

POLICE TORTURE CRIPPLES 26-YEAR-OLD

Lifetime horror in knock of law

FROMANAND SOONDAS

Varanasi, May 31: Four years ago, Rakesh Vij was like any other 22-year-old boy. Commonplace. So were his dreams. Very middle class.

He wanted to be a chartered accountant, to get his sister married and make his brother an engineer.

In the four years that make a boy a man, Rakesh has changed like no commonplace 26-year-old. He now lies in bed, paralysed. When he speaks, gusts of air escape through the opening left by five knocked-out teeth in a whistle. Every word is followed by a desperate snatch for a gulp of air — he has a deep gash on his neck.

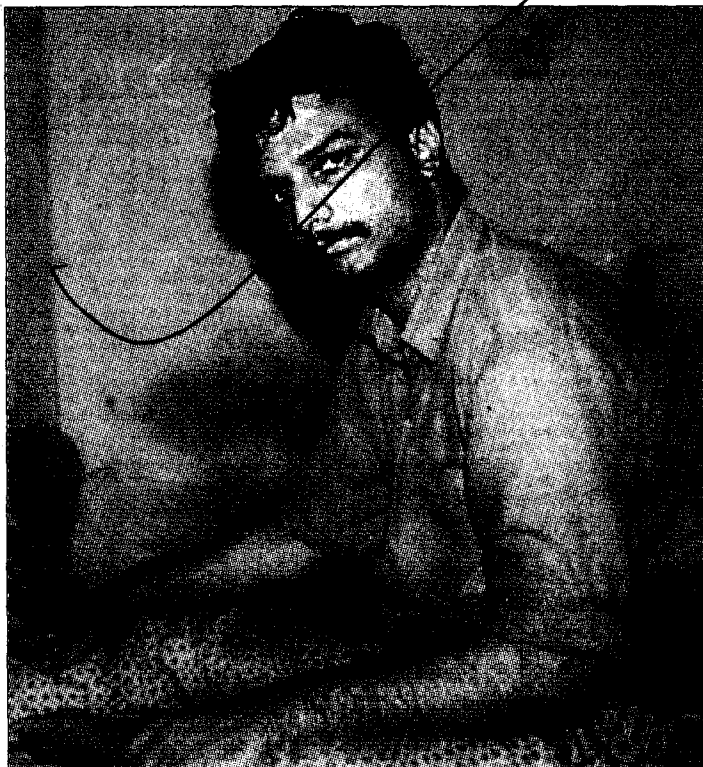
A knock on the door on a winter night in November, 1996, turned the course of his life. He was then fresh out of college. Police, investigating the murder of one of his friends, picked him up for questioning.

Three days of torture have left him an invalid. Bedridden since 1996, he has to be bathed by his father and fed by his mother. His brother religiously cleans the bed soiled by urine.

"We lost everything," weeps Rakesh's father, Raj Kumar Vij. "I wanted to make him a famous man, a chartered accountant. Now I only pray that he lives for a few more years. Look what they have done to him," he says, removing Rakesh's clothes.

The boy winces as he turns over to show his disfigured back. His buttocks are covered by electrocution marks; the police also drove a lathi up his rectum. Mauled toes stick up from the sole of his feet punctured in numerous places; hair is yet to grow from the patches of skin plucked out by five policemen.

Five policeman — sub-inspectors Rajendra Prasad Singh and Gorakhnath Shukla, station house officer R.N. Singh, Gyan Prakash Pandey and J.P. Singh — picked up Rakesh after learning that Sanjay Singh, who was murdered on May 29, 1996, was his friend. They wanted Rakesh to identify the criminals.



Rakesh Vij in his Varanasi home.

The nightmare began when Rakesh told them he had no idea what the police were talking about. The enraged bunch of cops then tried everything to make Rakesh talk.

"The torture went on for three whole days," Rakesh says, every breath a painful struggle. "I was hung upside down, they kept me without food and water for three days and made me urinate on a burning electric heater after which both my kidneys were destroyed."

Not content, the policemen poured petrol into his ears and forced it down his rectum. All this while, no one could meet him. Everytime his father tried, he was beaten up and thrown outside the police station.

Finally, when his condition started deteriorating, the cops took him to Sir Sunderlal Hospital. But when his father reached the hospital, he found Rakesh on a stretcher outside the ward, on the verge of death. He was taken to Heritage Hospital, a private nursing home.

On a petition filed by his father, the Allahabad High Court, on December 16, 1996, directed the police to pay for Rakesh's medical expenses. The police did, but only for some time. Orders were allegedly given to doctors at Heritage to discontinue Rakesh's treatment.

Rakesh remained in coma for 60 days — a story that made headlines in a local vernacular as "the man who came back from the

dead" — and his medical reports were sent to the International Federation of Clinical Chemistry in Stockholm as a "case study" in January 1997.

Soon, Rakesh was turned out of the nursing home. Raj first sold his sari shop in Varanasi, then the family's jewellery was pawned. Furniture was the next to go.

Sitting in a sparse room with gaping holes in the walls and the ceiling, Raj says: "We lost everything. There was no money. Rajnesh and Rupsi (Rakesh's brother and sister) had to discontinue their studies. Rupsi now says she will not marry because there is barely any money to keep her brother alive."

Amnesty International took up the case on May 16, 1997, and applied pressure on the National Human Rights Commission to "do something about Rakesh Vij". The commission, in an order dated October 22, 1999, asked the Uttar Pradesh government to arrange for Rakesh's "complete medical treatment" at either AIIMS in New Delhi or at the Sanjay Gandhi Institute in Lucknow.

It also directed the government to provide "immediate interim relief of Rs 10 lakh within one month".

Neither has happened.

"Please tell them to send us some money soon. I don't want to die," Rakesh says between gasps, clutching a copy of the human rights commission report, as if it were a ticket to life.

THE TELEGRAPH

1 JUN 2000

Rights groups urge China to compensate Tiananmen victims

By Paul Eckert

BEIJING: Overseas human rights groups called on China on Thursday to release the remaining detained pro-democracy activists and compensate families of those killed by Chinese troops around Tiananmen Square on June 4, 1989.

Amnesty International said in a statement three days before the 11th anniversary of the massacre that 213 people were still imprisoned or on medical parole in connection with the pro-democracy protests.

Beijing continued to harass and detain Chinese who sought to commemorate the dead or win an apology or compensation for bereaved families, the London-based group said in a statement.

"The circle of victims widens at every annual commemoration as those (who) courageously seek justice for the victims of the 1989 massacre are detained or imprisoned by the authorities," it said.

Amnesty cited the case of Peng Cheng, an engineer who was detained on the eve of the 10th anniversary last year and sent to a labour camp for three years for collecting signatures on a petition for an inquiry into the crackdown.

The group also decried the brief detention in April of Su Bingxian, whose son was shot dead in the crackdown, after she accepted a small donation for bereaved mothers from Lois Wheeler snow, widow of famed pro-China journalist Edgar Snow.

A second human rights monitoring group, the New York-based Human Rights in China, called for international pressure on China to respond to a petition filed to police last year by Su and another bereaved mother, Zhang Xinliang.

The petition addressed to the supreme people's procuratorate, with copies sent to top Chinese leaders, argued that the army's killing of peaceful demonstrators violated Chinese law.

It said that then Premier Li Peng, a principal decision-maker behind the massacre, bore primary responsibility for the killings and must face prosecution. Li now heads China's parliament and is ranked second in the communist party hierarchy.

Few observers expect any official apology for, or rethink of, the Tiananmen killings while Li or others linked to the massacre are in power. (Reuters)

THE TIMES OF INDIA

22 JUN 2000

NHRC tells judges to monitor prison conditions

59-8

5/1

PRESS TRUST OF INDIA

NEW DELHI, Jan. 4. — The National Human Rights Commission has asked all High Court chief justices to instruct district and sessions judges to take necessary steps to tackle overcrowding of prisons and long pendency of cases.

"Members of the commission and its officers have visited prisons in various parts of the country and have been appalled by the spectacle of overcrowding, insanitary conditions and mismanagement of prison administration," the NHRC chairman, Mr Justice JS Verma, said in his letter.

The Supreme Court had specifically directed district

and sessions judges to visit prisons as part of their duty, he said. "They should make expeditious enquiries into the grievances of the prisoners and take suitable corrective measures," the letter said.

He said lack of sensitivity on the part of prison staff to the basic human rights of prisoners only compounded the problem.

On these visits, the NHRC was informed that sessions judges did not visit jails regularly. District committees headed by a sessions judge or a district magistrate were also not meeting regularly to review the condition of prisoners, Mr Justice Verma said.

"In most of the jails there is a predominance of undertrials,

many of whom have committed petty offences. They are languishing in jails, because their cases are not being decided early for reasons, which is not necessary to reiterate," he said.

The state prison manuals contain provisions for district and sessions judges to function as ex-officio visitors to jails within their jurisdiction and ensure that prison inmates are not denied certain basic minimum standards of health, hygiene and institutional treatment, he said.

Mr Justice Verma said the prisoners are in judicial custody and hence it is incumbent upon judges to monitor their living conditions and ensure that humane conditions prevail within the prison walls also.

THE STATESMAN

- 5 JAN 2000

Religions mauled by fratricide

Tension is growing in communities divided by religion, says MICHAEL BINYON, with clashes and intolerance tearing the world's two largest faiths apart

FROM Egypt to Indonesia, Nigeria to Lebanon, an upsurge in intercommunal violence has marked the new millennium as one of the worst periods of global conflict between Christianity and Islam for generations.

All around the edges of the Muslim world, tension is growing in communities divided by religion. Clashes, shootings and massacres have highlighted the atavistic suspicions of those who live in the borderlands where the tectonic plates of the world's two largest faiths overlap.

On Monday, Egyptian police finally managed to quell three days of clashes between Coptic Christians and Muslims in a town in the south that left at least 20 Christians dead and 44 others injured. A curfew was in force, riot police were patrolling the streets and dozens of people from both communities were arrested.

