".

It appears that the message is finally sinking into the minds of the military leaders. An indication of it came during the recent visit of the president to the Defence Housing Authority, Lahore. When he claimed "the military was not in the real estate business" the General may have failed to convince anyone but it indicated that perhaps there was now a change in the military's thinking on this issue.

For the new military lands policy to be sustainable and transparent it must be rooted in the Constitution and the law must be fair and equitable. According to Article 172 of the Constitution any land in a province, which has no rightful owner, belongs to the provincial government. The federal government can acquire land from a province for some specific purpose no doubt, but when that purpose is served the land shall revert to the provincial government.

Further, Article 173 (5) stipulates that the transfer of land from a provincial government to the federal government 'shall be regulated by law'.

As a member of the Senate's defence committee one often wondered under what law the military has been acquiring land from provinces for defence purposes and then using it for commercial purposes. Once the defence ministry claimed that an official 'resolution' issued by the finance department of the Government of India on February 10, 1925, validated the possession of Okara farmlands by the army. Even that poorly drafted resolution does not give the authority to the government to take over lands belonging to provinces. The Defense Ministry was not bothered that a vague executive order issued in the mid 1920s by a colonial power was not the same thing as the constitution.

A cursory record of the Senate proceedings will show how land has been used for commercial purposes arbitrarily and without regard to the law. In reply to a Senate question on July 9, 2004, it transpired that six military agricultural and dairy farms spread over hundreds of acres in Attock, Sargodha, Rawalpindi and other places had been converted into golf courses and army housing societies.

When land is used by the military for commercial purposes it also generates revenues. Where does this revenue go? According to Articles 78 and 79 of the constitution all revenues must be credited to the Federal Consolidated Fund. On December 26, 2003, the writer formally asked whether the income derived from the Lahore Fortress Stadium was being credited to the Federal Consolidated Fund. The reply was self-explanatory. Instead of being credited to the federal

treasury the defence ministry claimed that the income was spent on the construction of accommodation and repair of vehicles.

The story is also comic. A leading Urdu national daily published on September 2, 2004, an advertisement by none other than the Military Estate Officer, Kohat. The advert cautioned the general public that the local brigade headquarter had 'illegally cut trees and built shops on state lands' in Kohat, and warned people against buying or renting the illegally built shops. Truth is stranger than fiction, isn't it?

During Senate proceedings last year it transpired that an army officer can receive up to four plots in DHAs and other so-called welfare schemes. 15 years of service earns an officer one plot, 25 years a second plot, 28 years a third one and 33 years of service entitles him to a fourth plot. In addition, retired generals serving as federal secretaries on a contract basis also get plots in civil schemes as evidenced from the list recently made public. Come on, keep your hand on your heart and ask, is it genuine welfare activity?

The allotments in DHAs are also highly discriminatory against the other two defence services what to speak of 'bloody' civilians. A serving army officer with 15 years of service is eligible for his first plot but a serving air force or naval officer is eligible for the lone plot only after 25 years of service. A military officer even if retired is also entitled to plots but retired PAF and Naval officers are not.

Protesting against this, a former air commodore writing in the News Post section of this newspaper on June 10, 2006, lamented: "We have fought wars while many army officers who will be getting plots have never even seen a gun". He proposed that the DHAs should be renamed army housing authorities. Ten days later a retired air marshal said it all. "I will go a step further" he wrote, "and suggest that Pakistan be named 'Army Welfare Trust'".

The issue of military lands policy is not a question of interpretation by the GHQ. It is an issue of the constitution, the law and morality. It is an issue of whether the army leaders must stay in public consciousness as defenders of the mother land or, the least said the better.

The writer is a former PPP senator and has served on the Senate's Standing Committee on Defence. Email: drkhshan@isb.comsats.net.pk

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[Keeping nuclear weapons free from risk is a mad fantasy . As long as India and Pakistan have numbers of them. They will keep trying to refine them and

continue to test those missiles to deliver these weapons. There is a risk that sooner or later, in a situation of political tension and panic, someone somewhere will err and millions may die. in 1999 a memorandum of understanding was signed by the then foreign secretaries of the two countries in the presence of their prime ministers, which laid down a framework of mutual "nuclear risk reduction" and other confidence-building measures aimed at preventing the risk of nuclear conflict and unauthorised or accidental use of nuclear weapons.

The agreed measures were to be worked out by experts of the two sides in meetings to be held on mutually agreed dates before mid-1999, with a view to reaching bilateral agreements. That meeting never took place. Kargil derailed the process. It is the pieces of that process that are now being picked up in late February 2007.]

Date:23/02/2007 URL:

<http://www.thehindu.com/2007/02/23/stories/2007022307461200.htm>

NUCLEAR ACCORD DESIGNED TO PROMOTE STABLE ENVIRONMENT

Amit Baruah

It is in fact an extension of the MoU signed in Lahore in 1999

NEW DELHI: The objective behind the Agreement on Reducing the Risk from Accidents Relating to Nuclear Weapons, signed between India and Pakistan on Wednesday is to promote a stable environment of peace and security in the region.

While committing themselves to the objective of global and non-discriminatory nuclear disarmament, the text of the Agreement obtained by The Hindu recognised that the "nuclear dimension of the security environment" added to "their responsibility for avoidance of conflict between the two countries."

The preamble to the Agreement made a reference to the memorandum of understanding signed between the two countries in Lahore in February 1999, which committed them to undertaking national measures to reduce the risks of accidental or unauthorised use of nuclear weapons.

In Lahore, the two countries also undertook to notify each other immediately in the event of any accidental, unauthorised or unexplained incident that could create the risk of a fallout with adverse consequences for the sides or an outbreak of a nuclear war between the two countries.

Clearly, Wednesday's Agreement constitutes the implementation of the Lahore MoU, which itself was a mechanism to assure the rest of the world that after the

nuclear weaponisation of May 1998, India and Pakistan would behave responsibly.

The document committed the two parties to maintain and improve, as it deemed necessary, existing national measures including organisational and technical arrangements, to "guard against accidents related to nuclear weapons under its control."

9. MISSILE RACE

BBC News
3 March 2007, 05:09 GMT

PAKISTAN MILITARY TESTS MISSILE HATF VI MISSILE TEST MARCH 2006

Last week Pakistan test fired a long-range Hatf VI missile
Pakistan says it has successfully tested a short-range missile capable of carrying a nuclear warhead.

A statement from Pakistan's armed forces said the test-firing proved the weapon had met its design parameters.

The Hatf-II Abdali surface-to-surface ballistic missile is said to have a range of 200km (125 miles).

Last week Pakistan test fired a nuclear-capable, surface-to-surface Hatf VI missile, which has a much longer potential range of 2,000 km.

"The test was aimed at validation of the desired technical parameters which has been successfully achieved," the military said in a statement.

The statement did not say where the test took place.

The short-range Hatf-II was last reported to have been tested in February 2006.

Pakistan and its neighbour India - both nuclear powers - routinely carry out missile tests.

Pakistan's foreign minister recently met his Indian counterpart in Delhi and signed an agreement aimed at reducing the risk of accidental nuclear war in the region.

Tension between Pakistan and India has decreased in recent months amid a series of bilateral overtures.

The two powers stepped back from the brink of war after India blamed Pakistan for involvement in an armed attack on the federal parliament in Delhi in 2001.

Reuters Feb 23, 2007 12:42 PM IST28

PAKISTAN TEST FIRES LONG-RANGE BALLISTIC MISSILE

ISLAMABAD (Reuters) - Pakistan successfully test-fired a nuclear-capable, surface-to-surface ballistic missile with a range of 2,000 km on Friday, the military said.

The test was witnessed by the chairman of the joint chiefs of staff committee, General Ehsan ul Haq, who described it as an important milestone in Pakistan's quest to sustain strategic balance in South Asia.

"Pakistan's strategy of credible minimum deterrence was fully in place and was a guarantee of peace in the region," he said in a military statement.

The Hatf VI is a two-stage solid fuel missile which can carry nuclear and conventional warheads with high accuracy. An advanced version has a potential range of 2,500 km.

Pakistan conducted nuclear weapons tests in 1998, days after its neighbour and old rival, India, conducted similar tests.

The two countries nearly went to war for a fourth time in 2002 but their relations have improved since they embarked on a peace process in 2004.

"The missile test was part of continuous process of validation and technical improvement which Pakistan follows to consolidate and verify its various land based strategic missile systems," the military statement said.

Foreign ministers of Pakistan and India met in New Delhi on Wednesday and signed an accord to reduce risks of accidents linked to their nuclear arsenals.

Both countries' militaries regularly carry out missile tests, and they have agreed to inform each other of tests in advance.

Analysts say the timing of their missile tests appears to be determined by technical factors and is not related to diplomatic issues.

United Press International
Feb 5, 2007
INDIA TESTS BRAHMOS CRUISE MISSILE AGAIN

<http://www.upi.com/SecurityTerrorism/view.php?StoryID=20070204-112201-4658r>

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<http://www.defensenews.com/story.php?F=2511422&C=thisweek>
Posted 01/29/07 13:24

INDIA PLANS 2ND ABM TEST IN JUNE
LOW-ALTITUDE TRIAL WILL FOLLOW NOVEMBER,S INTERCEPT
By VIVEK RAGHUVANSHI, NEW DELHI

When an Indian interceptor rocket rammed a ballistic target some 50 kilometers above Ballasore in the eastern part of the country on Nov. 27, it demonstrated a capability that is potentially similar to Israel,s Arrow-2, Indian officials said. In June, India will attempt to mimic the U.S. Patriot Advanced Capability-3 system with a lower-altitude test of the Prithvi Air Defence (PAD) system. Both tests mark a big step toward putting India in an elite group of nations with defenses against such missiles, said Vijay Kumar Saraswat, considered the father of Indian missile-defense efforts, who leads missile programs at the government,s Defence Research and Development Organisation (DRDO). DRDO sources said New Delhi intends to announce by June that its anti-ballistic-missile defenses are on par with those of the United States. Such defenses could give India an advantage against regional rivals Pakistan and China.

But Indian analysts say the program in its current level of development is far from providing a viable missile shield.

„The DRDO has been quite inaccurate in claiming, as per some reports, that the country has acquired ‘air defense capability against an incoming missile,’,% said defense analyst Rahul Bhonsle, a retired Indian Army brigadier general.

„Such a capability is a minimum of a decade away if developed indigenously in collaboration with other countries. On its own, the DRDO may even take two decades to develop a system which can be fielded.%

So far, the system is far from a Patriot equivalent, Bhonsle said.

„All that has happened is the first stage of technology demonstration, which has probably come about through hybridization of technologies from other projects, including some failed ones, [such] as Trishul,% he said. „This is a normal trend in defense research, particularly of such complex technologies as ABM [anti-ballistic-missile defenses].%

India has been negotiating to acquire Patriots and wants also to acquire Arrow-2 systems, Indian defense officials said.

Saraswat said the PAD has two intercept modes, each designed to hit a target within four minutes: exo-atmospheric, or above 50 kilometers; and endo-atmospheric, or lower than about 30 kilometers.

For exo-atmospheric intercepts, the system's main sensor is the 600-kilometer Israeli Green Pine radar. India imported two Green Pines three years ago, one in operating condition and one as a kit that it assembled.

The lower intercepts are guided by a radar acquired from an undisclosed country, DRDO sources said.

The interceptor rocket has its own onboard sensors as well. It is powered by a liquid-fueled first stage that uses two propellants and oxidizers, and a solid-fuel second stage with a gas thruster that can turn the rocket at more than five Gs.

The missile carries active radar sensors to guide it to its target.

Saraswat denied press reports that said the interceptor was based on the surface-to-surface Prithvi-2 missile, saying that the one has nothing to do with the other.

The system includes one radar that tracks both the incoming missile and the outgoing interceptor, another that helps classify the incoming weapon and sends data to the interceptor batteries, command-and-control computers, and a transmitter to help guide the interceptors, another DRDO scientist said.

Two-Phase Program

The program has two phases. In the first one, expected to be complete by 2009, there will be three tests each of the endo- and exo-atmospheric interceptors, Saraswat said.

The November trial was the initial test of the first phase. It began with a Nov. 19 dress rehearsal. A target missile was launched from the Chandipur test range. PAD operators tracked the missile and simulated the firing of an interceptor, which was judged to have struck its target.

At 10:15 a.m. on Nov. 27, a second target missile lifted off at Chandipur. The PAD tracking radar picked it up at three kilometers, altitude and fed fire-control data to the ground guidance computer. The interceptor missile ignited, acquired the target with its own sensors, and slammed into it some 50 kilometers above the Bay of Bengal test range.

„All the mission objectives of the maiden flight have been met,“ Indian officials said.

The program's second phase will include more tests, and will include homegrown interceptors with ranges beyond 100 kilometers. It will end by 2012, when the system goes into operational service, Indian Air Force sources said.

When deployed, the PAD will include multiple radars and their control centers, interceptor batteries and control centers, spread out over as much as 500 kilometers, Saraswat said.

Work on the PAD began in 2000 with a planned \$1 billion development budget.

The system is being designed and developed at the missile complex in Hyderabad in southern India by engineers at three DRDO laboratories: the Defence Research and Development Laboratory, the Imarat research center and the Advanced Systems Laboratory.

All the parts of the system, except the main radar and the interceptor guidance packages, were developed in India, DRDO sources said.

One Indian Defence Ministry official said India was determined to build such defenses, even if they cost billions of dollars and come under criticism.

Such criticism is already arriving. Surya Pal Singh, a retired Indian Air Force commodore, said such a system would indeed cost in the billions, but would not guarantee results.

“There is a high probability of nuclear-tipped missiles escaping the radar,” Singh said.

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10. DEFENCE SPENDING

Dawn

March 01, 2007

BIG RISE IN INDIAN DEFENCE BUDGET

by Jawed Naqvi

NEW DELHI, Feb 28: Indian Finance Minister P. Chidambaram on Wednesday announced a 6.8 trillion rupee federal budget for fiscal 2007-08 (April-March) with defence allocation taking up 14 per cent of the total outlay, which itself is 2.4 per cent of the GDP.

Mr Chidambaram said 43 per cent of the proposed defence expenditure was earmarked for equipment purchase. “Any other additional requirement for the security of the nation will be provided,” he told a cheering Lok Sabha, which buried its noisy differences to hear the speech with rapt attention.

The actual quantum of the increase in the defence outlay can be seen in two ways in percentage terms over last year’s allocation. While defence spending would go up to Rs960 billion from the previous year’s budgeted allocation of Rs890 billion, the documents reveal that what was actually spent was just Rs860 billion. Therefore, in real terms, the increase in the current budget is 11.6 per cent or Rs100 billion.

Defence Minister A. K. Antony welcomed Mr Chidambaram’s statement. “With this commitment by the finance minister, we are satisfied,” he told a TV channel.

A sum of Rs410 billion has been allocated for capital expenditure against last year’s budgeted figure of Rs375 billion, indicating that the Ministry of Defence

had spent only part of the capital outlay as the revised estimates put spending last year at Rs345 billion.

A survey by the Business Standard business daily showed the services surrendered Rs30 billion. The biggest chunk of surrendered funds was contributed by the Indian Air Force followed by the Army.