Violence broke out in el-Kusheh, a town of 23,000 about 275 miles south of Cairo, after a dispute between a Muslim street vendor and a Christian shopkeeper. It quickly spread to nearby villages, where houses and shops were set ablaze and armed men from both communities exchanged fire from rooftops.

The government sent Christian and Muslim dignitaries to the region to contain the trouble, and Pope Shenuda, the Coptic Patriarch, dispatched a fact-finding mission.

Christians make up about 10 per cent of Egypt's 64 million people, and in recent years have complained of discrimination and growing tension with Islamic fundamentalists.

Further south, in Nigeria, a Muslim leader warned on Monday that Christians were importing arms after the burning down of four churches in the northern town of Ilorin two weeks ago, in retaliation to the killing of a Muslim youth.

The accusation was made by a local Islamic teacher but quickly denied by Christian leaders, who called for tolerance in Nigeria, whose 120 million people are almost equally divided between the two faiths.

On the other side of the globe, soldiers were hunting for weapons in Indonesia's Spice Islands after bloody clashes between Christians and Muslims that killed about 500 people.



Adults point to the collar bone of Sana Salim Hanna in el-Kusheh, Egypt. The 13-year-old girl has accused police of hanging her upside down by a rope during the 15 days she was held for questioning, and said she broke her arm and collar bone when the rope slipped. Christian villagers from the town have accused the mostly Muslim police force of brutality during their investigation of the 1998 murders of two Christian men — AP

past year about 1,500 Muslims and Christians have been killed in a conflict that began with a dispute between a taxi driver and a local drunkard. The islands were once held up as a model of religious tolerance.

In Lebanon, where Christians and Muslims fought a bloody 15-year civil war, clashes continued between Sunni extremists and the army.

Pro-Chechen Muslim activists were blamed for firing a rocket grenade into the Russian Embassy in Beirut.

Besides these new outbreaks of violence, clashes continued in areas where religious differences have fuelled ethnic tensions. The war in Chechnya, pitting Muslim militants against the Russian army, reached a new intensity as Russian forces fought their way into Grozny.

In Kosovo, tensions remained high after a spate of revenge killings of Serbs by Albanian militants. The uneasy peace in Bosnia, where Muslims fought a three-year war against Orthodox Serbs and Catholic Croats, has stalled the withdrawal of international forces after warnings that conflict could again break out if the peacekeepers pull out.

There is still no prospect either of a swift withdrawal of UN forces from Cyprus, still divided after repeated clashes between the Muslim Turks and Christian Greeks, culminating in war in 1974.

In Sudan, where Islam holds sway only in the north, the 30-year uprising by Christians and Animists in the south against rule from Khartoum, and in particular the proposal to introduce Sharia (Islamic law), is still far from resolved.

Peace initiatives by Egypt, Libya and the Organisation for African Unity have failed to end the sporadic hostilities. Further round the globe, a Muslim uprising against Asia's only Christian country, in the Philippines, began in 1993.

US rights body rallies for Muivah's release

FROM OUR CORRESPONDENT

Shillong, June 8: The New York-based International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities has expressed concern over the detention of National Socialist Council of Nagalim (Isak-Muivah) general secretary Thuingaleng Muivah in Thailand.

A joint statement issued through the Internet by the Unrepresented Nations Peoples' Organisation and the international federation for the minorities recently said Muivah's inability to participate in the ongoing negotiations with the Centre could result in the "breakdown of a fragile ceasefire in Nagaland."

The 67-year-old Naga leader was arrested in Bangkok international airport on January 19 after he tried to enter Thailand on a forged South Korean passport. Muivah was rearrested on January 29 while trying to leave the country, after jumping bail, from Hat Yai airport in southern Thailand. "We understand that the court case is a technical one concerning the use of improper travel

documents, but the political ramifications are considerable," the statement said. It said failure to resolve the issue quickly "could result in a breakdown of the ceasefire in Nagaland, which would be tragic for the people of that region as well as for India."

Muivah was sentenced to one year's imprisonment by a Songkhla court for trying to leave the country using false travel documents and is being tried in a Bangkok court for entering the country using false papers and for forging a passport stamp.

The joint statement pointed out that the formal ceasefire agreement will end this July and expressed apprehension that Muivah's absence may be detrimental to the peace process in Nagaland.

The UNPO had also appealed to Thai Prime Minister Chuan Leekpai last month to "immediately release" the NSCN(I-M) general secretary for restoration of peace in Nagaland.

UNPO secretary-general Erkin Alptekin had said there is growing international concern about the situation in Nagaland and the tension that is mounting

there as a result of the absence of negotiations with the Union government due to Muivah's detention.

Education conference: A secretary-level conference on education for the seven northeastern states will be held here on Monday.

Official sources said the state representatives are likely to include the issue of non-lapsable pool of funds created for the northeastern states in the agenda. The bureaucrats will also deliberate on the topic of taking up a "holistic approach" for educational development of all the states of the region, the sources added.

"They are also likely to discuss the Sharba Siksha Abhijan," the sources said, adding that all the northeastern states except Sikkim have confirmed their participation in the conference.

Union education secretary (school and higher education) M.K. Kaw, Union education secretary (elementary education and literacy) A. Mullick and joint secretary in the Union home ministry in charge of the Northeast J.K. Pillai are likely to attend the conference.

THE TELEGRAPH

9 JUN 2000

*Christian body
asks NHRC to
probe conversion*

BHUBANESWAR: The Global Council of Indian Christians on Friday urged the National Human Rights Commission (NHRC) to investigate into the recent "conversion" of Christians to Hindus at Manoharpur in Orissa.

The NHRC should also probe into selective implementation of Orissa freedom of religion act in order to ensure that Article 14 and 15 of the constitution are upheld by the state, Sajan K. George, national convener of the Bangalore-based organisation said in a letter.

Urging the commission to guarantee the rule of law, he alleged that the "saffron brigade was calling the shots in Orissa."

The letter, which was released to the press here, said Manoharpur is yet to overcome the shock of brutal killing of Australian missionary Graham Staines and his two sons. The adjoining areas also witnessed the murder of father Arul Doss and a Muslim trader S.K. Rehman. (PTI)

THE TIMES OF INDIA

10 JUN 2000

India a land of abuse: Amnesty International

STATESMAN NEWS SERVICE

NEW DELHI, June 17. — The emergence of new patterns of abuse including increasing attacks on human rights organisations and a rise in communal violence marks India's record in the area of human rights for the year 1999 in the Amnesty International's annual report 2000.

Iterating many of the international organisation's long-standing criticisms of the Indian government, the Amnesty has also pointed to linkages between the attacks on minorities and right-wing Hindu groups following the BJP's return to power.

The report also refers to the enactment of a legislation within the country which does not conform fully to international standards.

While most charges are those of continuing failure of the state to protect rights, of active or passive connivance in acts of violations, failure to take action against the perpetrators and even direct acts of violations by agencies of the state in some areas, the report also documents a new and worrying phenomenon, the increasing trend of attacks and restrictions on organisations working in the areas of securing and protecting human rights.

Groups working on a range of issues including caste discrimination, domestic violence and trade union rights, says Amnesty "came under attack from both the state and other powerful interests throughout 1999".

Citing examples, the organisation goes on to say the government "imposed increased administrative restrictions on human rights organisations. Several organisations, including those involved in an advertisement campaign at the time of elections to raise concern about the gender policies of the BJP, were threatened with having their registration withdrawn."

The report also comments on the anti-terrorism legislation of the government, both at the central

and state level, and the widespread powers it seeks to accord to the police to arrest and detain without trial.

The proposed Bill for prevention of terrorism, Amnesty says, retains many features of Tada. The organisation also refers to the continued use of Tada despite the fact that it had lapsed in 1995, saying the lapsed law was used in Jammu and Kashmir to detain people by linking them to on-going cases filed before 1995. Also mentioned is the detention of the Hurriyat leaders under the Jammu and Kashmir's Public Safety Act, which the Amnesty says, "appeared to be punitive in character".

The Maharashtra Control of Organised Crime Ordinance, enacted in February, the report says, "gives the police widespread powers to intercept communications and allows for arrest, detention and trial procedures which do not conform fully to international standards."

However the report takes cognisance of the fact that the Prevention of Terrorist Activities bill in Tamil Nadu was withdrawn after strong objections to the legislation which bore many similarities to TADA.

The Amnesty report records that disappearances continued both in Jammu and Kashmir and Assam. In Jammu and Kashmir attempts by relatives to establish the fate of individuals "continued to be obstructed by the state, the security forces and an inadequate legal system."

Other criticism contained in the report relates to the continuing vulnerability of socially and economically weaker sections of society to human rights abuses. Attacks, often with the connivance of police and local authorities on dalit communities and tribal people were common place. Attacks on religious minorities — most notably Muslims and Christians, says the report, continued to increase with widespread allegations that they were carried out directly or in connivance with right wing Hindu groups.

18 JUN 2000

MOCKERY OF JUSTICE!

Police commit murders and criminals go free

FACTS not in dispute in the case of Brother George being beaten to death in Mathura are, briefly, that it was unprovoked, it took place in the courtyard of his church and that there was an eye-witness, his cook, Vijay Ekka who watched in horror from the church. Within hours, Ekka is hauled off to the police station and abused. He is not produced before a magistrate and held illegally for seven days. The motive could not have been robbery as a TV set, a VCR, a mobile phone and several thousand rupees were left untouched. Brothers of the order who tried to help Ekka and bring him food were led a merry dance as to his whereabouts. Ekka dies in custody and the marks on his body suggest torture and violence. Two policemen who try to bury him quickly fail and they, Sharma and Upadhyaya, are arrested. The United Christian Forum declare it to be a deep-rooted conspiracy to destroy evidence in the Brother George case and on the evidence the charge is proved. The arrest of the policemen is intended to impress. If past practice is any guide, they will be released when the sense of outrage has died down. End of story.