Nearly Rs20 billion was returned by the Air Force on account of non-spending on aircraft. The Army returned nearly Rs18 billion, a sum that was required to buy equipment but it could not be spent in time.

This year's capital outlay for defence has increased because of the aircraft purchase proposals by the Navy and the Air Force.

<http://inhome.rediff.com/money/2007/feb/28bud54.htm>
rediff.com
28 February 2007

INDIA HIKES DEFENCE BUDGET TO RS 96000 CR

Continuing its drive to modernise the armed forces, the government on Wednesday hiked the defence budget for 2007-08 to Rs 96,000 crore (Rs 960 billion), an increase of 7.8 per cent over the current fiscal outlay.

The increase was Rs 10,000 crore (Rs 100 billion) more in actual terms, as the defence ministry spent Rs 86,000 crore (Rs 860 billion) as against its outlay of Rs 89,000 crore (Rs 890 billion) for 2006-07.

Presenting the Budget in Parliament, Finance Minister P Chidambaram said the allocation of Rs 96,000 crore would include a whopping Rs 41,922 crore (Rs 419.22 billion) for capital expenditure or acquisition of new hardware, signalling that the armed forces would go ahead with some big-ticket weapons deals.

He also promised to provide more funds to the defence ministry if the need arose.

"Needless to say, any additional requirement for the security of the nation will be provided," he said.

Defence Minister A K Antony said the continued hike in defence expenditure signalled the UPA government's "resolve to go full steam ahead with the modernisation" of the military.

"I am satisfied with the commitment of providing extra funds made by the finance minister," he said.

Antony, however, said there had been some laxity in certain fields during the modernisation drive, and efforts would now focus on ensuring the upgradation of the arsenal of all three services.

Though Prime Minister Manmohan Singh had said that efforts would be made to meet the demands of defence planners for taking defence spending to around three per cent of the GDP to push the modernisation process, the proposed outlay was only 2.1 per cent of the GDP.

For the past few years, defence spending has been hovering around 2.5 per cent of GDP, much below China's whopping 7.2 per cent and Pakistan's about four to 4.5 per cent of GDP.

It was only in 2004-05 that India made an unprecedented hike of 28 per cent in the capital outlay to become the world largest arms purchaser, pushing China to the second spot.

In a break with tradition, the government made a bold move to hike the outlay on capital expenditure to almost 45 per cent of the total defence Budget.

This is part of a new effort launched by the defence ministry to balance defence budgeting equally between recurring expenditure on items like salaries and the outlay for hardware and arms purchases -- a growing concept in the Western military powers.

The idea to strike a 50-50 per cent ratio between expenditure and outlay was the brainchild of External Affairs Minister Pranab Mukherjee, who held the defence portfolio till last year.

"This indicates we are moving in the right direction," Mukherjee told PTI on Wednesday.

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Kashmir Times

20 February 2007
Editorial

HIKE IN UNPRODUCTIVE EXPENDITURE?
India and Pakistan must reduce their defence budgets

With just a week left for the budget for the year 2007-08 to be presented before the Lok Sabha on the 28th the news has leaked that the Defence Ministry had

asked for a whopping hike in the defence budget from last year's 89,000 crore to Rs. 125,000 crores for the coming year. Ultimately, it is reported that the two ministries of defence and finance have settled down for a demand of Rs. 100,000 crores, which means a rise in defence budget by around 12.5% over last year's. The demand has been hiked, primarily, for updating the armed forces with the latest state of the art weapons, like Russian multi-barrel Smerch rocket-launchers, 40 SU 30 fighter-jets, 126 other varieties of the latest fighter planes and a sophisticated medium-level radar system, besides Rs. 5000 crores for re-equipping the Russian aircraft carrier, Gorchkov (now re-Christianised Vikramaditya) and for, securing MIG-29Ks for it and Rs. 7000 crores for modernising the infantry. Many notable arms-producers of Britain, France, Russia and Sweden are already vying for contracts to supply these items. It may be pointed out here that, in the current year, Rs. 33,000 out of the sanctioned Rs. 89,000 have been surrendered as unspent, for reasons best known to the concerned officials of the defence ministry. Hope such non-use -- equivalent to misuse -- of the scant resources does not take place again in the year ahead. However, the question that haunts one is, why this sudden splurge in defence expenditure? Such massive investment in the non-productive sector should be only in calculated response to India's security threat perception, not as a luxury. But, where is the threat coming from? Four wars with Pakistan have conclusively proved that they were never a threat to India; and now that India is forging ahead relatively fast in the fields of economy and technology Pakistan is less of a threat to it than ever before. Besides, the nuclearisation of both the countries has made a hot war between the two countries virtually unimaginable. Moreover, why should New Delhi still think of an Indo-Pak war, now that both are competing with each other in introducing CBMs and in improving relations, at the levels of both the people and the governments? With China too India's relations are now much better than ever before. China is now busy forging ahead with its 'get-rich' programme and is not willing to spare its energy and attention beyond its economic endeavours, Tibet and Taiwan. Then, against whom are we going to invest the poor tax-payers' money in highly expensive arms and ammunition, when they are crying for better medicare, better schools within the reach of the common man, more water for themselves and their fields and animals, better roads and a cheaper but efficient public transport system? In fact, one gets the impression from their expressed views on peace and our neighbours that the Indian establishment is really allergic to the very thought of all round peace. Even now, after nearly three years of peace offensive, why need India feel threatened by Pakistan? In varying degrees both India and Pakistan are now willing to give up war for conserving their scarce resources for the peace and progress of their people. Then, why this proposed wasteful expenditure? India's National Security Adviser, MK Narayanan smells foul play when any one talks of demilitarisation of J&K. He chooses not to trust Islamabad against whom he had launched a tirade in a recent international meet at Munich. We forget that a satisfied population committed to the stability and all-round progress of the nation is the best bulwark against any aggression, overt or covert. One may not recommend the Costa Rica model at present for a large country, like India. But, here is a country in central

America which had disbanded its army in 1949. In a continent of armed guerrillas, coup d'tats and all round violence and instability Costa Rica has remained an oasis of peace with a high standing in human development index. Neither is there any insurgency, nor poverty, nor any challenge to its stability or liberty from within or without. Our freedom too will be better protected if both India and Pakistan reduce their defence expenditure and spend a part of it on the genuine needs of the poor and the tribals. Besides, the threat we are facing is covert and not of a hot war and to fight the secret enemies we do not need huge aircraft carriers, multi-barrel rocket launchers, or supersonic planes. Expensive weapons could not save either the Shah of Iran or the USSR. A strong foundation is more necessary than a strong frontier.

11. THE "DISAPPEARED" IN PAKISTAN AND INDIA:

PAKISTANI "DISAPPEARED" A GROWING PROBLEM: GROUP

by Robert Birsal | February 8, 2007

ISLAMABAD (Reuters) - The disappearance of hundreds of Pakistani government opponents is one of the most pressing human rights problems facing the country, Pakistan's main rights group said on Thursday.

The independent Human Rights Commission of Pakistan outlined a broad range of problems in its annual report but said the growing issue of disappearances, with at least 400 cases since 2001, was one of its biggest concerns.

"In the past year, unfortunately, the overall situation has been so grim," the commission's secretary-general, former minister of law Iqbal Haider, told a news conference at which the group's annual report was released.

He said the armed forces, paramilitary forces and security agencies were involved in the abduction of Pakistani citizens, many of whom had "suffered an extreme degree of torture."

"Despite all the pleas, protests, demands from all sections of the public, including the (Supreme) Court of Pakistan, the vast majority, in the hundreds, of citizens -- their whereabouts are still unknown," he said.

Military and government spokesmen were not immediately available for comment.

The government, which has been facing a wave of militant and sectarian violence, denies violating human rights. It says it has arrested hundreds of suspected terrorists, many of them foreigners, since joining the U.S.-led war on terrorism in 2001.

But commission chairwoman Asma Jahangir said most of the "disappeared" were not suspected militants but government opponents from the province of Baluchistan, where ethnic minority nationalists have been waging an insurgency for autonomy.

Jahangir said the commission was taking the issue to the Supreme Court.

"We are filing a petition, we have sent it today, to the Supreme Court ... on behalf of a number of people who have disappeared," she said.

"There are a large number who don't want to come forward and there are still, we believe, a large number of cases that we do not know about.

"We are hoping that this will encourage more people to speak up," she said.

Jahangir said the commission had cautiously welcomed government-backed amendments to Islamic laws on rape, introduced late last year, that made it easier for women to seek justice.

But she said, overall, Pakistan appeared to be a dysfunctional state where governance was not working.

"We see there is a dysfunctional state of affairs in the country, that nothing seems to be working. There seems to be a complete breakdown of institutions, a complete breakdown of law and order," she said.

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Daily Times
February 11, 2007

EDITORIAL: DEMOCRACY DISAPPEARS WITH PERSONS WHO 'DISAPPEAR'

As Pakistan sinks into the morass of violence unleashed by religious fanatics and elements of the state, the Human Rights Commission of Pakistan (HRCP) has risen in prestige in the eyes of the people. After repeatedly protesting the state practice of making people 'disappear', it has finally decided to take the matter to the Supreme Court of Pakistan. The honourable court itself has tried to compel the government — with partial success — to yield up citizens kept in defiance of

the law of habeas corpus and will surely come to the rescue of innocent people being defended by the HRCP.

The Secretary General of the Commission, Iqbal Haider, announced Friday in Islamabad that 400 people have been made to 'disappear' by the functionaries of the state since 2001 and there are hundreds more who have returned from illegal confinement and torture but are too scared to plead their case. The year 2006 was a particularly bad year for the 'disappeared' as it was also a year of great pressure on the government. The armed forces, paramilitary forces and security agencies are clearly involved in the abduction of Pakistani citizens, many of whom have 'suffered an extreme degree of torture'. There may be hundreds more whose whereabouts are not known in state custody.

According to the chairperson of the HRCP, Asma Jahangir, most of the 'disappeared' were not suspected militants but government opponents from the province of Balochistan where ethnic minority nationalists have been waging an insurgency for provincial autonomy. Add to this the 1,000 women killed annually in honour-crimes, and we have a dysfunctional government that has two faces, the pretty one, she said, for the diplomatic enclave and the ugly one for the people.

The HRCP case will be pleaded at the Supreme Court by Pakistan's most respected retired judge of the Supreme Court and lawyer, Fakhruddin G Ibrahim. The HRCP has asked the honourable court to set up an independent 'Commission on Disappearances' comprising senior lawyers, parliamentarians and former judges 'to take the testimony of persons who have suffered involuntary disappearances as well as of family members of those who are still untraced'.

One must begin the argument by conceding that Pakistan was never a utopia of human rights. Democracy or no democracy, we have had to struggle against those who govern us, those that are powerful in society, and against society itself and its rigid belief systems. Those who write in favour of the rights of the 'disappeared' people today are good people but in many cases they may stand on the other side of the line when it comes to defending the HRCP and its mission in Pakistan. Funnily, though, when in opposition our politicians have approved of the HRCP and even sought its help, but when in power they have tried to shut it up and even use force against it.

But as time passes, we are being made to realise that defence of human rights is a good tradition even when it appears to clash with our religious and political beliefs. Therefore the present government may complain that it is less oppressive than some governments in the past, but it must bend all efforts to prevent its malfunctioning institutions from bringing it a bad name. In particular, when the state punishes its citizens in the name of 'national security', it is laying itself open to a permanent threat to its longevity. Citizens tortured simply because they want

their political rights recognised will neither forget nor forgive. Only if we want to make a state disappear should we start to make its citizens disappear.

In the present case most of the disappearances have taken place in Balochistan, a province away from the centre and only partially under a proper writ of the state. Despite the fact that the Penal Code and the Code of Criminal Procedure are formally in operation, the province enjoys a B Area status, that is, it is at the mercy of the branch-line officers who recommend themselves to the central government on their ability to 'control' the population. The judicial system is not as robust as it should be and if the police has kept a person without trial for years it is only because it can do so. Apart from Balochistan there are other areas in Pakistan where being away from the big administrative centres can be tough on citizens seeking justice.

The Supreme Court must make the government realise that by violating the doctrine of habeas corpus it is simply curtailing the life of the state. It must probe the no-go areas of the country and arrange to send its own supervising representatives to make the local administrations realise that they cannot make people 'disappear' with impunity. The government of Prime Minister Shaukat Aziz must wake up to this blot that is now spreading like a patch of blood outside Pakistan and adding to the list of grievances that the international community already has against it. *

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DISAPPEARED IN INDIA ADMINISTERED KASHMIR:

Date: Fri, 23 Feb 2007 02:37:27 -0800 (PST)

From: Tapan Bose

Subject: Kashmir Solidarity Committee and APDP Hold Day long protest Rally in Delhi

KASHMIR SOLIDARITY COMMITTEE AGAINST DISAPPEARANCES
AND HUMAN RIGHTS VIOLATIONS IN JAMMU AND KASHMIR & IN
SUPPORT OF THE FAMILIES OF THE VICTIMS OF THE
DISAPPEARED

Programme of Public Hearings, Hunger Strike &
University/College Meetings of Association of the
Parents of the Disappeared: Delhi Feb 20-21, 2007

Family members of the 'Missing' came to the national capital Delhi, to awaken the Moral Conscience of the Indian People to the heinous, widespread and arbitrary practice of 'disappearances' by the security forces in Jammu and

Kashmir where the operation of the Armed Forces Special Powers Act has produced a culture of impunity.

There were wives, daughters, fathers and sons of the 'Missing', 57 members of the Association of the Parents of the Disappeared (APDP), including four family members of the five 'missing', whose bodies exhumed this February, were mute witnesses to the systemic cold blooded killings of ordinary civilians, abducted and branded as terrorists to secure 'kill list' awards.

In Jantar Mantar, the site of democratic protest in Delhi, on February 22nd, Praveena Ahangar, the convener of APDP, along with 56 other family members of the 'disappeared' sat on hunger strike. It was a day of testimonies full of anguish, about the 'missing' and the failure of the democratic institutions of the state to deliver justice to people who are the state's citizens. In August 1990, Parveena Ahangar's eldest son Javed Ahangar was picked up by the security forces. Over these years of tireless search for her son in jails across India and in the Courts, she has identified the army unit, the three officers who took away her son ^ but to no avail. „The army says the officers have retired. They don't know where to find them%. As if they do not receive a pension. Her appeal was simple and poignant- „If they are alive, let us meet them. if they're dead give us their bodies. % At her side was the JKLF leader Yasin Malik, who over the last few years, has embraced Gandhian style politics of protest. What does he say to those who ask - did he do the right thing to give up the gun, when all around him human rights violations continue? „ I think I have defeated the Indian state morally, spiritually and ethically. All those people and institutions for which India is known all over the world, they support the moral truth of our cause today%.

There many voices from the academia, lawyers, doctors, media, social activists, women's groups who came in solidarity with the grieving victims of violence and arbitrary and systematic abuse of law. There was Prof Uma Chakravarti who asserted that „these cold-blooded killings are conscious acts and not accidents or 'collateral damage' where arms are planted on ordinary civilians to make the encounters appear genuine. Take the recent case of the 'Ganderbal killings' have been given false identities as „Pakistani Militants% by the RR, J & K police and the CRPF. She called for the setting up of a Commission on Disappearances. Others Like Navsharan Kaur, alluded to the massive disappearances in Punjab that was exposed in the Cremations case, and lawyer Vrinda Grover drew attention to the Hashimpura killings and the fight for justice . It was an occasion for those who for year have been working in support of Kashmiris, like Syeda Hameed, Sheeba Chacchi, Kamla Bhasin, Iffat, to express solidarity.

There was Sampat Prakash, Vice President NTUI and former President J&K State Employees Federation, who lamented the fact that opposite the 'dhrana' site of the APDP, a Kashmiri Pandit organization instead of joining in solidarity was raising slogans. He blamed Kashmir's Governors Jagmohan and Girish Saxena for poisoning Kashmir's communal harmony. In particular, he singled out the Special Task Force in promoting a 'catch and kill' policy'.

Delhi University's S.A.R. Geelani, who was wrongfully implicated in the Dec 13 Parliament 'terrorist' attack, came and stayed in support. Kashmiri leader Syed Ali Shah Geelani was skeptical of the Indian government responding to their appeal. "This is not the first time women from Kashmir have come - but those who are blinded with their power do not see the people at the margins".

Tapan Bose, filmmaker and human rights activist denounced the AFSPA which was based on the doctrine of use of maximum force and in violation of the fundamental right to life. He lashed out at the government reverting to the shameful system of bounty hunting, i.e. kill lists. Film maker Sonia Jabbar's concern, warmth and commitment in support of the struggle for truth and justice was the presiding spirit of the solidarity campaign.

Member of Rajya Sabha, Ms. Nirmala Deshpande who had earlier hosted the visiting Kashmiris enabling them to meet some Parliamentarians, held out the promise of setting up a Parliamentary Committee on Disappearances. Eminent journalist Kuldip Nayar spoke of initiating an Eminent Persons investigation into human rights violations in Kashmir.

But above all the family members of the Disappeared touched the hearts of the students who came in large numbers. On February 19th and 20th the student associations of JNU, Delhi College of Social Work and Ramjas College Delhi University had organised interactions with students. Fathers, brothers, mothers, wives, sisters, holding photographs of their loved ones, had shared their anguish and their fears as they recounted details of how their family member had been arrested by security forces, and then been subjected to "enforced disappearance". "Ever since the dead bodies of 5 innocent persons killed by the armed forces were exhumed in Kashmir, we have been living in fear that this is what may have happened to our children", said Praveen Ahangar. The emotionalism welled up when an old woman wept saying that she had 5 sons- "3 were 'martyred' in the movement, 1 had "disappeared" and one remains at home harassed everyday by the security forces".

Ashok Aggarwal, Advocate, Supreme Court said that despite evidence being placed before the high court about these disappearance, no action had been taken. A legal aid group had undertaken an independent field based study of 200 habeas corpus petitions filed in the Courts in Kashmir documenting 79 disappearances and the absolute failure of the system to deliver justice. Prof Kamal Mitra Chenoy joined student leaders in condemning the culture of impunity.

The family members of the Disappeared have returned to Kashmir. There was no memorandum to the President because it has become an empty gesture. Instead they came and touched the moral fibre of so many and especially became a rally point for Kashmir students who found solidarity amongst colleagues. There were those who disagreed, And they took their anger out in a physical attack on Yasin Mallik. As he was driving off with Sonia Jabbar to join the group at India Gate, a red Swift Car obstructed their path, and seizing the opportunity of their slowing

down, hurled a bag at them. It was blue dye that spattered Yasin Malik, Sonia Jabbar and the car. Chanting “jai Shiv Sena”, they assailants drove off.

The struggle against human rights violations and the culture of impunity that makes possible enforced disappearances continues. The government's investigation into the Ganderbal killings is to be welcome. It should be the beginning of a full-fledged enquiry into the systemic practice of disappearances.

For Kashmir Solidarity Committee
Tapan Bose, Bipin, Saurabh Bhattacharya, Ravi Himadri,
Vijayan M.J., Uma Chakravorty, Kamla Bhasin, Shabnam
Hashmi, Rita Manchanda, Richa Singh, Kamal Mitra
Chenoy, Deep Ranjani Rai, Iffat

The Telegraph
February 07, 2007

KASHMIR'S BIG LIE - AWAY FROM NITHARI AND GUJARAT, A TRAGEDY BURIED UNDER STATISTICS

Maybe the appointment letter was never issued. Maybe it got lost in the post. Tahira doesn't want to know any more.

Had the 32-year-old mother of three been less insistent that morning five years ago, her husband Tariq Ahmad Rather may not have left home to find out. And disappear like the letter.

“He was a daily wager with the Uri Hydel Project. All his fellow masons had received letters saying their jobs had been confirmed. He was the only one left out,” Tahira said.

“None of us could understand it. We were heart-broken, and he couldn't bear to see it.”

Rather left his Uri village for the Delhi headquarters of the company to get his letter. That was the last Tahira saw of him. “We don't need his job any more; we only want him back,” she sobbed.

Nobody knows the exact count of Jammu and Kashmir's missing.

The Association of Parents of Disappeared Persons puts the number at 8,000 to 10,000 and alleges that most went missing in the security forces' custody.

“We have so far documented around 1,000 cases, but it isn’t possible to document all because of the resources involved,” said Pervez Imroz, the association’s legal adviser.

The recent exhumation of five bodies, believed to be of men killed in fake encounters, has renewed fears that most of the missing may have been killed by the men in uniform. Imroz said after the expose, many families have approached the organisation in the past few days with fresh complaints about disappearances.

The official figures, however, vary. The state government says the number is less than 1,100 and claims most of them had crossed the Line of Control to receive arms training.

But there are differences within the government. Chief minister Ghulam Nabi Azad’s key ally, the People’s Democratic Party, says the LoC theory only partly explains the disappearances.

“There are hundreds and hundreds of families whose members are missing. The families are running from pillar to post to find out their whereabouts,” PDP president Mehbooba Mufti said.

Tahira has moved to Srinagar with her three children, partly to earn a livelihood by stitching but more because the state capital is the likeliest place where she can hope to receive any news of Rather.

“There isn’t a place where I didn’t go to look for him — from locality to locality, village to village, prison to prison. I have sold my jewellery. But I haven’t given up hope.”

But 15 years is a long time to keep hoping. All that Ghulam Mohammad Bazaz feels now is anger.

“You can expect no justice from the government. I would leave my home in the morning and return by evening to trace my son. Gods knows how many days passed that way,” the elderly man said at his home in Hazratbal.

It was in the early days of militancy, in 1992, when the BSF had come for his son. Sajjad never came back.

Bazaz has even identified the culprit: Asgar, a BSF informer from the adjoining Nageen locality. “He was the man who accompanied the BSF party (to my house). The BSF absorbed him in the force.”

The victims haven’t always been Kashmiri Muslims.

In 2003, the army hired four Hindu labourers from Jammu who then disappeared. A year later, their families received an anonymous letter saying they had been killed in a fake encounter and passed off as Pakistani militants.

When these families went to Kupwara, they claimed to have recognised the bodies from photographs as those of their loved ones, and are now fighting a long-drawn battle for exhumation.

In the year 2000, the army allegedly killed five villagers in Pathribal after branding them Pakistani militants responsible for the Chattisinghpora massacre of 35 Sikhs. The CBI indicted the army but exonerated the police, who had jointly claimed credit.

The government had been reluctant to take action till recently. "When I approached (former home minister) Ali Md Sagar and Mehbooba Mufti, they wouldn't even listen," said Abdul Rasheed Beig, whose son Fayaz vanished 10 years ago.

But unlike the past, the government has now sent out a strong message by arresting SSP H.R. Parihar and DSP Bahadur Ram over the fake encounter scandal.

MUZAFFAR RAINA IN SRINAGAR

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Human Rights Watch

Press Release

<http://hrw.org/english/docs/2007/02/15/india15336.htm>

INDIA: INVESTIGATE ALL 'DISAPPEARANCES' IN KASHMIR
RECENT CASES REVEAL PATTERN OF SECURITY-FORCE
INVOLVEMENT

(New York, February 15, 2007) – The Indian government must launch a credible and independent investigation into all "disappearances" and fake "encounter killings" in Jammu and Kashmir state since the conflict began in 1989, Human Rights Watch said today. Last week, on February 6, India signed a new United Nations treaty to combat forced disappearances.

Recent investigations into the "disappearance" of Abdul Rahman Paddar, a carpenter who went missing in December, have shown that he was picked up in Srinagar by a special operations squad of Gandherbal district police and later killed. Although Abdul Rahman had been reported missing by his family, the police identified him as a Pakistani militant and claimed that he had been killed in an armed encounter. Abdul Rahman Paddar's body was exhumed and identified by his relatives last month.

Four other bodies were also exhumed, including that of a street vendor and a Muslim priest, who had all “disappeared” last year. Eight policemen, including two senior officers, have been arrested for these murders. A judicial inquiry has been ordered into these fake “encounter killings,” which are executions staged to look like self-defense. Human Rights Watch documented many such cases in its September 2006 report, “‘Everyone Lives in Fear’: Patterns of Impunity in Jammu and Kashmir.”

“Recent revelations have confirmed what families in Kashmir have been alleging all along,” said Brad Adams, Asia director at Human Rights Watch. “The Indian security forces have ‘disappeared’ countless people in Jammu and Kashmir since 1989 and staged fake encounter killings while fabricating claims that those killed were militants.”

The Association of the Parents of Disappeared Persons in Jammu and Kashmir (APDP), fearing that their relatives might have met the same fate, is now calling for an investigation into all “disappearances.” The APDP alleges that more than 10,000 people are missing in Jammu and Kashmir. The government has admitted that nearly 4,000 people are missing, but claims that some of them may have crossed into Pakistan to join militant groups. Until now, authorities have denied all responsibility for the fate or whereabouts of the “disappeared” persons in response to habeas corpus petitions.

Officially, the government has always denied allegations of staging fake encounter killings. However, according to Indian security officials who have spoken to Human Rights Watch on condition of anonymity, fake encounter killings are a common occurrence. Fake encounter killings are even encouraged through decorations, gallantry citations or promotions of personnel credited for the death of “militants.” However, it has long been alleged that these incentives lead to abuses, including the murder of innocents, as happened in the case of Abdul Rahman Paddar.

When there are public demonstrations protesting a fake encounter killing, the official response usually is to offer an oral assurance of an inquiry, though these rarely happen. If such inquiries do take place, the findings are seldom made public. If any action is taken against those found responsible, that too is rarely made public.

“We welcome judicial inquiries into encounter killings, but given the government’s track record, there is reason to be skeptical,” said Adams. “We hope the Indian government will surprise us with a speedy and credible investigation.”

Human Rights Watch urged the Indian authorities to establish an independent commission on “disappearances” and fake encounter killings, one that is empowered to compel both the testimony of state agents and the disclosure of

documents. The commission should include eminent persons who inspire enough trust to enable witnesses or victims' families to register such cases without fear of intimidation. According to the APDP, many families have not filed missing person complaints because they fear retribution from the security forces.

Human Rights Watch said that witnesses and family members told them that they hadn't filed complaints because they were afraid of retaliation or because they felt that the police would not take their complaints seriously.

"To end the vicious cycle of violence and mistrust, Kashmiris have to be able to trust that their complaints will be heard and addressed," said Adams.

Human Rights Watch called on the Indian government to establish an independent and impartial commission of inquiry into serious violations of international human rights and humanitarian law by Indian security forces since the beginning of the Kashmir conflict in 1989. The findings of the commission should be made public and the commission should be empowered to recommend the prosecution of persons implicated for abuse.

The government of Jammu and Kashmir should publish its list of missing persons, so that families and groups like APDP and the government can begin to account for missing persons. As there are over 30,000 Kashmiri refugees in Pakistan, such a list could be provided to the Pakistani government, which could also assist in identifying those who are now in Pakistan.

Human Rights Watch said that, to prevent "disappearances" and fake encounter killings, the government should also:

- * Strengthen and enforce laws and policies that protect detainees from torture and other mistreatment, including strict implementation of requirements that all detainees be brought before a magistrate or other judicial authority empowered to review the legality of an arrest within 24 hours;

- * Establish a centralized register of detainees, accessible to lawyers and family members;

- * Respond promptly to habeas corpus petitions in cases of alleged "disappearances;"

- * Take swift and public action against all state officials who have obstructed or ignored judicial orders to produce detainees in court;

- * Take all feasible measures to account for persons reported missing as a result of armed conflict and provide information to their family members;

- * Allow the International Committee of the Red Cross to undertake the full range of its protection activities in Jammu and Kashmir, including giving it full access to all army and paramilitary interrogation and detention centers;

* Promptly ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance, which India signed on February 6, the date the treaty was opened for signature.

“We commend India for signing the new international convention on enforced disappearances,” said Adams. “Ratifying and implementing it would go a long way toward showing Kashmiris that the government is committed to ending human rights abuses there.”

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<http://www.hrw.org/english/docs/2007/01/31/india15227.htm>

Human Rights Watch
Press Release

**INDIA: PROSECUTE POLICE FOR KILLINGS IN JAMMU AND KASHMIR
GOVERNMENT SHOULD ACT TO STOP MURDERS IN CUSTODY**

(New York, January 31, 2007) – The Indian government must thoroughly investigate and prosecute members of the security forces responsible for the extrajudicial execution of a carpenter and two laborers in Jammu and Kashmir, Human Rights Watch said today. The investigation and prosecution must be impartial and transparent for justice to be done.

Abdul Rahman Paddar, a carpenter, was reported missing in Srinagar city in December 2006. Police, during routine investigations into his disappearance, traced his mobile phone to an assistant police sub-inspector named Farooq Ahmad. When questioned, Farooq Ahmad admitted that Abdul Rahman had been picked up from Srinagar city by a Gandherbal district police special operations squad and killed. Although Abdul Rahman had been reported missing by his family, the police later identified him as a Pakistani militant and claimed that he had been killed in an armed encounter during joint operations by the special operations squad and the paramilitary Central Reserve Police Force.

Two other deaths mentioned during the interrogation are also being investigated by Jammu and Kashmir police. Nazir Ahmad Deka was allegedly picked up from Srinagar and killed in adjoining Gandherbal district in February 2006. He was identified as a “foreign militant” killed during a so-called encounter between alleged militants and a joint operation of the police and the army. The third man, Ghulam Nabi Wani, was killed in March 2006, and again identified as a “foreign militant” killed during a joint police-army operation.

“This epidemic of fake ‘encounter killings’ by the security forces has plagued Kashmir for too long,” said Brad Adams, Asia director at Human Rights Watch. “The police must stop their standard operating procedure of killing people in custody.”

The Gandherbal police received cash rewards for the so-called operation in which Abdul Rahman was killed. The police had claimed that they had killed a Pakistani militant called Abu Hafiz.

According to Jammu and Kashmir State Chief Minister Ghulam Nabi Azad, police official Farooq Ahmad and a constable have been arrested for the murder of Abdul Rahman and the killings are still being investigated. “Any security person found guilty of killing any innocent for personal reasons like promotion, rewards or appeasement to bosses would not be spared,” Azad said, adding that “nobody is above the law.”

“The real test of the chief minister’s commitment to investigate the Abdul Rahman killing is whether all those responsible, including senior officials who authorized it, are successfully prosecuted,” said Adams. “Too often we find that India’s security forces are deemed ‘above the law’ and are spared criminal prosecution despite committing grave human rights abuses.”