Not to the BJP vice-president, JP Mathur, to whom this is a conspiracy of international proportions to defame the VHP and undermine the BJP government. Mathur is both irrelevant and obtuse. He suggests that an undue fuss is being made, there are so many deaths in custody! Either he thinks that Ekka's death should not be investigated until all earlier ones are dealt with or it is an insignificant event. "It is being blown out of proportion" — his exact words! What would be in proportion, Mr Mathur? Freedom to the VHP and the Bajrang Dal to pursue their hate campaign against Christians! It seems Acharya Kishore is past it. In supporting Mathur, he complains of cricket being popular in the country; only 22 people play and 20,000 watch! Is this the lack of proportion that so troubles Mathur? Kishore adds hoping to seal the argument — when he asked somebody for the time he was given the cricket score. This, surely is proof, if proof were needed of the baneful influence of cricket in the country and why, in his view, it should give way to *kabaddi*. Does one take seriously such ravings? The single charge that survives is that of undermining the BJP government. Kishore and Mathur are doing well enough in this direction, without help from anyone.

Brother George was beaten to death. Policemen eliminate the witness to his murder. They should be put on trial for murder and their superiors asked to disclose who gave the orders. If there was a conspiracy Mr Mathur, it was here, it was here, it was here!

There is the parallel case of Dara Singh in Orissa, accused of burning alive Graham Staines and his minor sons. The offence took place on 23 January 1999. It takes a month to induct the CBI and five months more to set up a commission of inquiry to bypass the police. Meanwhile Dara Singh gives an interview on television and brags of his achievements. He is involved in two other gruesome murders. He is finally arrested a year after the crime and admits to his presence at site. It takes a year and a half to frame charges and the trial is yet to begin. In the meantime witnesses are intimidated and evidence obliterated. This is justice in the India of the year 2000.

Can we please avoid making a mockery of justice?

21 JUN 2000

Christians reject suicide theory

SWATI R SHARMA
STATESMAN NEWS SERVICE

EKKA DEATH CASE

MATHURA, June 21. — Contradictory statements surface over the death of Vijay Ekka in Nehrauli police station even as the CB-CID and the NHRC started probe yesterday.

The new SSP is trying to instil confidence among Christians.

Ekka (22), cook of Brother George killed on the Saint Francis School campus at Nevada village, died in police custody in suspicious circumstances. When Brother George was murdered, Ekka was sleeping in a nearby place on the school campus.

Police thought Ekka knew the assailants and he was picked up by the suspended SHO of Nehrauli police station, Sunil

Kumar Sharma.

A senior police official admitted that Ekka was kept in illegal custody by Sharma on the permission of the former SSP and he was beaten up during interrogation. How a suspended SHO was allowed to interrogate Ekka was baffling.

The post-mortem report says the cook died of strangulation. "A police official will not dare to kill a person in custody since it means imprisonment for him as per the directive of the Supreme Court," said the official.

But it is equally impossible to commit suicide by strangulating oneself with a scarf. Christians rule out the possibility of suicide and claim

police were concocting stories to dilute the case.

"When we received the body of Vijay, it had marks all over with bulging eyes and a swollen face. This proves that Vijay was tortured and this ultimately claimed his life," Brother Alphonse said.

CB-CID and NHRC officials visited various places, including the Civil Lines where Ekka had died, and interrogated many people, including the SHO of Nehrauli police station. NHRC officials, Mr S Pali and Mr RK Gupta, also visited the Saint Francis School and talked to members of the Christian community. Assuring the Christians support, NHRC officials have expressed dissatisfaction over the statement of the SHO.

THE STATESMAN

22 JUN 2000

NHRC seeks report on Christian attacks

SI-8
2376

STATESMAN NEWS SERVICE

NEW DELHI, June 22. — The National Human Rights Commission has written to the Centre and all states and Union territories, seeking a report on measures taken in view of the recent attacks on Christians and their institutions.

The commission has issued notices to the Union home ministry and chief secretaries of all states and Union territories seeking a report within two weeks. They have been asked to inform the NHRC about the steps they have already taken and the plan of action drawn up

by them to tackle the situation.

In a statement, the commission said they had urged to preserve "the secular credentials of the nation and to fulfil the promise of fraternity and common brotherhood" envisaged in the Constitution.

The NHRC has already taken suo motu cognisance of several incidents of Christians being assaulted and even killed in different parts of the country. After the mysterious death in police custody of Vijay Kumar Ekka, an eyewitness to the murder of Brother George Kuzhikandam in Mathura, the commission had directed the

Uttar Pradesh government to submit a report within a week.

It had asked the director general of police, UP, for a video recording of the post-mortem of Ekka. After the commission's directive, a police team had gone to Mathura for an inquiry into the killings of Brother George and his cook Ekka.

The commission sought reports from states on incidents in UP, Indore in MP, Rewari in Haryana, Nasik in Maharashtra, the killing of a Christian priest Ashish Prabhash in Batala, Punjab, and the bomb blasts in Goa, Andhra Pradesh and Karnataka.

THE STATESMAN

23 MAY 2002

AD 15

PM urges States to set up human rights commissions

24/6

By Our Staff Reporter

NEW DELHI, JUNE 23. The Prime Minister, Mr. Atal Behari Vajpayee, today urged the States which had not set up Human Rights Commissions, to do so as soon as possible. In particular, his message went out to Uttar Pradesh and Bihar which account for 65 per cent of nearly 50,000 complaints received annually by the National Human Rights Commission (NHRC).

Mr. Vajpayee made these observations here this evening after presenting the Rotary India Award on Human Rights to the former NHRC Chairman, Mr. Justice M. N. Venkatachaliah, for "his contribution to the promotion and protection of human rights and the building of a culture in which such rights can take root and flourish." Instituted by Rotary Awards for Service to Humanity (India) Trust, the award carries a cash component of Rs. 2 lakhs and a citation.

Of the view that no effort should be spared in infusing greater sensitivity, efficiency and accountability in the functioning of the police, administration and other institutions that have a direct bearing on the human rights of citizens, the Prime Minister said, "wherever necessary, rules and procedures of these institutions should be radically overhauled to reduce the possibility of their contributing to the violation of human rights."

As for suggestions for amendments in the Protection of Human Rights Act, 1993 — mooted in the report of the Justice Ahmadi Committee and brought up this evening by the NHRC Chairman, Mr. Justice J. S. Verma — the Prime Minister said the Govern-



The Prime Minister, Mr. Atal Behari Vajpayee, applauds after presenting the Rotary India award on human rights to Mr. Justice M.N. Venkatachaliah in New Delhi on Friday. — Photo: S. Arneja

ment would examine them and take early steps to enact necessary amendments to further strengthen the legal framework for the protection of human rights.

But, he added that all the right things in society could not be ensured by laws and regulations alone. "Laws cannot teach a person to be compassionate, caring and sensitive to other people's sorrows and joys. And, human rights cannot be secure in a society where these qualities are weak." As a case in point, he said atrocities on dalits, women, poor and the weak could not be stopped by legal methods alone. "Social maladies call for social remedies."

The Prime Minister also made out a strong case for removing poverty which, in his opinion, was one of the worst violators of human rights "as also is the society that allows poverty to persist."

Earlier, Mr. Justice Venkatachaliah voiced similar concerns when

he said "mere economic development does not imply human development." And, "an unequal society lives under the constant threat of impending disaster".

Besides drawing attention to the suggestions made by the Justice Ahmadi Committee, Mr. Justice Verma urged the Government to ratify the Convention Against Torture.

Also, Mr. Justice Verma urged the Prime Minister to provide separate premises for the NHRC. "The need for separate premises is not to give us greater comfort or prestige but to promote the perception of the autonomy of the NHRC. Its present location in Sardar Patel Bhavan could make anyone mistake the NHRC to be another department of the Government." This, he said, did not just question the autonomy of the NHRC but also amounted to an "erosion of the credibility of the Government".

SEVERAL states have resisted the setting up of human rights commissions, but none more doggedly than Uttar Pradesh. This despite the National Human Rights Commission's insistence on this score and the Union home ministry's pursuance of the matter. The NHRC has maintained that a country of India's size and diversity needs such commissions for quick and inexpensive redressal of grievances. The message of human rights, it says, must reach the grassroot level if societal and attitudinal changes are to be brought about.

In Uttar Pradesh — where the NHRC has taken up nearly 60 per cent of the cases, a total of 26,829 having been filed thus far in 1999-2000 — the attitude has been strange, to say the least. The reluctance continues, in violation of an Allahabad High Court order.

Despite an announcement in the Uttar Pradesh assembly a month and a half ago, nothing has been achieved. Deaths in police custody, illegal detentions, atrocities on Scheduled Caste and Tribe people are a common occurrence. Under pressure from the Union home ministry, the state government announced in the first week of May that it had decided to constitute a State Human Rights Commission. Nothing has followed from that announcement.

The Union home ministry had twice written to chief minister Ram Prakash Gupta asking him to initiate the setting up of a State Human Rights Commission. In response to the first letter, the state government maintained there was no need for such a contingency as were other avenues in Uttar Pradesh for redressal and the people were free to approach the NHRC.

The second letter was the subject matter of a state cabinet meeting which authorised Mr Gupta to take appropriate action after seeking "clarification" from the home ministry. Now there appears to be a change of mind. Parliamentary affairs minister Hukum Singh did announce the decision to set up a State Human Rights Commission, but there was no indication when notification would be issued and appointments made.

Ironically, the same Mr Singh had, on 3 July 1998 in the

Human rights and state duties



Ramprakash Gupta: under pressure

assembly, turned down the demand for such a commission, saying: "Only criminals are raising the issue of human rights and acceptance of the demands will bring down the morale of the police force." This was during the Kalyan Singh regime. Incidentally, in 1997-98 Uttar Pradesh recorded as many as 185 custodial deaths, 169 of these in judicial custody.