The coalition Jammu and Kashmir government came to power in 2002 with the promise of “zero tolerance” for human rights abuses. Ghulam Nabi Azad, who became chief minister in November 2005, has claimed a significant drop in custodial killings since he took charge. However, credible allegations of extrajudicial killings persist. On January 26, there were protests in Pattan over the killing of Muhammad Yaqoob Mir. While the army claimed to have killed a militant and recovered weapons from him after an armed encounter, Muhammad Yaqoob’s family said that the laborer had gone missing on January 21 and a missing person complaint had been lodged with the police.

In September 2006, Human Rights Watch released a report, “‘Everyone Lives in Fear’: Patterns of Impunity in Jammu and Kashmir,” calling on the state and national governments to investigate the problem of fake encounter killings and hold appropriate officials responsible. The report noted that the impunity provisions in Indian law offer a remarkable amount of legal protection to members of the armed forces and civilian officials implicated in criminal offenses. The law makes it mandatory to obtain permission from the government to initiate criminal proceedings against public servants, including armed forces personnel. Such permission is seldom forthcoming.

Extrajudicial executions by Indian security forces are common. Police and army officials have told Human Rights Watch that security forces often execute alleged militants instead of bringing them to trial in the belief that keeping hardcore militants in detention is a security risk. Most of those summarily executed are

falsely reported to have died during armed clashes between the army and militants in “encounter killings.” This is done with the knowledge of superior officers, and has led to a culture where security forces feel they can murder persons in their custody for rewards and promotions. Kashmiris also told Human Rights Watch that security forces demand bribes or threaten civilians with extrajudicial executions, warning them that their bodies would be left in the jungle and identified as “foreign militants.”

Human Rights Watch said that if the Indian authorities had addressed government abuses earlier in the conflict, public confidence in the authorities would have increased and future abuses may have been substantially reduced. Instead, India failed to prosecute or discipline the perpetrators, who believe they are, indeed, “above the law.”

“The people of Kashmir are waiting for the state and national governments to end this system of impunity,” said Adams. “Human rights abuses and the failure of justice create despair in the valley and continue to fuel the conflict.”

Kashmir Times
February 5, 2007
Editorial

ROGUES IN KHAKI JUSTICE CANNOT BE DELIVERED ON PICK AND CHOOSE BASIS

There can be nothing more shaking in the last seventeen years of turmoil in Jammu and Kashmir than the fresh revelations on fake encounters which point to the criminal nature of counter insurgency operations. While cases of innocents being picked up, killed in custody and then passed off as foreign ultras killed in encounters is already a known story. These fresh cases become significant in many respects. Not only for the scale of protests and widespread condemnation that they have sparked but also for the fact that people are now coming out openly with allegations of custodial killings and villagers who have been pressurized into aiding the security forces in burial of the bodies have begun to question the entire process and identifying the bodies. This indeed is a reflection of the people's pent up anger and hatred. At the same time, it also reflects peoples' resistance against injustice which needs to be channelised in a positive direction. The people at the helm of affairs cannot stop at simple rhetoric of promising zero tolerance to human rights violations by security forces or quoting militancy as an excuse to justifying the terror perpetrated by the security forces. Chief minister Ghulam Nabi Azad while reiterating commitment to human rights has recently stated that it is impossible to achieve zero tolerance to violations because of the ongoing violence by militants. While violence perpetrated by militants cannot be condoned, it cannot be used to legitimise the reign of terror

unleashed by security forces. It is a fact that people who are sandwiched between the gun from both sides are fed up with violence from both sides. However, the government has a greater responsibility in ensuring that innocents are not harassed by its own agencies, which are governed by a certain law unlike militant organizations. The two cannot be equated. The wounds people have suffered at the hands of either the militants or the security forces in the last almost two decades cannot be totally healed. Yet the trauma of the people needs to be minimized by not only ensuring justice in pick and choose basis but institutionalizing the system of justice. So far the National Human Rights Commission has failed to take cognizance of wide spread allegations of human rights violations at the hands of security forces. The State Human Rights Commission, which has a limited mandate, has been rendered absolutely defunct. Its directions in many cases have fallen on deaf ears. So is the case with the various judicial probes that have been announced from time to time. Either their reports have been totally partisan, inspired by the so-called national interests which the political-bureaucratic nexus is known to rake up to cover up for the wrong policies. Or else, the reports have been lying with the government gathering dust. This pick and choose manner of investigating handpicked cases and promising justice but not delivering it has added to the trauma of the people and added to their alienation. Justice in individual cases is imperative to bring in normalcy and peace, which has become the slogan of almost all politicians off late. It cannot end the sufferings of the victimized people but it can certainly minimize the pain and repose their faith in a system which has totally failed to accommodate not just their aspirations but also their voices of protest. Justice needs to be institutionalized and for this the government needs to make a fresh beginning by seriously following the known global procedures in conflict areas of introducing institutions such as tribunals and truth commissions to probe all cases of human rights abuse in the last seventeen years to restore the faith of the people and deliver them justice. These commissions cannot be allowed to fall into the rut of favouritism and becoming dumping grounds for retired bureaucrats, inefficient politicians, or biased academicians, intellectuals and activists. To ensure justice, these commissions need to comprise efficient and credible people from all over the world. Equally significant is the need to ensure that these function independently and transparently and whose recommendations have to be binding on the security forces. At the same time, all cases of violence perpetrated by militants can also be investigated in all fairness and pressure built up on these organizations to ensure justice in individual cases.

The Guardian
February 1, 2007

INDIAN ANTI-TERRORISM TROOPS ACCUSED OF EXECUTING CIVILIANS

- Kashmir officials order inquiry into claims
- Missing victim's phone traced to police inspector

Randeep Ramesh in New Delhi

The government in Indian-controlled Kashmir last night ordered a judicial inquiry after its security forces were accused of being behind a series of executions of civilians under the guise of fighting terrorism.

An investigation by the Indian Express newspaper claimed that special operations squads had killed a carpenter and two labourers claiming they were Pakistani fighters.

In at least one case, cash rewards were given to troops, it said.

"We have no hesitation in ordering a probe by a high court judge," Ghulam Nabi Azad, an elected official, said last night.

In each instance, Indian soldiers said a Kashmiri man was killed during a battle between security forces and militants. However it has emerged that none of the three men who were killed were at the encounters.

Kashmir police stumbled upon the killings when investigating the disappearance of Abdul Rahman Paddar, a carpenter reported missing in Srinagar in December 2006. Officers traced his mobile phone to a fellow inspector who admitted Paddar had been kidnapped and killed.

"This epidemic of fake 'encounter killings' by the security forces has plagued Kashmir for too long," said Brad Adams, Asia director at Human Rights Watch. "The police must stop their standard operating procedure of killing people in custody."

The elected state leadership came to power with a promise of "zero tolerance" for human rights abuses.

"The real test of the commitment to investigate the killing is whether all those responsible, including senior officials who authorised it, are successfully prosecuted," said Mr Adams.

Kashmir, perched in the Himalayas, is claimed by both India and Pakistan and has been the scene of a violent insurgency that has lasted almost two decades. Despite a thaw in relations between Pakistan and India, the state is still rocked by bomb attacks and shootings.

In a tense atmosphere where death is never far away, it is an unacknowledged reality that extrajudicial executions by Indian security forces take place.

A number of officials told Human Rights Watch last year that Indian forces executed alleged militants instead of bringing them to trial in the belief that detention invited a security risk.

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<http://www.hindu.com/2007/02/05/stories/2007020501451000.htm>

The Hindu
Feb 05, 2007

Editorial

CRIMINALS IN COMBAT FATIGUES

Last week, this newspaper broke the news that officers of three different Rashtriya Rifles battalions in central Kashmir collaborated with a group of rogue police officers to cold-bloodedly murder at least five innocent civilians, who were then passed off as terrorists. From the evidence so far available, it is clear that the army and police officers who carried out the Ganderbal killings were not blinded by hyper-patriotism or misplaced professional zeal. Hoping for promotions and prestigious postings, a group of rogue officers set up the fake encounters. Low-level functionaries who wanted to make a few thousand rupees in reward money, or rid themselves of creditors, picked innocent people off Srinagar streets to feed their superiors' macabre scheme. The motives of the rogue army and police units in Ganderbal were money and power. However, unlike ordinary criminals who shame only themselves, the police and army personnel involved in these killings have disgraced their uniforms and their country. A commission of inquiry has been announced but it is unlikely that it will be of much value. In the months to come, the credibility of the Jammu and Kashmir government — and, to an extent, that of the United Progressive Alliance Government — will rest on the ability of police investigators to build a case that will end in convictions.

Are the Ganderbal murders just 'the tip of the iceberg', as some politicians and human rights activists have charged? Have hundreds, even thousands, of similar murders been committed by security forces in Jammu and Kashmir? The available evidence, including the findings of an investigation ordered by Chief Minister Mufti Mohammad Saeed in 2003, does not suggest so. At their best, India's security forces involved in internal operations have demonstrated professional discipline and restraint. However, atrocities against innocent people do take place with depressing regularity; and when they take place, there is a strong tendency to cover up and shield the guilty men in uniform. From Operation Sarp Vinash to the Ganderbal murders, the experience points to the need for better internal monitoring of army and police counter-terrorism operations.

Fortunately, officials can also learn lessons from what has gone right in this case. When southern Srinagar Superintendent of Police Uttam Chand first received the missing-person complaint that led to the unravelling of the Ganderbal murders, he ensured that the case was properly investigated. His superiors, Deputy Inspector-General of Police Farooq Ahmad and Inspector-General of Police S. M. Sahai, backed the investigation even after it became clear that the findings could be explosive. Chief Minister Ghulam Nabi Azad must be commended for throwing his weight behind the truth, no small act of courage given the fraught political climate and strategic context of his State. Policy-makers must now consider how these actions to uphold human rights and the rule of law must become the rule and not remain the exception.

<http://www.hindu.com/2007/02/03/stories/2007020306630100.htm>
has a protest photo.

<http://www.hindu.com/2007/02/02/stories/2007020206891200.htm>
has a photo of an exhumation.

Hindu February 3, 2007

FIRS EXPOSE ARMY'S HAND IN CIVILIAN KILLINGS

Praveen Swami

Rashtriya Rifles and rogue police officers teamed up for rewards and promotions

VENTING THEIR ANGER: People raise anti-police slogans as they carry the body of Nazir Ahmed Deka after it was exhumed in Saloora, 25 km from Srinagar, on Friday. ~ Photo: Nissar Ahmad

SRINAGAR: At least three separate Indian Army units in Jammu and Kashmir participated in a series of cold-blooded murders of innocent civilians organised by a group of rogue police officers in Ganderbal, near Srinagar.

Documents obtained by The Hindu establish that officers of the 5 Rashtriya Rifles, the 13 Rashtriya Rifles, and the 24 Rashtriya Rifles staged encounters and filed false First Information Reports ~ to make it appear that the civilian victims were terrorists who had been killed in legitimate counter-insurgency operations.

The murders first came to light last month following an internal investigation into the mysterious disappearance of Kokernag resident Abdul Rahman Padder. A special investigation team of the Jammu and Kashmir Police later established that Mr. Padder's killing was part of a series of murders carried out to make the perpetrators eligible for

rewards and promotions.

The fake FIRs

FIR 203, filed by the Army on October 5, 2006, records that "multiple ambushes were laid by 13 RR along with SOG Sumbal and JKP at Baazipora [map location] MT 5735." According to the Army, a Karachi-based terrorist code-named Abu Zahid was killed in the operation. An assault rifle and a wireless set were recovered, it claimed. However, investigators have now determined that the supposed terrorist was in fact Shaukat Khan, a cleric from Banihal in Doda district. Like the other victims, Mr. Khan was reported missing from Srinagar shortly before his death ~ in this case from the Zadibal area, near the Hazratbal shrine.

Earlier, on February 17, 2006, the 5 Rashtriya Rifles claimed to have shot dead an unidentified terrorist. According to the Army, it recovered a Kalashnikov rifle, ammunition, and a pistol from the body. Now, however, police investigators and local residents have identified the body as that of Kokernag resident Nasir Ahmad Deka. A briefcase Mr. Deka used to store the cheap perfumes he hawked on Srinagar kerbsides was recovered in raids on the home of assistant sub-inspector Farooq Ahmad Guddu, a key member of the rogue police ring who was arrested last week. A bottle of perfume was also discovered on Mr. Deka's body after it was exhumed on Friday.

In another case that has been reopened for investigation, a missing Larnoo resident, Ali Mohammad Padroo, is believed to have been killed by the rogue police unit and troops of the 24 Rashtriya Rifles near Kangan. FIR 25 of 2006, filed at Kangan by the Army unit, again claimed that Mr. Padroo was an "unidentified terrorist."

The fifth victim

Troops of the 24 Rashtriya Rifles were also responsible for the killing of Ghulam Nabi Wani, a fifth victim whose body was identified by his relatives on Friday. FIR 52, filed at Sumbal on March 14, 2006, documents that troops, as in the other cases, claimed to have killed an unidentified terrorist.

There have been other cases of atrocities against Kashmiri civilians by the security forces. For example, 12 Army personnel, including the 18 Rashtriya Rifles' then-commanding Colonel R. Pandey, are facing proceedings for murdering four labourers at Devsar Lolab in April 2004, and passing them off as terrorists.

The Jammu and Kashmir Police have so far arrested two men from the

ranks, including Mr. Guddu. Ganderbal Senior Superintendent of Police H.R. Parihar and Deputy Superintendent of Police Bahadur Ram have been removed from active service pending investigation. However, the Army has yet to make public what action it intends to take.

A spokesperson for the Srinagar-based 15 Corps did not respond to phone calls.

Hindu February 3, 2007

ANOTHER BODY EXHUMED IN KASHMIR

Shujaat Bukhari

People stage demonstration against custodial killings

Victim was a vendor selling perfume in Lal Chowk

Srinagar: After the exhumation on Thursday of the body of a person allegedly killed in custody, the special investigation team on Friday exhumed another body at a different village near here.

The body of Nazir Ahmad Deka was exhumed in Saloora village, 25 km from here, in the presence of his wife Tasleema. Hundreds of people staged a protest demonstration there against alleged custodial killings.

Mr. Deka was allegedly killed in February 2006 in a fake encounter after he was picked up from the Lal Chowk area while selling itter (perfume).

On Thursday, the body of Mr. Abdur Rehman Paddar, a carpenter from Larnoo village, was exhumed.

Forensic experts took DNA samples from Mr. Deka's body and his one-year-old son to ascertain if the body was that of Mr. Deka. The body was later sent to his native village Desu in the Kokernag area of Anantnag district for burial.

DIG Kashmir Range Farooq Ahmad, who is heading the investigating team, told The Hindu that Mr. Deka's family recognised the body from the belongings, particularly the sweater that he wore on the day he went missing. Further, a case of perfume was recovered. Mr. Deka was a vendor selling perfume when he was picked up on February 16, 2006. While Mr. Deka was later killed in the Ganderbal area, his family lodged a missing report in Kothibagh police station.

"The body was partially decomposed. It was buried along with a

sweater," the DIG said.