Three years ago, the home ministry in its annual report had erroneously stated that a State Human Rights Commission had been set up in Uttar Pradesh. It appears home minister LK Advani wants to correct the position with regard to the ministry's annual report. The latest annual report of the National Human Rights Commission, which was placed in Parliament in March this year, says: "Though a notification regarding setting of the SHRC was issued on 4 April 1996, the names of the chairman and other members were yet to be notified." This is also inaccurate, for the earlier notification had been rescinded.

The notification issued by governor Motilal Vora during President's Rule was cancelled on 26 October 1998 when Mr Singh was chief minister. While he took no decision on the notification to set up a State Human Rights Commission, Mr Singh did create a human rights cell in September 1997 within the police set-up, headed by an additional director-general. "We receive a lot of complaints which are referred to police superintendents. Our effort is that the complaints are investigated by a gazetted officer," an official of the cell said, while admitting

Uttar Pradesh has doggedly resisted the setting up of a State Human Rights Commission in spite of an Allahabad High Court order.
HEMENDRA NARAYAN reports

that it was virtually a "police versus police" situation.

To get over the anomalous situation, the NHRC appointed SVM Tripathi special representative for custodial justice in Uttar Pradesh a year ago. A retired DG-rank officer, Mr Tripathi's role has, however, been limited to visiting jails and juvenile and remand homes. The police lock-ups are beyond his brief.

Former Vice-Chancellor of Lucknow University Rooprekha Verma says that "if and when the State Human Rights Commission is set up, the crucial thing will be who is selected to head it". DGP Sriram Arun admits a "hitch" on the part of the state government to set up the SHRC and compares it with the reluctance once shown by the Centre in constituting the NHRC.

Another DGP rank officer, KL Gupta, feels there's no harm in having such a commission but it should not become an organisation for propaganda for the protection of the "human rights" of criminals.

Justice JS Verma, chairman of the NHRC, commenting recently on the delay in constituting a State Human Rights Commission in Uttar Pradesh, said: "There is an Allahabad High Court ruling which directs Uttar Pradesh to establish a SHRC. I hope the state abides by the order and the matter does not go further." He was apparently referring to the order of 12 January by a two-member bench comprising Justice BK Roy and Justice RK Singh, by which the state government had been given three months to constitute an SHRC on a petition filed by a civil rights organisation. The High

Court order had no impact and contempt notice was finally issued on 24 April. Almost two months have passed since and there is still no SHRC in Uttar Pradesh. Of and on, the NHRC has been passing strictures against the state government,

while settling the cases it has been receiving. Not only has it been recommending monetary compensation to the next of kin of the victims but also directing punishment for violators. It is investigating this month's killings of Christians in Mathura.

(The author is the Lucknow-based correspondent of The Statesman.)

THE STATESMAN

25 MAY 2000

U.N. CONVENTION AGAINST TORTURE ^N

THE U.N. DAY in support of the victims of torture was observed on June 26. It was on this day 14 years ago that the United Nations adopted the Convention against Torture and other cruel, inhuman and degrading practices. On the occasion of the 14th anniversary, Mr. Justice Verma, Chairman of the National Human Rights Commission, pointed to India's deeply disappointing failure to ratify the Convention. On the one hand, it is hard to defend torture. On the other hand, custodial torture is rampant; either to get the victim to confess, or, perhaps, given the tardiness and tedium of the legal process, simply to 'teach him a lesson'. So far is this carried that a number of people die in police custody every year. The question of torture, specifically, was taken up by the U.N. only in 1973, following the Report on Torture that was put together by Amnesty International. But the way this issue has been dealt with since then has been in keeping with the precedent set 50 years ago by the Universal Declaration of Human Rights. First of all, carefully keeping aside the question of culpability, states are persuaded to agree that this or that violation of human rights is very sad; that it is totally unacceptable. The attempt is to establish a desirable standard of achievement or an ideal. *H. Bhabha*

The next step is to pressure states to move towards this ideal; to put them on the defensive. Over the past 15 years or so, the U.N. has achieved major strides in this respect by enthusing the press and by the active sponsorship of non-governmental organisations. This tactic has been rendered a great deal more effective because of the way that the human rights issue can be manipulated to isolate a regime from the world and from its own people. Because of this it is sometimes desirable to temper one's enthusiasm, but this does not alter the fact that the trend towards ever more refined standards is generally desirable. Administrators may not

think it practicable; but it is nevertheless definitely desirable. *19-12 29/6*

The U.S. has aggressively used the human rights plank to further its strategic interests (and has perhaps thereby inadvertently done more for the furtherance of human rights than would have been possible on the basis of sentiment alone), but like many other countries it has consistently sought to keep itself free from scrutiny; most recently in respect of the proposed war crimes tribunal. But in the end these things have a logic of their own. On June 26, the U.S. Supreme Court pitted itself against the U.S. Congress to declare once again that even voluntary confessions would be inadmissible as evidence if police failed to provide suspects with what have come to be described as the Miranda warnings: that they had the right to remain silent, that anything they said could be used against them, that they had the right to the presence of an attorney, and that if they could not afford an attorney one would be appointed for them prior to any questioning if they so desired. The dissenting judge felt that this was going too far; that there was an important difference between 'compelling a person to incriminate himself, and preventing him from foolishly doing so of his own accord'.

In the U.S., as in India, standards keep moving ahead faster than the realities of everyday life. One day a New York court completely acquits four policemen who had pumped 19 shots into an unarmed man at pointblank range (he reached for his wallet; they thought he was going for his gun). The next day the U.S. Supreme Court overturns a narcotics conviction because the evidence was discovered by squeezing a bus passenger's carry-all baggage; this violated his right to be free of unreasonable searches. The gap between what is and what ought to be may be lamentable; but it is this that drives the whole system.

THE NEW

29 MAY 2000

NHRC directive to Govt. on iodised salt

NEW DELHI, MAY 25. The National Human Rights Commission (NHRC) has asked the Health Ministry to explain its decision to lift the ban on sale of non-iodised salt.

In a suo motu notice to the secretary of Department of Health this week, the NHRC said the Government's decision to lift the ban on manufacture and sale of non-iodised salt involved an important issue of public health.

The Government issued a preliminary notification on May 10 proposing withdrawal of compulsory iodisation of salt. The notification gave 45 days for public comments and suggestions.

The notification said the ban was proposed to be lifted because the Centre felt that no public health measure should be forced on the people. The Government had recommended universal iodisation of salt in 1984 because of countrywide iodine deficiency disorders (IDD) like goitre and mental retardation in children.

Medical experts, the Indian Medical Association and even some Health Ministry officials had reacted sharply to the order and alleged that an national programme was being stopped at the behest of a few thousand salt manufacturers.

Medical experts and the IMA

were planning to file a public interest litigation (PIL) challenging the government order.

V Ramalingaswami, national professor at the All India Institute of Medical Sciences (AIIMS) and former director general of the Indian Council of Medical Research (ICMR), and Prof. N Kochupillai, head of the department of endocrinology at AIIMS, said the decision was "unilateral" and was taken without consulting experts.

Prof. Kochupillai said that lifting of the ban is a threat to national health and children's rights as it has implications for the mental development of children.

Several small-scale salt manufacturers' organisations have opposed salt iodisation on grounds that India does not have a major problem of iodine deficiency. They have said iodisation increases the cost of common salt and is toxic.

Prof. Kochupillai refuted these arguments and said lifting the ban is tantamount to "killing an entire national programme that benefits millions at the behest of a ~~some~~ **6000 salt manufacturers**."

Prof. Kochupillai and Ramalingaswami said several studies have proved that the amount of iodine in iodised salt is so small that it

does not have any harmful effect. They also rejected the allegation that iodisation increases the cost of salt.

"Just when India is on the brink of eliminating iodine deficiency disorders, it is unfortunate that such a step has been taken," Ramalingaswami, who is credited with a pioneering study on goitre in the Himalayas in the 1960s, said.

Ironically, on May 9, he informed an international conference in the Hague that India was about to eliminate IDD through a successful salt iodisation programme.

A Health Ministry official, who attended the Hague conference, said the Government's decision cuts a sorry figure for the country internationally.

Ramalingaswami said the decision would send wrong signals about its lack of interest in eliminating IDD.

"It would appear that policy has forsaken scientific advance, humanism and social development," he said.

Dr. Vinay Aggarwal, the general secretary of Indian Medical Association, too condemned the decision as "wrong", and "on the behest of 6,000 salt manufacturers."

26 MAY 2000

26 MAY 2000

POLICE: 'bid to wash off evidence'

(Continued from page 1)

on 21 January 1998, passed an order referring the matter to the panel, on a writ plea filed by Partha's brother, Dipankar Majumdar.

Partha was not wanted in any case, police said in an affidavit to the court.

The petition, which was also moved before the commission, said Partha was first fired on his leg and carried away from the spot in a jeep to Habra police station and kept in a lock-up for a while on 5 September 1997. From there, he was taken to Habra Hospital and thereafter to Barasat Hospital where he was treated on false personification as Lakshman Giri.

He was released from hospital on 6 September 1997 under the signature of one Biman Chatterjee, a policeman working under the SDPO, Barasat. The

petitioner said Partha was last seen by him in a police jeep at village Churghat the following day. When he inquired from the police, they denied that anyone named Partha Majumdar was in their custody. He then moved the court.

The findings of the human rights commission's confirm the allegations in the petition. Its report observes that it appears that Partha Majumdar was arrested by police on 5 September 1997 and kept in the Habra police station lock-up and then treated at Barasat sub-divisional Hospital.

Taking the entire gamut of evidence, the commission is of the considered view that even though all accused police officers of the raiding party denied having arrested Partha and taking him away from the place of occurrence, it is a fact that he was taken away from

that place, the SHRC report said.

On the charge that Partha being admitted and treated at Barasat Hospital under a false name, the commission observed that it is evident from the statements of doctors that Partha was admitted and treated for injury on his head and legs in the male surgical ward of the hospital in the name of Lakshman Giri, a bodyguard of the then SDPO, Barasat.

Doctors identified the photograph of Partha as the person who was admitted as Lakshman Giri and treated for his injuries in bed No. 6 of the hospital on 5 September 1997, the commission's report said.