The team was planning to open another grave in Srinagar where an imam (preacher), Nazir Ahmad from Banihal, was buried after allegedly being killed in a fake encounter, but protests in Ganderbal delayed the process. "Now the next exhumation will take place after 10 days and the team will work on investigation," Mr. Farooq said.

Hindu February 2, 2007

BODY OF CARPENTER KILLED IN "ENCOUNTER" EXHUMED

Shujaat Bukhari

~ PHOTO: NISSAR AHMAD

The body of Abdur Rahman Paddar being exhumed from his grave at Sumbal, near Srinagar, on Thursday.

SRINAGAR: A day after Chief Minister Ghulam Nabi Azad ordered a judicial probe into "custodial killings," a team of forensic experts on Thursday exhumed the body of Abdur Rehman Paddar, the carpenter who was killed allegedly in a fake encounter in December 2006.

A two-member team from the Forensic Laboratory, Chandigarh accompanied by six members from the Government Medical College visited the burial place in Sumbal, 30 km from here.

Grave opened

The grave was opened in the presence of a magistrate, Deputy Inspector-General of Police, Kashmir range, Farooq Ahmad and other senior officers besides members of Paddar's family. The team members took samples for DNA tests. They will be matched with those of Paddar's father. However, his father who was present identified the body as that of his son and later took it to his village in Kokernag area of South Kashmir.

SSP, DSP held

Even as investigations being conducted by Mr. Ahmad are underway, three policemen have been arrested, along with an SSP and DSP, attached to the police headquarters.

The police had a tough time keeping out hundreds of protesters in Sumbal as they marched, shouting slogans against the guilty and

demanding action. Police cordoned off the area and fired teargas shells to disperse the mob.

A general strike was observed in the town as shops and businesses were closed and transport was off the road. Police and para-military personnel were deployed in strength in the area.

Earlier on Wednesday evening, Mr. Azad announced that a retired or sitting High Court judge would probe the killing. However, he said, "The police investigation will go on."

12 SIACHIN DISPUTE

Daily Times
February 13, 2007

SIACHEN MADNESS OR MOUNTAIN PEACE

by Q Isa Daudpota and Arshad H Abbasi

It is for opinion-makers in India and Pakistan to tell their respective governments to stop ruining the future of our water supplies and our weather system. Bringing their troops down from the inhospitable heights of Siachen would be the first step. This would be welcomed by the troops as well as the mountain wildlife that has been displaced by the war

Back in 2003 one of us (QID) signed an email petition titled the Siachen Peace Park Initiative located at the glacier that bears this name. It had to do with getting India and Pakistan to withdraw from the futile conflict in the mountains and to let nature revert to its snowy tranquillity.

"As part of the normalisation process/confidence building measures, the governments of India and Pakistan are urged to establish a Siachen Peace Park to protect and restore the spectacular landscapes which are home to so many endangered species including the snow leopard." This was the statement adopted as a lead-up to the 5th World Parks Congress held in September 2003 at Durban, South Africa.

The petition was a follow-up to win widespread support for the idea from citizens of India, Pakistan and around the world, so that the Indian and Pakistani governments could move forward without loss of face, or strategic liability. Sadly there has been no progress in resolving this decades-old dispute.

But new strongly worded reports from the Intergovernmental Panel on Climate Change (IPCC) released on Feb 2 this year could perhaps make the decision-makers change their minds about this wasteful, futile conflict. The IPCC forecasts that global temperatures would rise by 1.8 to 4.0 Celsius this century. There are already signs that South Asia will be one of the worst affected regions — monsoon affected with reduced agriculture production, sinking of island communities and increase in vector borne diseases.

Here, however, we will mainly consider the impact of human presence and war on the glaciers of this region and the impact of this on the region and globally. Note that melting of the Himalayan glaciers contributes about 25 percent to the sea-rise globally.

A serious unforeseen consequence of the Siachen war is the danger posed to four other glaciers: Gangotri, Miyar, Milan and Janapa, which feed the rivers Ganges (first two glaciers), Chenab and Sutlej respectively. This is because of the heavy traffic on the Indian road from the plains to Siachen passing near these four glaciers on the Delhi-Manali-Leh route. This finding is corroborated by a recent report by one of us (AHA) for the Worldwide Fund for Nature (WWF), available at <http://tinyurl.com/23b5de> .

According to Prof M N Kaul, Principal Investigator on glaciology in the Indian Department of Science and Technology, "the ecology, the environment and the health of the glacier can be under severe threat in case the Baltal route to the holy Amarnath cave was frequented by thousands of pilgrims."

Mr Kaul said that heavy pilgrim traffic besides mountain expeditions result in depletion of glacier and environmental degradation. He explained that "this depletion and degradation are the result of human breath, refuse and land erosion."

When these pilgrims can cause so much damage to the glaciers, imagine what the continual presence of troops from both countries must do to the ice and snow given their high-energy requirement.

Science bureaucrats who wish to be totally 'objective' can often be very conservative in their assessment of complex phenomenon that require immediate attention and action. Often a watertight assessment is not feasible and decision ought to be based on the "precaution principle".

Unlike Prof Kaul, Dr Rajendra Pachauri, director-general of The Energy and Resources Institute, is quoted as saying: "A number of scientists say Siachen should be made a protected area, a heritage site of sorts, and that there should be no army presence on either side. For purely ecological reasons, this might be a good idea. But I don't see why there would be melting as a result of military

presence and activity." Italics are added to show a lack of conviction in supporting an end to armed conflict at Siachen.

But Dr Pachauri holds an even more important position as the chairman of the IPCC. Launching the finding of the international report on Feb 2nd, he strongly emphasised the cost and danger if there is no action taken on reducing greenhouse emissions which, among other things, melt glaciers.

Research about the Gangotri, India's largest glacier — which feeds the Ganges — has found that the rate of retreat has almost doubled to 34 meter per year compared to what it was in 1971.

The melting of Himalayan glaciers could have serious consequences as more than 500 million residents of the Indus, Ganges and Brahmaputra river basins rely on them for water supply.

As with Gangotri, so with Siachen the increasing melting can be largely attributed to human activities in these areas. In Siachen, which provides water to the Nubra River, a tributary of the Indus, the ecosystem has been hugely disturbed by the presence of nearly 15000 troops on its two sides, consuming and defecating, soiling the area and littering it with the remains of war. Much of this debris will flow into our river Indus as the glacier melts.

India airlifts food and vital supplies to supplement material that goes up on an all-weather road. Fuel needed for daily needs of cooking and keeping warm is provided by India through a 250 km long pipeline. Vehicular traffic and the heat generated from the activities on this 21,000 ft high glacier has led to unprecedented melting and diminishing of this 72 km-long glacier. Currently temperature rise in the area is recorded as 0.2 degrees Celsius annually, resulting in destructive snow avalanches, formation of glacial lakes and snow holes.

Note that Pakistani troops lie on the western side of the Saltoro ridge, which essentially runs north-south, while Indians are on the eastern side. This is where the Siachen glacier is. Due to much lower activity on the Pakistani side the western glaciers are stable, as shown by recent independent studies by researchers from the UK and Italy.

Unfortunately, climate 'experts' in Pakistan seem to lack knowledge of the importance of glaciers for our ecosystem. In 2001, some of them associated with the Global Climate Change Impact Studies Centre in Islamabad suggested that glaciers be melted artificially (by lasers or darkening) to alleviate the drought in the plains! This Centre was set up by old hands of the Pakistan Atomic Energy Commission. It took one of their own colleagues, Dr Khalid Rashid, to debunk in a conference paper their suggestions, which he labelled as science fiction!

Glaciers can also be made secure by the use of common sense. It is for opinion-makers in India and Pakistan to tell their respective governments to stop ruining the future of our water supplies and our weather system. Bringing their troops down from the inhospitable heights of Siachen would be the first step. This would be welcomed by the troops as well as the mountain wildlife that has been displaced by the war.

The authors are Islamabad-based environmentalists

13 VICTIMS OF THE WAR ON TERROR:

The Hindustan Times
26 January 2007

Editorial

TRIAL AND TERROR

The story of Tariq Ahmad Dar is reminiscent of a Kafkaesque nightmare where the victim is thrown in jail twice in two countries on unsubstantiated charges. The Kashmiri, who went to Bangladesh to become a model and businessman, first attracted the attention of the Bangladesh law enforcement authorities who branded him an Indian spy and imprisoned him for 40 days. On being released after desperate efforts by his family, he came back to India only to find the Intelligence Bureau locking him up for 90 days on suspicion that he was a militant. Nothing at all was found against the young man whose plight this newspaper highlighted last November. The only silver lining in the cloud was that Mr Dar has been finally freed.

For many, a brush with the law in India has proved fatal. So-called encounter killings have long been one of the preferred options for the police when dealing with alleged terrorists. Two innocent businessmen were shot dead in cold blood in New Delhi in 1997 on suspicion that they were terrorists. Similarly, two people were gunned down by the Delhi Police in a shopping mall, in what was described as a 'pre-emptive killing'. Of course, encounter deaths and detention are par for the course in Kashmir and in parts of the North-east. All this shows that our law enforcement agencies do not observe even the standard protocol of producing evidence before hauling someone off to the lock-up — or gunning them down.

To kill someone on the suspicion that they may carry out some subversive act is unheard of in any civilised democracy. The worst part is that the police and other law enforcement personnel get away with such excesses, often under the guise

that they acted to preserve national security. During the militancy years in Punjab, scores of people vanished with no trial or even questioning. The logic often trotted out by the police and politicians was that a lengthy legal procedure would enable anti-national elements to get off the hook. So, the short-cut method was to do away with them or lock them up and throw away the key. The State cannot descend to such methods. There is a due process of law and everyone is entitled to it. Whenever any arm of the State seeks to circumvent this, it should be taken to task. Fortunately, today we have a far more vigilant civil society than before and this gives us hope that such violations will decrease and ultimately end.

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Kashmir Times
4 February 2007

VOICES OF THE INTERNALLY DISPLACED: JAMMU & KASHMIR

There are broadly three categories of displaced persons in Jammu and Kashmir along the international border and the disputed Line of Control (LoC) between India and Pakistan.

1. Those living in camps or in rented accommodation at their own expense a way from their villages.
2. Those who are dispossessed of lands that have been mined and fenced out.
3. Those whose entire village has been fenced out. They have access to their fields and homes in the mornings and afternoons but are forced to return to what are called cluster colonies, usually 2 to 6 kilometres away from their fields and homes.

In 2001-02 Operation Parakaram triggered the biggest ever displacement from the borders, most of the people having been left homeless for over a year, However, displacement has been a common feature for villagers living close to the international border and the disputed line of control since 1947-48 due to frequent hostility between Indian and Pakistani forces on the two sides of the dividing line. The plight of the people living in villages up north along the line of control is much worse. They are not only caught in the crossfire between the Indian and Pakistani forces but also between militants and Indian security forces. The fencing operation, that was taken up in a big way by the Indian army after the ceasefire between India and Pakistan was announced, has also played havoc with the lives of the people on the international border and the line of control, more with the latter where at least 45 villages have been totally fenced out. The research team visited border villages of Akhnoor (Garar, Samwa, Chapriyal and Sainth) and Poonch (Birhuti, Degwar and Kerni), besides two camps for displaced persons at Akhnoor. The findings are as follows:

The border people living in the camps in Akhnoor, about 40 kilometres from Jammu city were displaced in 1999 in the wake of Kargil war when the maximum

brunt was borne by inhabitants of 21 villages comprising 6,070 families. Heavy shelling, mortar firing by the Pakistani soldiers and mining operations in their fields by Indian soldiers virtually left them homeless. They spent the first six months huddled in school buildings or government complexes in Akhnoor town with no relief in terms of food or health care. Six months later, the camps came up at several places on the outskirts of Akhnoor - three of which are still existing, two only partially. These comprise about 1,500 families.

The rest of the people went back to their villages in phases, some in 2004 and others in the summer of 2005. But the return has not been totally voluntary. An element of coercion and the unfulfilled promise of de-mining their agricultural lands and providing compensation for the damaged houses by the civil administration have been a major reason for the return. The people were finally compelled to return after the government forcefully shifted the schools and primary health centres and dispensaries from the camps to the villages. Out of these 21 villages on the zero line, some on the international border and some falling on the disputed Line of Control, two villages are totally empty - Chaprayal and Samwa. Both these villages are on the LoC.

At least 80 per cent of the people who have returned to their villages are dispossessed of their agricultural lands. It is important to point out that this area is agriculturally rich and farming has been the mainstay. Prior to 1999, the farmers were tilling and farming in the fields right until the zero-line, barring a fraction of agricultural land that was heavily mined during the 1971 war. The mines were never removed and till 1998, the people affected by the 1971 mining were regularly receiving compensation for the same. No compensation for any kind of mining has been paid in the last six years. The villagers have no access to the mined fields, which are also fenced out by the recent fencing operations on the borders. The land across the fence, which is apparently also the traditional pasture ground for the cattle, is under army surveillance. As per timings specified by the army, the gates are opened to allow the villagers to cut grass for fodder of the animals or allow the animals to graze around at their own risk. Several cattle-heads have become casualties due to the mines and the fencing restrictions pose their own kinds of problems. For housing needs, the people are being paid Rs 15,000 to Rs 25,000 per family which most of them find inadequate. In the camps, major problems are still schooling and health related. Their original villages are 20 km away and traveling to and fro on a regular basis is not an easy job in overcrowded buses and other public transport. Most of these camp inmates are still putting up in tented accommodation, some of them having built shacks for better protection. The area witnesses frequent high velocity winds, storms and rains, during which life in tents can be a real ordeal. In one of the existing camps at Naiwalla, the structures, constructed by the displaced persons, in tents on the land identified for the camp, were demolished by the local administration in the first week of August 2005. Their electricity and water supply were discontinued. The matter has become a major bone of contention not just between the displaced persons and the government, but also the two major political parties in the area - Congress and BJP. Besides, land mafia, grabbing

and encroaching on the land with the patronage of some officials is also found to be another reason.

The Centre has announced a package of Rs 78 crore for the border people from just these 78 villages, out of which Rs 22 crore is already released. Much of the money is likely to be spent on constructing permanent safe shelters for these villagers, on the reconstruction of their houses, (an amount which has already been disbursed but found inadequate), schools and health-care infrastructure. Some relief in terms of rations and meager cash doles was received by these people till last year. Some months back, the government announced extension of free rations for a period of another year, ending September 2005. Most villagers, both those living on the camps and in the villages, said that they were not receiving this ration or had received it only for two months.

In the twin border districts of Rajouri and Poonch, the situation in 45 border villages is alarming. They have been totally fenced out in the recent fencing operations by the Indian army (2004) and their lives are under total control of the army, the virtual absence of the civil administration in these areas adding to their woes. The fencing, which is 6-7 kilometres inside the Line of Control restricts their movement and they are totally isolated from the rest of the country. And, that alone is not their sole concern. As per a central government plan in 2001 to relocate the villages from the zero line to the interiors, Kerni, a village comprising 106 families, in Poonch tehsil becoming the first target, cluster colonies have now come up in most of the 45 villages. The cluster colonies are located 4-6 kilometres from the zero line as well as their homes and fields.