It further said it is evident that Partha was arrested by police and detained in Habra police station and then treated in hospital under the name of Giri.

Witness disappearance: Rights body indicts top cops

KSHAUNISH SARKAR
STATESMAN NEWS SERVICE

CALCUTTA, May 25. — Senior police officers of Barasat sub-division and Habra police station in particular, have been accused by the state Human Rights Commission of involvement in the disappearance of a person who was witness to a police firing in which a person was killed.

In its report, submitted on 31 March, the commission recommended that the CID register a case against police officers associated with the firing on Suresh Barui on 5 September 1997 at Banerjee Bagan,

Akrampur in the Habra police station area.

Partha Majumdar, witness to Barui's killing, was shot at by police and injured in the leg. He was treated in Habra and then in Barasat Hospital in the false name of one Lakshman Giri, a policeman. Partha is untraced till today.

In a complaint before the commission, Partha's brother, Mr Dipankar Majumdar, said the police sought to pass off the death of Barui, a much-wanted criminal, as a death in an encounter. They also attempted to wash off evidence by causing the disappearance of Partha, the witness to the killing, he said.

The CID should initiate appropriate action in accordance with the law and the government must confirm compliance with the commission's recommendation within a period of two months, the SHRC report said.

The accused include the then Barasat SDPO, Mr Sunil Halder, circle inspector of Habra, Mr Anjan Ganguly and Mr Pranab Dutta, officer-in-charge, Habra police station.

The commission investigated the matter referred to it as a request by the Division Bench of the High Court. The Bench,

■ See POLICE: page 3

THE STATESMAN

THE STATESMAN

25 MAY 2001

Life term for five Punjab policemen

HT Correspondent
Calcutta, May 24

HT 25/5

THE FIVE Punjab Police officers who were convicted of murder by a city court on Tuesday were sentenced to life imprisonment today. The 14th additional district and sessions judge also sentenced them to three years' rigorous imprisonment and a fine of Rs 6,000 each for "hushing up evidence".

The five include an Indian Police Service (IPS) officer. They were convicted of gunning down a suspected Khalistani militant and his wife in a covert operation here on May 17, 1993. The couple, Lakhi Singh and Rani Singh, were staying at a rented apartment at Picnic Garden under Tiljala Police Station in the outskirts of this city.

A huge crowd of lawyers, curious onlookers, human rights activists and many witnesses who deposed in the case against the five as well as a strong media contingent were present in the packed courtroom when the five were sentenced. The crowd spilled over to the Alipore court premises. The five, grim-faced and refusing to speak to reporters, were bundled into a police van by armed Calcutta Police personnel and taken away to Alipore Jail.

THE HINDUSTAN TIMES

25 MAY 2000

Life term for five Punjab policemen

BY OUR SPECIAL
CORRESPONDENT

Calcutta, May 24: Five Punjab police officials, including an IPS officer, have been sentenced to life imprisonment on charges of murdering a couple at Tiljala on Calcutta's eastern fringe in May, 1993.

The 14th additional sessions judge of Alipore, Sukumar Chakraborty, delivered the judgment on the five accused, now lodged in Alipore Central Jail, on Wednesday.

The five — SP Sant Kumar Singh, DSP Sukhdev Singh Chahal, ASI Ram Dayal and two head constables, Darshan Singh and Spkhjivan Singh — were also charged with causing disappearance of evidence.

The incident had kicked up a storm as Punjab police had not informed their Bengal counterparts that a team would be raiding a suspected Punjab militant hideout in Calcutta. Chief minister Jyoti Basu had taken up the matter with the Union home ministry saying that Punjab police's action amounted to violating the "territorial integrity" of Bengal.

In a crowded court room, the judge read out the voluminous judgment running into 148 pages amid pin-drop silence. The accused were later taken back to the jail.

Tapen Roychowdhury, who appeared for the accused, said they would go on appeal in the high court. CBI counsel Soumendra Ghosh represented the prosecution in the trial.

All the accused were on bail when the trial was going on. All of them surrendered before the court on Tuesday.

The accused were found guilty of storming the rented house of an alleged Punjab militant, Basir Mohammed, and his wife, Sakina Begam, at Picnic Gardens in the Tiljala area and killing them on the spot by spraying bullets in the early morning of May 17, 1993. They were staying there as a Sikh couple, calling themselves Lakshmi and Rani Singh.

But before anybody could get wind of the incident, the Punjab policemen fled with the bodies of the couple in a Maruti, keeping Bengal police in the dark.

The nearby Tiljala police station came to know about the gruesome killings only after the policemen had left.

The CBI ordered a probe into the murder following a petition moved by a Supreme Court lawyer, B.L. Wadhera. The CBI subsequently chargesheeted all the five accused after interrogating 112 witnesses.

Records say that Basir Mohammed was declared a dreaded militant after he left his job as a constable in Punjab police and disappeared from the state with his wife without surrendering his service revolver on October 12, 1991. After two years, Basir and his wife came to Calcutta in 1993 and rented a house at Picnic

Compensate custodial death, Maharashtra told

NEW DELHI: The National Human Rights Commission (NHRC) has directed the Maharashtra government to pay an immediate interim relief of Rs 2 lakhs to the dependents of an undertrial prisoner who died in judicial custody due to "inhuman treatment and torture" by the Kalyan district jail officials.

The NHRC has asked the state government to initiate departmental action against the delinquent public officers responsible for the death of 32-year old Pratap Mahadebrao Shinde in Kalyan district prison. It said that criminal proceedings, as may be appropriate in the circumstances, should also be initiated against them.

Moreover, the compensation amount, to be paid to the legal heir of the victim within four weeks, should be recovered from the delinquent public officers who, by their highhandedness, had exposed the government to this liability, NHRC chairperson Justice J.S. Verma observed in his verdict on the case. He directed the state government to send a compliance report within four weeks, NHRC sources said on Sunday.

The NHRC made these directions while tak-

ing cognizance of a report sent by the superintendent of the Kalyan district prison about the death of Shinde on August 15, 1995, at Central Hospital, Ulhasnagar. Shinde, after being admitted to the prison on June 9, 1995, was produced four times before the third joint chief judicial magistrate, Ulhasnagar. However, on the advice of the prison's chief medical officer, Shinde was sent to the hospital for medical treatment on August 15 at 7.40 a.m. where he died on the same day at 9.10 a.m. due to alleged heart failure, the report said.

Though the final medical certificate said the cause of death was heart failure, no magisterial inquiry was conducted in the case. The deceased had injury marks on his body and the left side of chest was swollen from behind. The post-mortem report revealed that the heart chambers were full of blood, the sources said.

The sources said that on examination of the inquest report, a strong suspicion, based on reasonable ground, arises that the death was caused due to severe shock as a result of torture during custody. The fact that the deceased was a young man of 32 years and otherwise of

robust health reinforced this assumption, the commission observed.

The swelling on the left side of chest and the physical injuries on the genitals had not been explained in the report and were consistent only with the torture during the custody, Justice Verma said. There were early symptoms of cirrhosis, spleens reported to be congested.

"Except that the heart chambers were full of blood and lungs collapsed, there is no evidence of heart disease as such. The swelling in the left chest, seen in the light of the post-mortem report, also creates the suspicion of sudden heart failure due to serious shock caused by external violence," the NHRC chairperson said.

In the circumstances, the commission was of the view that it was a case of custodial death caused by the violence to which the prisoner was subjected by those responsible for his safety during custody. The facts disclosed dereliction of duties by the police officials which called for a strong action against those responsible for perpetrating inhuman treatment and torture to the prisoner while in custody, it added. (UNI)

Musharraf bows to clerics' ire withdraws blasphemy bill

ISLAMABAD: Bowing to pressure from Pakistan's Islamic clerics and right-wing religious parties, military chief Gen. Pervez Musharraf withdrew a plan to make it more difficult to accuse someone of blasphemy, a capital offense in Pakistan, according to newspaper reports on Wednesday. The withdrawal comes as religious parties threatened to take to the streets on Friday to protest against the proposed change.

The withdrawal brought a strong condemnation from the human rights commission of Pakistan warning that it could embolden religious conservatives.

The right-wing Jamaat-e-Islami group welcomed the withdrawal and demanded the punishment of those "who initiated a debate on this very sensitive issue, thus causing unrest in society," according to the state-run Associated Press of Pakistan.

The country's controversial blasphemy laws have been widely criticized by human rights groups at home and abroad. The law calls for the death penalty for anyone found guilty of insulting Islam and its

prophet, Mohammed.

Last month Gen. Musharraf announced changes in the way blasphemy charges would be laid, rather than in the law itself. The army chief said at the time that the change was intended to make it more difficult for the law to be abused.

There have been several reports of blasphemy charges being used as a tool of intimidation and revenge. Currently it is sufficient to accuse someone of blasphemy for a charge to be laid. Gen. Musharraf had attempted to institute a procedure of investigation prior to laying of charges.

Islamic clerics protested. Those protesting represented the country's right-wing religious parties, many of whom share similar interpretations of Islam as is practiced in Afghanistan by the Taliban.

The Human Rights Commission of Pakistan sharply criticized Musharraf's reversal calling it a "craven retreat." The commission accused the military-led government of panicking in the face of criticism from the religious right in Pakistan. (AP)

THE TIMES OF INDIA

18 MAY 2002

BLASPHEMY ISSUE / PRESSURE FROM RELIGIOUS GROUPS

Musharraf does a volte-face ¹⁸⁷⁵

By Amit Baruah

ISLAMABAD, MAY 17. The Pakistani Chief Executive, Gen. Pervez Musharraf, succumbing to pressure from the religious right, has withdrawn the April 21 decision to check the abuse of blasphemy law.

The General told reporters on Tuesday night that the power to register blasphemy cases had been returned to the police as demanded by religious parties. The Chief Executive's volte-face comes amidst plans by religious parties for a strike on Friday.