This is a hilly area where population is scattered across the mountain range. Several of these villages were bifurcated by the Line of Control in 1948 or by minor adjustments ever since. Most of the villagers have divided families, some members living on the Pakistani side of Kashmir. These villages have witnessed periodic displacements since 1948, the biggest one in 1965; mostly people intimidated by the army have crossed over to the other side. During the last 16 years of militancy, these border villages, some of which are known to be popular infiltration routes, have borne the brunt. The consequent increase in the army's repressive measures has led to frequent displacements to the other side, though there are minor cases of some of them returning as well. The zero line is excessively embedded with mines and casualties are 5 to 10 per cent in almost all the villages, besides killing and maiming of cattle and sheep.

The fencing and cluster colonies have compounded the problems of the people who have already tasted the bitter pill of government neglect, as well as poor or negligible road, health and education facilities. The people's lives are under army's surveillance all the time and they are expected to be back before dusk in these cluster colonies. They go every morning to their fields and homes, which may be a good one-and-a-half hours walk for some, work the entire day and must report back in the cluster colonies by the evening. The timings are arbitrary as per the whims of the army units in the area - in some cases, the villagers are expected to be back by 4.00 P.M. The only job that the civil administration did was to allot small pieces of land for construction of one-room tenements for each family in these cluster colonies and announced a grant of Rs 1 lakh per family for

the construction of the same. The full payment has not been released in most cases and some people have regretted the level of corruption involved, or the disregard for the latest census, depriving some of these people of any funds. The health facilities are poor and educational facilities, barring a few villages, is not quite up to the mark. The villagers are totally dependant on the army for their needs and it all depends on the whims of the unit officers posted there to help them with healthcare or educational facilities.

While the basic cause of displacement at the borders in these villages remains the same arm conflict and/or army occupation - the nature of their problems varies. Deprivation of land and denial of healthcare facilities as well as education is common to all - but the extent of this varies. This comparative study as well as problems related to gender and children will be taken up in the final research paper.

Among the border migrants Lajwanti Devi, a 75-years-old widow of an ex-serviceman, was interviewed. Such people form part of a considerable chunk of population of border residents, who are living in the twilight zone of life. With most of them widowed, these aged women and sometimes men do not even have the consolatory support of their spouses to tide them through the desperation that marks their life as border migrants.

Like most border villagers of her age, Lajwanti has seen four wars between India and Pakistan with her husband by her side, who died a few years ago. However, being a border resident in Pallanwala sector, Lajwanti is not afraid to lose anything any more.

This fearlessness comes not from a brave heart, although, the community of border residents practice more patience than abject bravery, it comes from the simple fact that she has little to lose now, in case a fifth war takes place.

Lajwanti has nothing left in her life. She lost her husband, an ex-serviceman, a few years ago. The couple was already childless. The constant rumbling, booming and pelting of war guns also did not give any chance to the rustic pair to build something of a property.

Therefore, when Kargil war began in 1999, the guns spoke, once again, on both sides of the Line of Control (LoC) in Akhnoor and the verdict was out that the 6, 072 families living in the 28 villages located in the vicinity of LoC have to leave. Overnight, the border residents became border migrants and came to live with their relatives, friends, even acquaintances, since, like always, the government and local administration took time to "react."

Living alone in her two-room house in Sainth village, one of the worst affected during the cross-border conflict, Lajwanti also took flight along with her neighbours, leaving behind her house, furniture, clothes, taking with her some cash, little jewellery and a lifetime of memories. Once, the tents had been erected at four different locations around Akhnoor, the border migrants moved in to settle down to a new pace of life, little knowing that these tents were going to be there home for the coming five-and-a-half years.

Like the rest of her ilk, Lajwanti also moved into one of the tents at Naiwala migrant camp, located in close proximity to two other camps, Devipur and Puloon. It was not the first time for the border people to leave everything and

start afresh, so, life began to settle to the changed pace and quality, post-disturbance.

Since the majority of the migrants had traveled to these camps with only the clothes on them, the government provided them with ration and cash relief, besides regular supply of water and electricity, for which basic infrastructure was also installed by the respective departments. A few health centers were also opened up at the camps and schools, which were closed down in their native villages; these were shifted to these camps so that children could continue their education but that was it. After being driven out of their homes, the border men, women and children nurtured the dream of returning to their villages one day, when everything would be fine and peace would, once again, return to the land. They waited while the bullets were exchanged across the International Border (IB) and LoC between troops of India and Pakistan. They waited while casualties mounted on both sides and the land, including that part, which yielded food for empty stomachs, was littered with dead bodies or mutilated limbs, instead of paddy, wheat, maize and sugarcane. The wait might finally have been over with the declaration of ceasefire between India and Pakistan on the intervening night of November 25 and 26 in 2003. Alas! It ended for them in the most unceremonious terms about eight and a half months later in August 2004. This happened with the state government suddenly deciding to take back all the government schools to their native villages, since it thought that border migrants could now start living there again.

The only problem was that the houses were damaged, most of them razed to ground, there was no land to cultivate, most of that having been taken over by minefields, there was no electricity or water supply, most of it damaged in the crossfire and, above all, there was no sense of security. The border people, who have seen and heard the guns more than the rest of the citizens of Jammu and Kashmir, did not trust the ceasefire between India and Pakistan, therefore, they were not too keen to go back unless provided with assurance from their elected representatives. The assurance never came but what came, instead, were orders, more like decrees, which forced the migrants to vacate the tents and go back to their houses.

After much hue and cry was raised, the Centre came to senses and announced a relief and rehabilitation package for the border migrants, which ran into crores. Gradually, the money was distributed, infrastructure raised where it was possible, and border families started trickling back to their homes, in pursuit of a normal life that existed in the prewar days. The rehabilitation work started in about 21 out of 28 border villages in Khour block with the rest of the villages having been damaged beyond repair and there being no way the residents of these villages could go back, at least, presently.

Lajwanti's village, Sainth, was one of these. So, along with the rest of villagers, she stayed put in the Naiwala camp even as at Devipur camp, just next to Naiwala, tents were being pulled off till all the migrants had returned home. Then, quite suddenly in August 2005, the district administration came to their camp one evening and stopped the power and water supply to the camp in wake of an anti-encroachment drive. The fact of the matter was that some of the border

migrants had erected concrete structures inside the camp. The camp is located on land taken on lease by the government from private parties.

Construction of concrete structures obviously miffed the administration, which retaliated in the most undemocratic manner by pouncing on the hapless migrants one evening and running bulldozers over the structures indiscriminately over bricks and humans. The disconnected supply of water and electricity added to the woes of the displaced families who were already bearing the brunt of fending for themselves since the government had also stopped cash relief to them since September last.

Sitting outside her tent, on a simmering afternoon, Lajwanti was enjoying her afternoon treat, which consisted of a few pale and dry cucumbers. While slicing the cucumbers into a thali, Lajwanti tells, "Ever since I was married and lived in Sainth, it has only been guns and destruction for us. I have seen with my eyes and heard with my ears the noise caused by firing. There was no way we could save ourselves even if we stayed inside our homes."

Therefore, Lajwanti and her husband had to run every time the guns roared and that happened frequently in the years since independence and subsequent accession of Jammu and Kashmir to India.

Once, she was in the migrant camp, life settled down to a droning monotony thanks to the drudgery of camp life. Government provided the basics like water, electricity, ration and financial assistance. Therefore, there was little to worry besides when to return home and this was the only thought that occupied the free hours of Lajwanti. Then, there were the neighbours, who continued to share life just like the old days back home. The only difference was that for once, there was little else to do except to share the pain and anguish of the present life.

Since Lajwanti lived alone, she had little household work to do, notwithstanding the living space of a single tent that she was occupying. Every afternoon, when the women become free from their daily chores, they used to gather in front of Lajwanti's tent and settle down on a few cots available to take stock of each other's lives, what the children were doing, who was to be married off and what would be government's next decision.

Among all these "occupied" women, Lajwanti felt like she had nothing and no one to look forward to in life but that remained a fleeting thought for her optimistic disposition. While recalling her earlier camp life alone, Lajwanti says, "While women around me were usually kept busy by their families, I could only sit around and watch with nothing much to do. Earlier, it used to bother me because I have never been the kind to sit with hand over hand. It felt like I had my hands tied on my back and no one could untie them. However, gradually, I came to terms with the reality and credit also goes to my neighbours in the camp, who come to spend time with me whenever possible." The only regret of Lajwanti is that the government does not think about the people of her age. Right from food, water, electricity to medicines and clothes, the border migrants, widows and widowers, who have no family comfort to call their own, are forced to fend for themselves. The only help they get from the government is the relief and cash assistance, which does not account for much since it is not regularly available to them. Sometimes, it used to be months before Lajwanti and others like her were

able to collect their stipulated amount of ration and money. Of those days, Lajwanti says, "The flour, which we got from the ration depot, was usually infested with worms. I had to pick up all the worms from the flour before I could use it to make dough. Even then, it was tasteless and I was not able to eat more than one chapatti made from it. It further reminded me of my life back in my village where I was, at least, able to eat two square meals of decent quality." The food, however, was not the only concern of this septuagenarian, who also had to counter sickness more than once while she lived at Naiwala camp. With the basic health facilities altogether absent from the scene, Lajwanti had to rely on quacks, who were readily available around the camp and catered to most of the migrant population. She told, "During initial days, when I fell ill, I had to board the bus alone and go to Akhnoor, which is about 15 km away, and visit the government hospital there for treatment. It was not only a tedious job but cost a lot of money as well, if only for transport." Gradually, when Lajwanti started remaining sick, she stopped going to the government hospital altogether to save the meager sum of cash relief that she received from government. By doing so, she became more and more dependent on the quacks around, who administered sub-standard medicines and other makeshift treatments to her. Living in a tattered tent, with just meager belongings, Lajwanti slowly slipped into a trance-like state, where she could go on for days without talking to anyone around her, not that there was any family, only neighbours from the village. Lajwanti is not angry anymore while talking of the indifferent attitude of authorities towards the border migrants nor does she spew venom while speaking of the MLA for whom she voted in the last elections. Ask her whether she feels any pain or anguish on her present state of life, she says, with a contented smile, "My husband and I were never interested in accumulating huge wealth, although my husband, an ex-serviceman, was a very hardworking man, who spent long working hours in the field. I assisted him too. However, I feel sorry for our young children, who have nothing to lean back on since their previous generations have been beaten down by the hardships facing them in the border villages."

Chewing on the cucumber, which she has cut for herself, Lajwanti reminisces, "Nothing is forever in life nor is anything stationery. I have learnt to live life within whatever means I have but government should have thought about the fact that a whole nasl (generation) of border residents is wasting away." Though she comes across as fairly optimistic, Lajwanti is awaiting her death more than the return to her village because of her own reasons about which, she says, "Even if I go back to my village, there is no one with whom I would share my house. I will be alone, once again. That is why, I would prefer to be dead than to return home because, at least, then, I would be with my husband up there."

Lajwanti portrays the situation of the older generation of IDPs. It clearly reveals that though all IDPs are vulnerable there are some who are more vulnerable than the rest. Being a woman, a widow and an aged person increases Lajwanti's vulnerabilities. The state should have made separate policies to offer rehabilitation and care to such people but because there are no legal mechanisms the state treats them as collateral damages.

INDIA ON MAP OF IDPs

The situation of IDPs taken cumulatively from the four cases of Gujarat, bodoland in Assam, orissa and border areas in Jammu and Kashmir presents a gloomy picture. Quantitative research brings out that about 60 per cent of all IDPs interviewed are illiterate. About 56 per cent had more than two children in their family. An overwhelming number (45.6 per cent) were in the domestic and agricultural sector. About 59 percent of IDP families interviewed earned less than Rs 1000 (25 dollars) a month. More than 60 per cent of the IDPs were displaced for over five years. About 55 per cent of the respondents stated that they received no material help from government or otherwise. Only 13.1 per cent responded that they received some help from the government. About 78.6 per cent of the respondents stated that they had poor health. Unlike in other countries of South Asia, in India only 2.9 per cent respondents said that their children were recruited in the armed forces. 84 per cent respondents stated no support was given to either the elderly or the pregnant. An overwhelming problem in the region remains economic (50 per cent). About 73.3 per cent responded that they had no hope of going back to their original place of living. Only one respondent said that she was aware of the UN Guiding Principles. Only 5.3 percent of the respondents had any hope for improvement in their condition due to policy mechanisms. However, 24.3 per cent of the respondents said that policies should address the security needs of IDPs.

Cross tabulation showed that of the total number of 85 respondents displaced due to armed conflict 73 were displaced for more than five years. People who are displaced due to armed conflict had much higher rate of being displaced more than once as compared to those displaced due to projects.

As many as 55 of those displaced due to armed conflict said that they still suffered from the lack of security, and 48 of them said policy makers should work towards greater security for the displaced. The majority of the victims of developmental projects suffered from economic problems.

What is clear from this research is that people displaced due to armed conflict suffered from a sense of insecurity and those displaced due to development projects suffered greatly from economic problems.

Recommendations by CRG

- 1.1. There is a need to have national resettlement policies in all countries of South Asia, and these policies should cover displacements due to violence and environmental-developmental reasons both.
2. Consultative mechanisms have to be devised so that in the formulation of policies for the relief and rehabilitation of the IDPs by the government institutions and national and international NGOs, the experiences, opinions and preferences of the displaced themselves are given utmost priority.
3. State surveys should be conducted in all countries of the region in order to have a comprehensive idea about the nature and magnitude of displacement.

These surveys should not be bureaucratically planned; they should be planned in a consultative and deliberative way.

4. The national human rights institutions have to be sensitised more about the perils of the IDPs in the respective countries. These institutions can contribute significantly to the formulation of the national IDP policies.

5. In order to make people aware of the rights of the IDPs, more popular-level campaigns need to be organised.

6. Apart from the national policies on IDPs, a South Asian regional policy on the IDPs would also be crucial. A mechanism to monitor the situation of the IDPs at the regional level may also be considered.

7. So far as the IDPs sheltered in the makeshift camps are concerned, there is a need for looking after the educational and health-related facilities in these camps. It is also important to devise policies on sanitation of the camps. The security of the camp-dwellers has also to be ensured.

8. The obligation to resettle should be considered as equally important as the displaced persons' right to return.

9. Special attention must be paid to female-headed households.

10. Special policy has to be devised for the rehabilitation of the IDPs not taking shelter in the camps.

11. A legal recognition of the IDPs as a category is absolutely necessary. Without this recognition at the national level, it would be difficult to ensure the basic rights of the IDPs.

12. Finally, international mechanisms have to be popularised to a much greater extent; and attention must be paid to the responsibility of national and international actors in provoking displacement by their actions. Regular sessions of a working group on the IDPs attached to the Human Rights Commission will have experts' and victims' participation, and will thus strengthen the hands of the Representative of the UN Secretary General dealing with the rights of the IDPs.

*(This write-up is an extract from 'Voices of the Internally Displaced in South Asia', a report by Calcutta Research Group. Kashmir Times team comprising Anuradha Bhasin Jamwal, Shuchismita and Yamini Kaul assisted in the field work and finalizing the report on Jammu and Kashmir)

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Inter Press Service
February 13, 2007

TOO MANY DUBIOUS CONVICTIONS IN PAKISTAN, SAY ACTIVISTS
By Zofeen Ebrahim

The independent Human Rights Commission of Pakistan (HRCP) and the Paris-based International Federation of Human Rights have called for an

immediate moratorium on death penalties in Pakistan -- or many innocent people may be executed.

There are "very serious defects" in Pakistan's criminal, police and justice system, the rights organisations charge in their joint fact-finding report 'Slow March to Gallows', launched late January. There is also "chronic corruption" and bias against women and religious minorities.

All this has made the capital punishment system in Pakistan "discriminatory and unjust" and allowed for the "high probability" of miscarriage of justice. "Until we wait for the imperfect system to be corrected many people, including quite a few innocents, will have been hanged," I.A. Rehman, director of the Human Rights Commission of Pakistan (HRCP), told IPS. There should be an immediate freeze on executions of those already sentenced, he said.

HRCP council member Zohra Yusuf added: "We are for abolition. A moratorium is proposed to give immediate relief in the interim period." A moratorium would spare those convicted under Pakistan's controversial Blasphemy Law. Minority religious groups in Pakistan, especially Christians, have long charged that this law was being used to persecute them. The United States-based Human Rights Watch (HRW) has welcomed HRCP's call for a moratorium as a first step to abolition. "The use of the death penalty must end, period," said Ali Dayan Hasan, South Asia researcher for HRW, adding that HRCP was highlighting the "very serious plight of large numbers of prisoners on death row."

Currently there are more than 7,400 prisoners on death row, some of whom have been there for decades. Rights groups say executions have been increasing, with 1,029 carried out between 1975 and 2002 in the Punjab province alone. In the first half of 2006, the number of people executed was 54.

In spite of the steady increase in the numbers sentenced to death and actual executions, the HRCP report states that there has been a spiral in the number of crimes carrying the ultimate penalty.

At the time of independence, in 1947, only murder and treason carried the death sentence. But today there are 27 capital crimes, including blasphemy, stripping a woman of her clothes in public and sabotage of the railway system. Many of these were introduced during the 1977-88 military dictatorship of Gen. Zia-ul-Haq.

It was under Gen. Zia's rule that former prime minister Zulfikar Ali Bhutto was executed despite worldwide appeals for clemency. Bhutto was hanged on Apr. 4, 1979 on the charge of conspiring to murder a political opponent, after what was widely held to be an unfair and politicised trial. His appeal to the Supreme Court was rejected by four judges out of seven and one of the four stated afterwards that he regretted his decision.

HRCP has urged the government to put a restriction on the number of offences carrying death sentence and refrain from adding new ones, but Rehman said he did not expect an immediate government response to their call. "The government is a thick-hide mule. We do not expect an early breakthrough. It has other priorities," he said.

By calling for a moratorium rather than a complete abolition of capital punishment, HRCP hopes to start a debate and "allow the government and the

public to thrash out issues and reach a consensus," Rehman said. "Laws made without public concurrence rarely succeed." Rehman conceded that the abolitionists would have to work hard to convince the public about their cause. "The public, at the moment, does not seem interested or supportive of abolition. People have been brutalised. They are also much too confounded by clerics claiming that killing is enjoined by faith. They would like to see more heads rolling than fewer," he said.

Giving an example of how the abolitionists might press their case in Pakistan, Rehman said: "One could argue, for instance, that murder apart, there is no sanction in Islam or in our legal tradition for awarding death in many of the cases that have been added to the capital offences list."

On the issue of deterrence, HRCP is arguing that the "certainty of conviction not the harshness of punishment," was decisive in reducing crime. "Capital punishment or any other punishment can be deterrent only in states where the legal order is not strong enough to prevent the wrongdoer escaping. We should be at the stage where even a minor punishment should act as a deterrent: Then there would be no need to hang anyone," explained Rehman.

There is also the question of reforms in Pakistan's judiciary, police, and executive which are considered essential issues. "Wherever justice has moved from retribution to reformation and meeting people's economic needs, the crime rate has fallen," said Rehman.

He stressed that Pakistan's religion-based Qisas and Diyat Ordinance, highly criticised by rights activists for miscarriage of justice, must be reformed. This law allows families of murder victims to accept compensation and pardon the offender. "It gives the victim's family veto-power to decide whether a convict should live or die," Rehman said. "It's a privatisation of justice because murder, which is a crime both against the victim and society, is reduced to a matter between the killer and the victim's family. Society is deprived of its say."

HRCP's Yusuf adds that the ordinance allows the rich to "literally get away with murder by paying the 'blood money' while the poor are hanged. The law will have to go if death penalty is abolished."

Besides calling for a moratorium, the HRCP report presses for several administrative measures to be introduced. These include greater accessibility for members of civil society to prisons and contact with condemned prisoners. It wants a strengthening of the police investigation system, an increase in spending on the police and justice system and a mechanism for protection of victims and witnesses taking part in criminal procedures.

14. MANIPUR and the Struggle Against AFPSA

Rediff.com
MANIPUR: THE IROM SHARMILA SAGA
David Buhril

February 21, 2007

Irom Chanu Sharmila's move last year to shift her protest from the walled room of J N Hospital, Imphal to New Delhi last year for the repeal of Armed Forces Special Powers Act, 1958, has brought the issue to the national mainstream.

The change in venue negated and deconstructed various limitations imposed on the relentless fighter by the state authorities.

Sharmila was under medical care at the AIIMS hospital after she was arrested by the Delhi police from Jantar Mantar on October 6, 2006. She has since been shifted to Ram Manohar Lohia Hospital where she is still nose fed.

Lawyer Preeti Barma of the Human Rights Law Network complained that the police disallowed Sharmila to talk to or meet people freely. The change of venue also saw the change of her guards. In New Delhi, Sharmila is closely guarded by two women constables of the Delhi police. So the power and authority that controls her remains the same. Moreover despite the shift, Sharmila's protest language remains the same. She is determined to fast until the 'draconian' AFSPA is repealed unconditionally from Manipur and other states in the North East.

Babloo Loitongbam, Sharmila's associate, said, "We never expected we would be able to leave Imphal with Sharmila." The team took an early morning flight to Delhi to continue to protest against AFSPA.

On reaching Delhi, Sharmila immediately headed for Rajghat, where she said in her slow, tired, mincing words, "To pay floral tribute to my idol, Mahatma Gandhi." Later that evening Sharmila headed for Jantar Mantar for a protest demonstration. The six years of fasting and nasal feeding is showing on her. She looks weak, brittle, pale and haggard. She is physically tired. She seems to be trying hard to put a smile on her face. But the harder she tried; she was always overcome with tears that seem to have no end. She did not hide her tears. She seems to have been living with it.

On the Centre's attitude to her movement against AFSPA, as well as that of the civil society in Manipur and other North Eastern states, Sharmila said, "The government at the Centre looks down on the North East."

That is a telling comment on the Centre which has been swamping the North Eastern states with its armed forces in a quest to maintain peace, security and

order. As the state fails to question the relevance and validity of the 'repressive' Act, Sharmila continues to find her movement more valid and relevant. Her determination for an AFSPA-free Manipur grows stronger with every passing moment. She yearns for peace and strongly believes that "real peace comes only through justice."

Despite her long struggle she has endured a numb and silent state's response. But Sharmila is resilient and said, "I am optimistic." That accounts for her steely determination and courage. When AFSPA resulted in violence and shedding innocent blood, Sharmila was certain that it must be overcome through non-violence. That has been her instrument and language since she resolved to fast until the draconian law is scrapped.

Sharmila was nominated to the 2005 Nobel Peace Prize by a Guwahati-based women's organisation, the North East Network. Sharmila was nominated for her passionate desire for social reform and her work on the issues of women's empowerment, peace and human rights, using non violent methods. Today she represents the voice of the thousands of voiceless people who are still braving the misuse of the "draconian law" in a state where the government's policy has been missing the very people it tries to protect.

Today, the need is for a searching engagement where diverse actors are involved and represented in the quest for a people centric alternative. Otherwise, activists like Sharmila will relentlessly pursue their quest for repeal of AFSPA.

But will Sharmila's presence in Delhi have any impact on AFSPA's prospects?

This is the first time that the relentless fighter stepped out of Manipur to continue her protest. Also in Delhi, the lady unhooked herself from the life support system that has been sustaining her six-year fast. The authorities in Manipur acted fast enough with the Chief Minister Ibobi Singh rushing to Delhi to appease Sharmila. Ibobi met Sharmila at Jantar Mantar and told her about the need for AFSPA to counter insurgency in Manipur. Though Ibobi was under strong pressure to fly Sharmila back to Imphal, the attempt was futile as Sharmila was resolute on her stand.

Apunba Lup, the umbrella organisation spearheading the campaign for repealing AFSPA, condemned the chief minister's insistence on continuing with AFSPA even after the Act was defined as 'discriminatory' and 'repressive' by the Jeevan Reddy Committee, which was appointed to review the Act.

Sharmila has been on fast since November 2, 2000 after the Malom massacre where ten people were killed by the Assam Rifles. The army disallowed a magisterial inquiry into the incident. The high handedness by the army prompted Sharmila to resort to her fast. AFSPA empowers the Governor, as a representative of the central government, to subsume the powers of the state government with the power to declare "undefined" disturbed areas. It also

empowers non-commissioned officers of the armed forces to arrest anyone without a warrant, to destroy any structure that may be sheltering absconders without verification, to conduct search and seize operations without warrant and even shoot to kill. No legal proceedings against abuse of such arbitrary powers can be initiated without the prior permission of the central government. While introducing AFSPA on August 18, 1958, the government accepted it as an emergency measure and it was supposed to have remained in operation only for one year to tackle the Naga insurgency.

The Malom massacre represents one of the many cases that have already become routine affairs in Manipur and other North Eastern states. However due to the imposing blanket of AFSPA, the bloodshed by state actors remained untouched and untraced. AFSPA was modelled on the Armed Forces (Special Powers) Ordinance, which was promulgated by the colonial British government on August 15, 1942 to suppress the Quit India Movement. It is true that states have legitimate obligations to take all necessary measures to eliminate terrorism in the pursuit of protecting and safeguarding the national's interest. However, does that give the states the power to take away the right to life and block the path to justice? Despite the arbitrariness of AFSPA, the Supreme Court of India upheld the constitutional validity of many harsh legislations on the ground that "Parliament is competent to enact the laws in exercise of the legislative power conferred on it."

Today Manipur is tagged a "disturbed area", which actually allowed AFSPA to be imposed. In the original version of AFSPA of 1958, only the state governments had the power to declare an area as disturbed. However, amendments in 1972 took away the power from the state government and handed it over to an appointee of the central government, which is the Governor.

Manipur has been declared a 'disturbed area' since September 8, 1980. Since then the order has been re-issued after every six months. The big question today is, whether AFSPA is an exceptional and temporary measure or a permanent one? Twenty five years seem long enough to get closer to attain permanency.

In 2004, in the wake of intense agitation that was launched by several civil society groups following the death of Manoram Devi, while in the custody of the Assam Rifles and the indefinite fast undertaken by Sharmila, Union Home Minister Shivraj Patil visited Manipur and reviewed the situation with the concerned state authorities. In the same year, Prime Minister, Manmohan Singh assured activists that the central government would consider their demand sympathetically.

The central government accordingly set up a five member committee under the Chairmanship of Justice B P Jeevan Reddy, former judge of the Supreme Court.

The panel was given the mandate of "review[ing] the provisions of AFSPA and advis[ing] the Government of India whether (a) to amend the provisions of the Act to bring them in consonance with the obligations of the government towards protection of human rights; or (b) to replace the Act by a more humane Act."

The Reddy committee submitted its recommendations on June 6, 2005. However, the government failed to take any concrete action on the recommendations even after almost a year and a half.

The 147-page report recommends that "The Armed Forces (Special Powers) Act, 1958, should be repealed." During the course of its work, the committee members met several individuals, organisations, parties, institutions and NGOs, which resulted in the report stating that "the Act, for whatever reason, has become a symbol of oppression, an object of hate and an instrument of discrimination and high handedness." The report clearly stated that "It is highly desirable and advisable to repeal the Act altogether, without of course, losing sight of the overwhelming desire of an overwhelming majority of the [North East] region that the Army should remain (though the Act should go)."

But activists say the Reddy panel despite its recommendation for the 'repeal of the Act' has nothing substantial for the people. The report recommends the incorporation of AFSPA in the Unlawful Activities (Prevention) Act, 1967, which will be operable all over India. The question is, will this be "a more humane law", which Prime Minister Manmohan Singh promised the Apunba Lup in November 2004?

While the democratic expressions are for the unconditional repeal of AFSPA, Manmohan Singh has to balance "national security and the rights of the citizens." Now that the Reddy Committee report has recommended the repealing of AFSPA, Sharmila is, no doubt, resolute in her demand for the total repeal of the Act.

David Buhril, a native of Manipur, is a research scholar at Jawaharlal Nehru University, New Delhi

15 2007 - FIRE BOMBING OF SAMJHAUTA EXPRESS :

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The Hindu

Feb 20, 2007

Editorial

PEACE AND THE BURNING TRAIN

The heart-rending scenes of charred bodies and twisted metal in two coaches of the Pakistan-bound Samjhauta Express are gory testimony to yet another major terrorist strike in India. The horrifying twin bomb explosions when the train was near Panipat in Haryana, killing at least 67 people, unite Pakistan and India in deep grief. They are a chilling reminder that terrorism in this day and age has international linkages in more ways than one. The identity of those responsible for the carnage is not yet known but the object and timing of the attack provide strong clues to the motives. Started in 1976 following the Shimla accord, the Samjhauta ('Understanding') Express has symbolised good neighbourliness between India and Pakistan. The train, which has run almost uninterruptedly for more than three decades — suspended only for short periods in the wake of Operation Bluestar, the Babri Masjid demolition, and the terrorist attack on Parliament — has been a lifeline for people-to-people contact between the two countries. Millions of people on either side of the border, most of them poor folk, have used the train to visit relatives and places of pilgrimage.

The attack on the train (technically a special train from which the passengers are transferred at Attari to the India-Pakistan service) has taken place a day before Pakistan's Foreign Minister Khurshid Kasuri arrives in New Delhi for talks on the ongoing peace process. In a bid to signal their strength, terrorists sometimes choose to time their attacks to coincide with the visit of dignitaries. In 2002, Hurriyat leader Abdul Ghani Lone was shot dead in Srinagar a day ahead of Prime Minister Atal Bihari Vajpayee's visit to Kashmir. Two years earlier, 35 Sikhs were massacred in Chattisinghpora in Kashmir on the eve of President Bill Clinton's visit to India. It is more than likely that those who perceive the India-Pakistan peace process as a threat to their survival have perpetrated the Samjhauta Express carnage. The attack may revive memories of the Mumbai train blasts last year, but there is an important difference. The Samjhauta Express is a highly protected train and the attack on it raises serious questions about gaps in railway security. How did the incendiary material used to set the coaches ablaze get past the security checks at Old Delhi railway station? The decision to allow the unaffected coaches to resume their journey to Attari on the Indian side of the border must be commended. Terrorists aim at disrupting normal life. The best way to honour the victims of terrorism is to ensure that life goes on in the midst of heart-rending grief. And the best way to defeat terrorist designs is to ensure that the peace process remains on track.