The General had earlier announced at a human rights convention that Deputy Commissioners would conduct a "preliminary investigation" into a blasphemy complaint and a case would be registered only after their approval. "As it was the unanimous demand of the ulema, mashaikh (mullahs) and of the people, I have decided to do away with the procedural change in registration of an FIR under the blasphemy law," the Chief Executive was quoted as saying. Gen. Musharraf said he would meet the ulema and "good politicians", the official Associated Press of Pakistan (APP) reported. In the

same report, an "official source" was quoted as saying that now there was no justification for Friday's strike.

The Human Rights Commission of Pakistan (HRCP), which stayed away from the April 21 convention, said: "Few commanders made a more craven retreat on a battlefield than the Chief Executive did over a minor move to check the abuse of anti-blasphemy law.... the conservative clerics, concerned less about preventing abuse and more about the power the easy operation of the law gives them, rallied together.... the Government, supposedly of grand resolve, panicked. It set about making daily apologies until it announced its abject surrender at the highest level".

The HRCP asked how the General claimed he had acted according to the popular wish. "Are the members of the Milli Yakehti Council going to be this regime's barometer of popular opinion?" "....If the Government can be terrorised over a non-issue, how would it make any meaningful advance on its grandiose objectives — the objectives on the basis of which it obtained such a strong endorsement from the Supreme

Court?" the HRCP asked. Arguing that it did not take long for the "holowness" of the regime's commitment to human rights to be shown up, the Commission said: "Those who had thronged the recent (April 21) official bash on the issue ought to be wiser now".

"There is now a clear danger that the so-called religious parties, puffed up by their recent success, will want to keep the momentum going. They have a long list of demands. These are all meant to advance their narrow agenda and set society further back," the HRCP added.

Seen along with the decision to withdraw the May 1 crackdown against smuggled goods and their sellers, the General's announcement is a sign that his Government is rudderless.

A small, but influential section of Pakistani society which believes in modernity and is anti-obscurantist, has been let down by Gen. Musharraf. His claims to a liberal agenda have also suffered a setback. Apart from the negative signal it sends out to the Western world, the General has once again demonstrated that the religious parties dictate Pakistan's agenda.

THE HINDU

MAY

NHRC orders compensation to victim of police torture

NEW DELHI, MAY 14. The National Human Rights Commission (NHRC) has ordered an interim compensation, of Rs. one lakh, to the legal heirs of a resident of Bijnour in Uttar Pradesh, who was forced to commit suicide due to alleged torture, harassment and humiliation by the police.

Expressing anguish over non-completion of disciplinary action against the police officials responsible for pushing Surinder Singh to suicide, the NHRC also directed the Senior Superintendent of Police, Bijnour, to keep it informed of the cases against them.

The Commission's directive came after probe into a complaint by Mr. Mukesh, brother of the deceased, who alleged that a police Sub-Inspector, R. K. Sharma, implicated Surinder in a false case of theft and continued to torture him.

Surinder committed suicide and a written note was recovered from his pocket blaming the official for his death, it was claimed in the complaint.

Enquiry by the NHRC revealed that Sharma had threatened the victim and his family members. Surinder ended his life as he could not sustain the harassment and mental torture.

The Commission found that other police officials were also involved. Disciplinary action was recommended against a head constable, an assistant Sub-Inspector and Station House Officer, who were held responsible for the incident.

Though a case was registered against Sharma for various offences under the Indian Penal Code, a chargesheet had not yet been filed in the court, the sources said.

Subsequently, the NHRC, which asked for the latest position, was informed that Sharma had been suspended, while other police officials had been chargesheeted under the police rules.

The Commission was pained to note that even though Surinder had committed suicide due to harassment by R. K. Sharma and the

department held so, a challan had not been presented against the Sub-Inspector in a competent court. The Commission directed that the compliance report for the payment of the interim compensation be called within four weeks. — PTI

Somnath temple gets Rs. 5 crores for renovation

SOMNATH (GUJARAT), MAY 14. The Union Home Minister, Mr. L. K. Advani, and the Union Minister for Cultural Affairs, Mr. Anant Kumar, announced financial assistance of Rs. five crores for the renovation of the Somnath temple.

At a public meeting within the temple premises on Saturday, the Ministers said the Central assistance should be used for constructing a cultural bhavan, yatri niwas, light and sound programmes and other infrastructural facilities. — UNI

THE HINDU

15 MAY 2000

NHRC ban puts Gops in a fix

51
CALCUTTA, May 11. — A recent National Human Rights Commission ruling forbidding police to arrest any woman at night has put police, especially the immoral traffic department, in a fix.

12/5
The order makes it difficult for police to arrest prostitutes for soliciting in public. Earlier, officers could arrest prostitutes by posing as customers. They raided brothels and arrested the women, customers and brothel owners. Most of these raids were conducted at night.

"We have written to the state home department for clarification on the ruling," the DC (DD) said. The home department will write to NHRC for clarification, he added. — SNS

THE STATESMAN

12 MAY 2000

NHRC awards Rs 2 lakh to kin of girl run over by Gowda's escort car

NEW DELHI: The National Human Rights Commission (NHRC) has directed the government to pay interim compensation of Rs 2 lakh to the parents of a school girl who was crushed to death by a vehicle in former Prime Minister H.D. Deve Gowda's convoy in Gorakhpur in 1997.

NHRC sources told UNI on Sunday that the commission has also criticised the local administration for their casual and apathetic attitude to the tragedy and directed them to produce the inquiry conducted in the case for its perusal. The commission has asked the government to pay the compensation amount within four weeks and send a compliance report to it within six weeks. The commission gave this direction on a complaint received from Kapil Dev Singh that his daughter Vandana Singh, a student of ninth standard, was crushed by a vehicle deployed for Mr Gowda's security while she was returning from school on November 7, 1997. The girl was taken to hospital by the police, but succumbed to her injuries. The complainant had alleged that though a case was registered, no serious investigation had been carried out since a police vehicle was involved.

Earlier, taking cognizance of the complaint, the NHRC sent a notice to the senior superintendent of police in Gorakhpur calling for a report. The report of the SSP stated that the complaint was inquired by the circle officer who stated that since on that particular day a large number of police vehicles were on

duty, it was not possible to identify the vehicle involved in the incident. The report said that on the completion of the investigation a final report was filed in the court on June 30, 1998.

Delivering his verdict in the case, NHRC chairman justice J.S. Verma observed that though the police admitted that a young girl died in a motor accident involving the ex-prime minister's motorcade, it had reported that it was not possible to identify the particular vehicle as a large number of vehicles were deployed from several departments as well as police.

"Admittedly, the life of a young girl has been lost due to the negligence of some driver deployed on government duty. This is yet another case of hazard to the public during the movement of VIPs causing even death of pedestrian. The local administration is casual and insensitive to the tragedy. No significance has been attached to the fact that it was a government vehicle driven by a government employee which knocked down and killed the girl which gives rise to the government's vicarious liability as well," he said.

The former chief justice observed that it was the duty of the driver involved in the accident and those in the motorcade to take necessary action, which they failed to do. Even if it be not possible to identify the delinquent driver at this stage, the government's liability to pay compensation remained, he said, and ordered it to pay Rs 2 lakh to the next of kin of the deceased. (ANI)

THE TIMES OF INDIA

9 MAY 2000

9 MAY 2000

Vietnam's rights record faulted

NEW YORK, MAY 4. Human Rights Watch said today that Vietnam's human rights performance continues to fall far short of international standards, despite economic and social changes since the late 1980's.

In a new 34-page report, "Vietnam: Silencing of Dissent," Human Rights Watch gave details to support its claim that the Socialist Republic of Vietnam continues to harass, isolate, place under house arrest, and sometimes imprison its critics. Among those singled out are senior party leaders calling for political reforms, long-time critics from the academic community, members of the press, and religious leaders whom the Government fears may be able to attract large followings.

"The twenty-fifth anniversary of the country's reunification offers an important opportunity for the Vietnamese Government to reaffirm its commitment to human rights, and its U.N. treaty obligations," said Mr. Mike Jendrzeczyk, Washington Director of the Asia Division of Human Rights Watch. "We welcome the April 30 prisoner release and hope that it includes all those who have been imprisoned for peaceful expression of their political and religious views. Vietnam should also take other steps to promote transparency and respect for basic rights and the rule of law."

The new report takes note of positive changes in Vietnam in recent years as it has opened up to the international community, including human rights improvements. Tens of thousands of political detainees and re-education camp inmates have been released, thousands of Vietnamese who had fled abroad as refugees have returned, and the Government has shown an increased willingness to cooperate with the U.N. on human rights issues.

In a response to an advance copy of the report, the Vietnamese Embassy in Washington, D.C. said the report was "biased," and then noted: "I want to confirm to you that there is no violation of freedoms of speech, press, expression or 'silencing of dissent'... in Vietnam as mentioned in your report. You know very well that in Vietnam, as in many other countries, everyone has the same legal and constitutional rights and duties and transgressors are all prosecuted according to the law."

THE HINDU

5 MAY 2000

U.N. rights panel lets off China

GENEVA, APRIL 30. After six weeks of review, debate and bargaining at the annual session of the main U.N. human rights forum, which ended on Friday, China emerged free of condemnation while Russia and others were chastised.

After it sidestepped bringing China to account for repression of political and spiritual dissenters, the U.N. Human Rights Commission voted to castigate Russia for its actions in Chechnya.

It was the first time, diplomats said, that the 53-country Commission had taken such strong action against one of the five permanent members of the U.N. Security Council. The resolution was introduced by the European Union.

China avoided, as it has every year since 1990, a full-scale debate on its policies toward dissenters and other minorities.

China has thrown political and commercial weight behind its campaign to escape scrutiny, envoys and human rights lobbyists say, making it difficult, especially for smaller countries, to vote for any anti-China resolution for fear of retaliation. — *New York Times*

THE HINDU

1 MAY 2000

Rights bodies against Terrorism Bill

STATESMAN NEWS SERVICE

NEW DELHI, April 28. — Human and civil rights groups are likely to oppose the Prevention of Terrorism Bill 2000, proposed as an alternative to Tada by the Law Commission, for it retains most of the "draconian" provisions.

The Bill constitutes the commission's final recommendations and has been forwarded to the law ministry.

A comparison with the commission's working paper prepared last year shows it has added some more safeguards after its meetings with rights organisations but has made no substantial changes. It retains the new stringent provisions added to give the law more teeth.

The most important change providing a safeguard is: provision of the right to appeal before a High Court and deletion of the entire definition of disruptive activity from the purview of the proposed law.

The commission claims the new Bill reduces the rigour of presumption of guilt by a court. In the original draft, the clause on "presumption as to offences under Section 3" stated that "the court shall presume until the contrary is proved that the accused person had committed such offence", the new Bill says "the special

court shall draw the adverse inference against the accused"; a change the commission believes will give the court greater discretionary power.

The rigour of presumption has been reduced, however, only in the case of fingerprint evidence at spot of the crime, or on arms and vehicles used in connection with the crime, as also when it is proven that the accused rendered financial assistance to a person accused of an offence under Sub-section 1 of Section 3 of the new Bill.

The new Bill provides the right to appeal against any judgment, sentence or order of the Special Court to the High Court, responding to a major criticism of human rights activists.

The entire section on disruptive activities, which defined questioning of the sovereignty and territorial integrity of India or support of any claim of secession "by any action taken, whether by act or by speech or through any other media or in any manner whatsoever" as an offence, has been dropped.

Though the commission had claimed to have made the definition of terrorist activities more stringent by clubbing membership of unlawful organisation and possession of arms and commission of crime as a

terrorist activity under Sub-section (b) of Section 3, membership of a terrorist organisation by itself as also the possession of arms in a notified area are also, separately, defined as offences punishable under the Act. The offence of possession of arms in a notified area was an offence that was dropped in the working paper of the Bill.

Other changes include empowering the High Court to make rules in addition to the power given to the central government and reducing the punishment for contravention or attempted contravention of such rule and order from imprisonment upto seven years to imprisonment of one year.

The new Bill has dropped, from the definition of terrorist activity, the offence of intent "to overthrow the government as by law established" and to "alienate any section of the people or to adversely affect the harmony among different sections of the people". The "attempt to alienate or cause disharmony" was introduced as an offence by the government in the 1995 version of the Bill, dropped by the official amendments, reintroduced by the Commission in its working paper and has been dropped once again! The earlier decision to drop this had evoked criticism from rights groups.

NHRC pulls up U.P. government for poor record in custodial safety

By Mohit Dubey
The Times of India News Service

LUCKNOW: The National Human Rights Commission (NHRC), in its latest report, has pulled up Uttar Pradesh for its dismal record in providing custodial safety.

With as many as 184 people losing their lives in either police custody or during detention in state prisons last year alone, UP's notoriety in this direction, it seems, has touched a new high. While NHRC officials on investigation trips to the state capital have revealed time and again on how the commission was flooded with complaints of harassment in jails and during remand period in police lock ups, police officials admitted openly that they had very few options other than 'third degree' to bust crime.

Pressure from political bosses and public outrage in the face of growing crime had pushed them to go for the kill.

"Human rights is fine with us, but the bottomline still is to solve cases," snapped a police official posted as SSP in one of the eastern districts. With the stakes being very high, he added, cases of high handedness were both "unavoidable" and "inevitable."

During the last year alone while UP saw as many as 32 custodial deaths and the rest came during detention in the prisons, the police claim the crime graph too had shot through the roof.

"With senior officials in the district administration breathing down their necks, the Inspector and the SI level falls back on the practised methods," informed a senior official. More so, the official added, since they had only 24 hours at hand to make the culprit "speak up and give them leads," the police often were tempted to cross the 'lakshman rekha'.

And while police officials admitted that the NHRC had instilled a

sense of fear and caution in their approach, they pointed out that third degree methods still continued to be their preferred modes. "How else are we supposed to crack crimes... should we give a long rope to the criminals?" wondered a senior official.

The state police has also come up with a more sophisticated terminology for the third degree—'Racquet Beat', 'Playing Footsie', 'Amusement games', 'Sweet Touch', 'Joy Ride' and the 'Strip Tease'.

If the 'racquet beat' is an improvisation of table tennis where a TT racquet with words like *meri awaaz suno* whips the butt of an undertrials, 'playing footsie' calls for continuous non-stop flogging. Similarly, the 'strip tease' means parading the person naked.

In a 'joy ride' two police personnel take a ride on the criminal and roll heavy logs on him.

REPRESSIVE ORDER

Human rights in China 51-6-89A

FOR the ninth time since 1990 China blocked a US resolution censuring it for its human rights records at the recently concluded meeting of the UN High Commission for Human Rights, in spite of an adverse report presented by the high commissioner. According to her, repression takes place under three heads: of religious freedom, political freedom and of minorities. What is even more distressing is that no cognisance is taken of the nature of the activity being suppressed. Falun Gong followers are detained for trying to overthrow the CPC, while those who are really trying to do so, militants of the China Democratic Party, are arrested for criminal offences. This is a way of discrediting the very thought behind opposition. Any kind of opposition, whether political or not, to the authority of the Communist party is presumed to be perverse or a result of muddled thinking.

According to the US, repression has increased over the past year, an assessment confirmed by figures obtained by the Information Centre for Human Rights and Democracy Movement: 35,792 Falun Gong followers have been detained since the July ban and 18 CDP leaders convicted for subversion since 1998. The impact of US pressure has been minimal: some dissidents have been released. China went on the counter-offensive with a paper on human rights violations in the US. Political opposition to the authority of the CPC will not be tolerated, but the threat now comes from the Falun Gong, supposed to have a membership of around 70 million. Although many have been detained or discouraged, it retains a core of dedicated followers, money and a formidable international publicity machine that can resist Beijing's authority. Falun Gong fills the ideological vacuum left behind by the demise of Marxism-Leninism and integrates into the ethos of China's market economy in a way the CPC finds disturbing. The party may be wrong in thinking that the concepts of its own supremacy and Chinese national integrity combined with money will make repression acceptable.

THE STATESMAN

THE STATESMAN

APR 1999

Immunity trial for Pinochet

REUTERS

H. Phelps *SP-9 2/7/9*
SANTIAGO, April 26. — A Chilean court will open a hearing today to decide if General Augusto Pinochet can be stripped of immunity to stand trial for human rights abuses during his 1973-1990 rule, marking a brave step as local courts dare to tangle with the former dictator.



Gen. Augusto Pinochet

Starting today and running through Friday, a Santiago appeals court will hear attorneys' arguments about whether Gen. Pinochet can use his title as life-long Senator to avoid trial.

At present, he cannot face trial because he changed the constitution in 1980 to give all Presidents who served six years the right to become a Senator for life with immunity

from prosecution.

The efforts to strip Gen. Pinochet of this protection started in March when Judge Juan Guzman gave to the court more than 1,000 pages of allegations against him and asked that they be considered as a basis to eliminate his immunity.

The cases stem from what has been called the "death caravan", a military squad that roamed Chile in a helicopter in October 1973 in search of Leftists, killing at least 72 people. Some of the bodies were never found, testimonies say.

More than 3,000 people were killed or disappeared during the dictator's regime. Some victims were thrown into the open sea with concrete blocks tied to their feet and others were pushed out of helicopters over the Andes mountains, testimonies say.

If the court agreed to strip Gen. Pinochet of his immunity, he could appeal against the verdict before the Supreme Court.

Even if the former dictator were stripped of his immunity, he still might not face a trial thanks to a law that grants amnesty to those responsible for human rights abuses caused by political violence between 1973 and 1978.

Also complicating the case is a petition filed by Gen. Pinochet's defence, asking for new medical exams on the hope that he might be found mentally unfit to stand trial. Chilean law will excuse people from trial only if they are certified "mad or demented".

THE STATES

APR 27 1990

CUSTODIAL CRIME

Accountability Will Rein Abusive Cops

By HL KAPOOR

THE National Human Rights Commission (NHRC) was set up in 1993 to address the brutality of the police. People wondered whether they had become a law unto themselves. The answer to this question is probably yes. Police brutality against people in custody in order to extract confessions, wrongful confinement, framing innocent people, fake encounters, non-registration of cases and extortion are routine complaints. Molestation of women by the police is on the increase.

There is no denying the fact that corruption is deeply rooted in the police force. Not only in the lower echelons but among officers too. Rampant corruption can be attributed to lack of supervision and venality in the upper ranks which allows policemen to commit crime after crime with impunity, while remaining in uniform. Lengthy departmental procedures in dealing with corruption does not help.

The National Human Rights Commission found the police wanting in their response to instructions issued by it. In order to inculcate in the police the habit of acting in accordance with the laws of the land, the NHRC organised workshops and seminars. The NHRC has

pension, prosecution, rigorous imprisonment etc.

Recent Supreme Court directives on interrogation and custody of suspects, issued to prevent human rights violations, must be followed meticulously. The government should formulate guidelines through legislation in this area. The legislation may, *inter alia*, cover compensation for the victim's family. The compensation should be made payable by individual policemen. The recent directive of Calcutta High Court that there should be continuous judicial monitoring of conditions in lock-ups and jails needs to be implemented in letter and spirit. A heavy respon-

aggrieved person had every right to approach a magistrate against the police where they do not act in accordance with the law. He clarified that detention beyond 24 hours by the police was illegal. The police officer who arrests a person must be made to understand that he is to keep the magistrate informed. In cases where no arrests are made and a person is called for interrogation, he must be released as soon as possible and cannot be detained. The accused has a right to be produced before a magistrate under the law within 24 hours and can be detained only under a judicial order (Section 57 CrPC).