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The News International
February 20, 2007

Editorial

SAMJHOTA EXPLOSION

The loss of as many as 65 precious lives on the Samjhota Express linking Pakistan and India is tragic and must be the work of the elements opposed to the ongoing peace process between the two countries. It is worth noting that the deadly explosion took place a day before Pakistani Foreign Minister Khursheed Kasuri's three-day trip to India, where according to various reports, there may well be a breakthrough agreement signed on liberalising the stringent visa regime currently existing between the two countries. The Samjhota Express was on its way to Attari and eventually Lahore from Delhi when, according to eyewitnesses, it was rocked by two explosions as it was traveling through Panipat district in the Indian state of Haryana. At least 65 people are reported to have been killed and the Indian authorities believe that some of these may well be Pakistani nationals returning to Pakistan after visiting relatives in India. In fact, a spokesperson of the Pakistan Foreign Office said on Monday morning that "preliminary investigations" showed that most of the victims were Pakistani.

According to India's railways minister, Laloo Prasad Yadav, the blasts were caused by crude explosives and struck two coaches of the train. Pakistan has rightly condemned the blasts and has asked India to conduct a thorough investigation into the act of terrorism. One would have to unequivocally agree with Mr Yadav's remarks to the press that the blasts were "aimed at derailing peace talks" between the two countries. One hopes that both sides will swiftly and publicly express their determination to carry on with the peace process. Also, both countries- and India particularly- should understand that dilly-dallying or perceived lack of progress only serves to strengthen the hawks and opponents of peace on both sides. As far as motive is concerned, the attackers could be from an array of opponents to the peace process; from the militants in Indian-administered Jammu and Kashmir who have opposed the ongoing dialogue and taken a hard line on the four-point plan put forward by President Pervez Musharraf to the Shiv Sena/VHP/Bajrang Dal combine which has time and again expressed opposition to the peace talks. (Incidentally, the bombing comes almost a week before the fifth anniversary of the infamous Godhra train incident that ignited the Gujarat communal riots of 2002.)

The latter in fact has an explicit agenda of ridding India of its Muslims so that their ideal of a true (read pure) Hindu nation can be realised -- and they make no effort really to even hide it. In that context, attacking a train carrying Pakistani passengers, and which is a symbolic link between the two countries, serves

many purposes and drives home a message to the Indian government that there are some people who oppose the peace talks. Of course, these aren't the only opponents to peace between the two countries. Several statements made in recent months by the top Indian military brass -- particularly with regard to the settling of the Siachen dispute -- have shown that institution to be bitterly opposed to peace -- at least for now. One hopes that in this case there will at least be no finger-pointing by the Indian authorities without a thorough investigation into the causes of the blasts.

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Economic Times
February 20, 2007
Editorial

PUT THE JOINT MECHANISM TO WORK

Blast on Samjhauta

The bombing of the Samjhauta Express, which has claimed 66 lives and grievously injured scores of others, is, without doubt, a cold-blooded attempt by purveyors of terror to blow the fragile Indo-Pakistan peace process apart.

Given the train is a symbol of dialogue, it's particularly vulnerable. Special measures to secure the train from the nefarious designs of groups, whose political and ideological existence is inversely linked to the increasing proximity between India and Pakistan, were certainly needed.

It's time the Indian security-intelligence establishment insisted passengers taking the train go through rigorous security and immigration clearances at the Delhi station itself. Trans-national trains the world over follow such procedures. Most importantly, however, it would do well not to give in to its anti-Pakistan reflex and point accusatory fingers at Islamabad.

The Indian state should ensure that a rigorous probe is conducted. All possibilities, even those that appear implausible, must be explored. Dubious arrests, and forced confessions, which usually follow terror attacks, do little to enhance the credibility of the Indian state.

Seen as part of a continuum of recent terror strikes in Pakistan, the Samjhauta explosion indicates that Manmohan Singh was, after all, right in asserting that Pakistan, too, is a victim of terror.

The train explosion now provides New Delhi the opportunity to put its instinctive distrust for Islamabad aside and try and make the joint anti-terror mechanism truly functional. New Delhi should realise that Pervez Musharraf does not have complete control over Pakistan-based terrorist groups.

Large sections of Pakistani society, which view secular modernity with suspicion, are in the thrall of political Islam. Communal carnages in India, like the 2002 post-Godhra pogrom, together with the Indian state's failure to deliver substantive justice to victims of communal riots, have only legitimised the specious two-nation theory that has been its ideological ballast.

New Delhi, even as it continues to engage Islamabad vigorously, must deliver on its constitutionally-ordained promise of secularism. That is important if it is to be seen as a trustworthy partner in peace by all of Pakistan.

16 ARMS SALES TO THE REGION - PLANS AND THE PLAYERS:

Dawn
February 03, 2007

PAKISTAN GETS EIGHT ATTACK HELICOPTERS
By Iftikhar A. Khan
<http://www.dawn.com/2007/02/03/top3.htm>

<http://www.defensenews.com/story.php?F=2507559&C=thisweek>
Posted 01/29/07 13:38

RUSSIA WORKS TO REMAIN INDIA'S TOP SUPPLIER
By NABI ABDULLAEV, MOSCOW VIVEK RAGHUVANSHI, NEW DELHI

Russia and India signed lucrative energy, trade and technology deals last week, as Moscow sought to reassert its position as the principal arms supplier to its Cold War ally by appealing to historical ties and playing on regional tension. The agreements came during Russian President Vladimir Putin's three-day visit to India, where he met with Indian Prime Minister Manmohan Singh on Jan. 25. Russia has been striving to retain its position as chief supplier of nuclear know-how to India, particularly since legislation signed by President George W. Bush last year ended a ban on U.S. companies doing civilian nuclear trade with New Delhi.

„We hope the high level of political trust should be converted into economic opportunity,“ Putin said at the meeting with Singh.

Singh said after the meeting that „Russia remains indispensable to India,s foreign policy interests.“

Russian officials also are trying to package civilian deals, including building four nuclear reactors and giving energy-starved India access to Russia,s vast oil and gas wealth, with purchases of Russian arms and military technologies. Indian government and industry officials see great potential for industrial cooperation and partnerships.

Civilian cooperation with India is becoming more important for Russia because India ~ whose existing military equipment is about 80 percent Russian-origin ~ has opened its military market to the rest of the world and reached a framework agreement with Washington in 2005 to boost defense ties.

India has procured weapons worth \$35 billion from the Soviet Union and Russia since 1960, said Russian Defense Minister Sergei Ivanov, who flew to India on Jan. 22 ahead of Putin,s visit.

Ivanov and Indian defense officials on Jan. 24 signed agreements on the licensed production of Russian RD-33 aircraft engines in India and the joint development of a new multirole transport aircraft.

Upon signing the agreements, Indian Defence Minister A.K. Antony praised the „cordial, productive and mutually beneficial“ military cooperation of the two countries.

India also will participate in a fifth-generation fighter program with Russia,s Sukhoi, agreeing on joint research and funding. Ivanov would not release details of the deal, saying only that both sides would invest billions of dollars in the project. He added that Sukhoi plans the first flight for 2009.

Presenting in India two projects of a fifth-generation fighter, one by Sukhoi and another developed by MiG, Ivanov stressed the Sukhoi effort enjoys state financing.

Seeking ‘Special Treatment,

Ivanov also pitched the MiG-35 combat jet for an Indian tender for 126 fighter aircraft. The long-expected Indian Air Force competition could result in a deal worth up to \$10 billion.

„These aircraft are equipped with superb engines and can easily be manufactured and maintained in India,“ Ivanov said.

MiG-35 fighters, which Russia will present at the Aero India 2007 defense and aerospace exhibition Feb. 7-11 in Bangalore, likely will compete with the U.S. F/A-18 and F-16, Sweden,s JAS 39 Gripen and France,s Rafale fighters.

„Considering our ties in the military technical sphere, which were tested by time, I believe we have a right to a special treatment of our military supplies,“ Ivanov told journalists in Moscow Jan. 22, before leaving for India.

Russian officials also threatened to break an unspoken accord with New Delhi not to supply arms to India,s rival in the region, Pakistan, if India shops elsewhere.

„If we see other trends here, see that India is refocusing to other suppliers, European or American ∑ Russia in turn will see new opportunities open for

cooperation with other nations in the region, Konstantin Kosachev, head of the Russian parliament's foreign affairs committee, told BBC Radio in Moscow Jan. 25.

He added that Pakistan „has shown a huge interest in the development of military-technical cooperation with Russia.

Russia, the largest exporter of defense weapons and equipment to India for more than 30 years, is currently executing backlog orders worth more than \$8 billion. These include refitting the Admiral Gorshkov, a former Russian Navy aircraft carrier, at a cost of \$1 billion; supplying 16 MiG-29K aircraft for about \$750 million; building three stealth frigates at a cost of around \$1 billion; and supplying 18 Smerch multibarrel rocket launchers, worth more than \$800 million.

Russia also is upgrading 67 Indian Air Force MiG-29 aircraft for more than \$880 million, two Il-38 maritime aircraft for the Indian Navy for \$30 million and 140 Mi-17 helicopters at a cost of \$700 million; supplying 80 Mi-17 helicopters for about \$900 million and spare parts for Shilka and Osa AK air defense systems for the Indian Army, worth \$150 million; and licensing production of Invar missiles for T-90 tanks and Konkurs-M anti-tank guided missiles.

India is producing 140 Su-30MKI fighter jets at Indian facilities under license from Russia, jointly developing the supersonic BrahMos cruise missile, and producing engines for India's Intermediate Jet Trainer and the Army's 1,000 T-90 tanks.

Negotiations are under way between the two countries to supply Tu-22 Backfire bombers for the Indian Navy and to lease one Akula-class nuclear submarine for five years. □

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Businessweek

The Associated Press February 7, 2007, 9:17AM EST text size: TT

AVIATION FIRMS DESCEND ON INDIA AIR SHOW

By RAJESH MAHAPATRA

BANGALORE, India

Aviation companies from around the world have flocked to the India air show, hoping for a piece of the billions of dollars in defense contracts the fast-growing South Asian country plans to spend in modernizing its military.

India's defense minister told the gathering on Wednesday that India will soon invite bids from combat aircraft makers for up to \$10 billion worth of fighter jets.

"It is in the final stages," Defense Minister A.K. Anthony said Wednesday, without giving a specific timeframe. He was speaking to reporters at the air show in the southern technology hub of Bangalore.

The deal for 126 fighter jets the country's air force plans to buy is estimated to be worth between \$6.5 billion and \$10 billion.

India -- whose economy will likely grow 9.2 percent for the fiscal year that ends March 2007, according to government estimates -- also is considering buying nearly 200 army reconnaissance and observation helicopters, Anthony said.

The five-day event at the Yelahanka air base has drawn 500 companies, including 275 foreign companies, more than ever before, Defense Production Secretary K.P. Singh told reporters.

Forty-five foreign delegations and 28 air force chiefs are also attending the biennial show, which comes as India is emerging as one of the biggest buyers of military hardware in the global market.

Inaugurating the air show earlier in the day, Anthony said India's rapid economic expansion in recent years has added to its role in international affairs, which in turn demands that the country also boost its military capabilities.

"India has been called upon to play a more decisive and responsible role in world affairs, particularly in the Asian region. This has led us to rethink our priorities," he said. "We are in the process of acquiring fresh capabilities for all three wings of our armed forces to optimize their operational effectiveness."

The Indian government's decision to allow foreign and private investment has also encouraged many global companies to explore partnerships with local firms to set up manufacturing and research facilities.

It is the first time that U.S. combat aircraft makers Lockheed Martin Corp. and Boeing Co. will fly the F-16 and F/A-18 Super Hornet at the Bangalore air show. Both companies are vying for orders from the Indian air force.

But they face stiff competition from the Russian Aircraft Corporation, which manufactures the MiG combat jets and will be showing the MiG-35, the latest fighter jet in Russia's stable. Other rivals are the Gripen, from Swedish manufacturer Saab AB, and the Eurofighter, made by BAE Systems PLC, Europe's largest defense contractor.

In September, the Indian government announced a defense procurement policy that requires suppliers to spend or invest 30 percent of the deal value in designing, technology development, co-production and related activities in India.

"We don't want to have a buyer-seller relationship. We will buy, but technology transfer must be there and we must be involved in designing, development and co-production," the Indian defense minister said Wednesday.

India has never bought American planes for its air force because of its frosty relations with Washington during the Cold War, when New Delhi was viewed as a close ally of the former Soviet Union. Russian-made MiGs dominate the Indian fleet that also includes French Mirage jets and British Jaguars.

Despite improving relations in recent years, India has been reluctant to sign deals with U.S. arms suppliers over fears that Washington could impose sanctions as it did in 1998 after India tested nuclear weapons, choking off vital spare parts and technology.

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The Associated Press
Published: January 29, 2007

REPORTS: INDIA PLANS AEROSPACE MILITARY COMMAND TO OVERSEE SPACE-BASED ASSETS

NEW DELHI: India plans to create an aerospace command to control and protect satellites and spacecraft orbiting the Earth, news reports said Monday, quoting the head of the country's air force.

Air Chief Marshal Shashi Tyagi said India was an aerospace power with "transoceanic reach" and it was important for it to be able to exploit outer space.

"As the reach of the Indian Air Force is expanding it has become extremely important that we exploit space, and for it you need space assets," The Indian Express newspaper quoted Tyagi as saying at an air force conference in the western Indian city of Gandhinagar.

Tyagi's comments follow a Chinese anti-satellite weapons test on Jan. 11 in which it used a missile to shoot down an old weather satellite.

Tyagi said the aerospace command would be set up with the help of the Indian Space Research Organization, the country's government-run civilian space program, but "will have distinct features as it is a military command."

He gave no timeframe for setting up the command.

India said last week that it successfully tested technology that ensures the safe return of astronauts from space after an orbiting capsule splashed down in the Bay of Bengal off the country's east coast after circling the Earth for 11 days.

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The Hindu
January 28, 2007
<http://www.hinduonnet.com/thehindu/holnus/001200701281230.htm>
"WORK ON NUKE DETERRENCE FOR NAVY UNDERWAY"

New Delhi, Jan. 28 (PTI): Noting that India's strategic forces already possessed land and aircraft-based nuclear deterrence capabilities, a former Navy chief has said work on such an option for the naval forces has already begun.

"India's Nuclear Doctrine clearly envisages a deterrent in the form of a triad with land-based, aircraft-borne and submarine-launched legs. Of these, we possess only the first two at the moment," Admiral (Retd) Arun Prakash said in an article in the forthcoming issue of Indian Defence Review.

Maintaining that the "only platform" which could achieve deterrence was the nuclear-propelled, ballistic-missile-armed submarines (SSBNs), he said to complete the triad of the strategic forces, "we must have a small number of SSBNs."

"Development work is reported to be underway, and when this platform becomes operationally available, we will need suitable areas in the distant reaches of the Indian Ocean from where it can be safely deployed to pose deterrence to our adversaries," the erstwhile Navy chief said in an article entitled 'A Vision for Maritime India: 2020'.

Observing that nuclear weapons were not meant for fighting wars but acted as a deterrent, he said it convinced the enemy of the "futility of contemplating a nuclear first strike", as retaliatory action would be horrific and have a devastating impact on the adversary to make such a strike pointless.

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Asia Times
INDIA SETS SIGHTS ON CRUISE MISSILE MARKET
http://www.atimes.com/atimes/South_Asia/IA30Df05.html&cid=111311564
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