Every accused who is arrested enjoys fundamental rights under Article 22 of the Constitution, namely, right to be informed as soon as possible of the grounds of arrest, the right to consult and be represented by a lawyer of choice, the right to be produced before a magistrate within 24 hours and freedom from detention beyond that period except by the order of the magistrate. Because of some serious instances of excesses committed by policemen, the people in general

believe that the police are unhelpful. In some cases, people are eliminated in fake



sibility lies with the court which remands the accused to police custody as no person

THE STATESMAN

24 APR 2000

Rights groups doubt Pak vows

Islamabad, April 23 (Reuters): Human rights activists have welcomed military ruler Pervez Musharraf's announcement on steps to improve rights in Pakistan but said they doubt his words will be put into action.

Musharraf, who seized power in a bloodless coup last October, told a rights convention on Friday the "honour killings" of women would be deemed murder and the "indiscriminate" use of chains on prisoners would be banned.

He also said the use of a controversial blasphemy law in the country would be restricted.

"It is for the first time that such a convention has been held, and whatever the government has said is very good if its implemented," Joseph Francis, a Christian rights activist, said.

"But keeping in mind the 52 years of Pakistan's history, what we have seen is that things are never implemented."

Francis' scepticism was wide-

ly shared by other participants of the two-day convention held to develop a human rights policy.

Amnesty International representative Angelika Pathak told the gathering she was encouraged by Musharraf's words.

"But the taste of the pudding is in the eating," she said.

Pakistan plans to set up a commission on the status of women to promote their rights and cut on domestic violence. Another commission is planned to reform the police.

Musharraf said honour killings would be treated as murder but activists said little would change if the pronouncement was not backed by firm action, which may be difficult in rural and tribal areas.

Musharraf also said that in order to stop the abuse of a controversial blasphemy law, the top administrator of an area would scrutinise a complaint before it is registered.

THE TELEGRAPH

24 APR 2000

Cook attacks Myanmar for rights violations

THAM HIN REFUGEE CAMP (THAILAND), APRIL 21.

The British Foreign Secretary, Mr. Robin Cook, attacked the Myanmar military regime's brutal treatment of ethnic minorities on Thursday and promised "not to forget" what he had seen at a refugee settlement in Thailand where almost 8,000 people live in terror of returning to their homeland.

At Tham Hin camp, a cramped collection of bamboo and straw structures tucked between lush hillsides near the border, Mr. Cook met ethnic Karens who had fled military action which had "burnt their villages, destroyed their farms and forced them to walk for days or weeks to safety".

He said: "What moves me is that any Government could have behaved so brutally as to drive out such friendly, gentle people as those that I have seen today."

During a 90-minute tour of the camp, he also met Karen veterans recruited by the British army during the Second World War to fight the Japanese. They provide an uncomfortable reminder of Britain's failure as departing colonial power to fulfil its promise of a Karen state.

More than 80 penniless war veterans have only this month begun to receive modest allowances from the British Commonwealth Ex-Servicemen's League after years of being ignored by British Governments.

Col. Sam Pope, the league's secretary-general, said: "They are clearly in distress and great hardship. Many fought heroically or were captured and had a very rough time."

At Tham Hin, an 86-year-old veteran called Tun Tin, wearing a traditional Karen tunic and proudly displaying his Burma campaign medal, thanked Mr. Cook for his presence.

After the Foreign Secretary had moved on, he said: "We want the British Government to do more to put pressure on the Burmese military government." Campaigners, humanitarian workers and foreign officials agree that things have never been worse in Myanmar. —

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22 APR 2000

Pak. move to check abuse of blasphemy laws

By Amit Baruah

ISLAMABAD, APRIL 21. In the first-ever bid to check the abuse of blasphemy laws against minorities, the Pakistani Chief Executive, Gen. Pervez Musharraf, said today that an FIR in a blasphemy offence would be registered only after "preliminary investigation" and scrutiny by a Deputy Commissioner.

Addressing the Pakistani Convention on Human Rights and Human Dignity, Gen. Musharraf announced that all honour killings of women would be treated as murders.

"The Government of Pakistan vigorously condemns the practice of so-called honour killings. Such actions do not find place in our religion or law," the General said in his speech, telecast live by the State-run Pakistan Television (PTV).

In the presence of representatives from the Amnesty International and a British Parliamentarian, it appeared as if the convention was an effort to "correct" the impression that Pakistan was a backward-looking nation, which gave sanction to all manner of medieval practices.

"In our bid to be a progressive country and a forward-looking nation, it is imperative to inculcate a culture conducive to the observ-



Mr. Abdul Sattar Edhi, human rights activist, presents the annual report to Pakistan's Chief Executive, Gen. Pervez Musharraf at a convention in Islamabad on Friday. The Law Minister, Aziz. A. Munshi, looks on. — AP

institute police reforms and the release of over 20,000 prisoners, charged with petty offences during the last six months.

The Status of Women Commission, whose creation was announced on March 8 this year by him, would be established through law to be promulgated in early May.

"The Commission will be functional during the coming financial year. Thus is the first time ever that Pakistan will have a permanent and independent commission with wide-ranging functions to ensure that the interests of women are protected and promoted. The chairperson will be a distinguished woman in this field," he announced. The Chief Executive stated that the Government had already amended the Citizenship Act, 1951, by which children of Pakistani women married to foreigners would be entitled to Pakistani citizenship. Though bonded labour was banned in Pakistan, it still defied abolition. "The Government proposes to address the matter on a war-footing by a crackdown under the law on the bonded labour mafia. This will be coupled with a protection and rehabilitation programme."

According to him, an independent human rights institution was also in the process of being set up.

China blocks debate on human rights, leaves rights groups fuming

GENEVA: China blocked a review of its rights record by the UN Human Rights Commission on Tuesday, again mobilising support from developing countries to block a U.S.-backed measure that accused the country of suppressing religion and crushing dissent.

As in previous years, Beijing's support from developing countries, which dominate the 53-nation commission, prevented discussion of an attempt to censure China for the first time. The vote on China's "no-action" motion was 22-18, with 12 countries abstaining and one absent.

Among those who voted in favour of the Chinese motion were Russia, Cuba, India, Pakistan, Indonesia, Morocco and Venezuela. Those who abstained included Argentina, Brazil, Chile and Ecuador.

Amnesty, however, branded the "no-action motion" as a "loop-hole...to stifle debate and escape censure," warning that the procedure "brings into question the purpose and function" of the UN Commission.

Countries from Yugoslavia to Equatorial Guinea also face scrutiny by the UN panel. But the China measure was the toughest battle. "We must acknowledge that the situation of human rights in China remains very poor," said U.S. assistant secretary of state Harold Koh. "Its human rights record has not improved and has in fact deteriorated markedly over the last 12 months."

Qiao Zonghuai, China's ambassador to the UN in Geneva, said Washington was engaging in an "anti-China political farce" that

was "a mockery toward the commission and its members."

He accused Washington of using the commission "to make unwarranted attacks on China" and repeated Beijing's accusation that the U.S. motion "serves the needs of its domestic party politics."

Chinese officials have been keen to justify the crackdown on the banned Falun Gong spiritual movement, one of the points covered by the U.S. resolution.

"The U.S. is giving unreserved support to the evil cult in China," Qiao said. "Today's decision represents a sorry failure of political will," said Joanna Weschler, a representative of New York-based Human Rights Watch, said in a statement. "The credibility of the UN commission has been seriously damaged by its unwillingness to censure China or even to discuss its rights performance."

Many called into question the credibility of the UN panel after China thwarted the U.S.-sponsored motion with a procedural one. "For how much longer will the world play this game with China? How many more victims of human rights violations will be disregarded in the name of realpolitik?" asked Amnesty International in a statement on Wednesday.

"This is not surprising," said Xiao Qiang, expressing particular disappointment that the EU failed to back the resolution more strongly.

But Russian Ambassador Vasily Sidorov described the U.S. motion as counter-productive and maintained that "one cannot ignore the positive changes" in China. (Agencies)

THE TIMES OF INDIA

20 APR 2000

China blasts cult leader on rights issue

BEIJING: China has blasted the banned Falun Gong cult and its leader Li Hongzhi for aligning with the anti-China elements in the U.S. and accused the foreign media of coming up with exaggerated reports on rights violations.

Li and his cult have become a new tool for anti-China elements in the U.S., the official Xinhua news agency said on Monday on the eve of a crucial UN vote which can lead to China's censure for suppressing religious and other freedoms.

It said Li and his ill-fated political ambitions, but now they have given them up and were aiding the forces behind the anti-China proposal on human rights, and added "it was a pity that Li had degraded from a cult leader to a pawn of anti-China forces." Beijing has been lobbying hard to win no-action vote and thereby defeat the U.S. resolution, which cites suppression of Falun Gong as one major area of deteriorating human rights in China in 1999.

The Xinhua commentary accused anti-China forces of paying much attention to the fabrications by Li and his followers.

Taking note of the speed at which the foreign media covered the April 13 protests staged at Tiananmen Square by over 100 Falun Gong activists, it said the overseas media exaggerated reports, claiming more than 200 'Falun Gong' practitioners protested and were arrested.

The commentary said the "illegal gathering" was another law-defying anti-government activity, adding what was unusual the speed with which the foreign media exaggerated reports. (PTI)

THE TIMES OF INDIA

19 APR 2000

Chechen nurse takes Russia to court

AGENCE FRANCE-PRESSE

LONDON, April 17. — A Chechen nurse has filed a torture and murder suit against Russia at the European Court of Human Rights in Strasbourg.

British lawyer Mr Gareth Peirce filed the suit on behalf of the nurse, Ms Sasita Khasouyeva, accusing Russian troops of illegally arresting her and sexually abusing her and her colleagues.

The troops are also accused of beating up and killing hospital patients in the suit lodged 10 days ago.

"I would say that Russia's credible name is on the block if it does not respond to this," Mr Peirce told reporters yesterday.

Mr Peirce denied the complaint had been lodged to coincide with Mr Putin's visit here.

"All I will say is that human rights groups have documented many abuses and have called upon European states to take action, and that this court action in no way lets those states off the hook," Mr Peirce said.

Ms Khasouyeva saw some patients killed by Russian troops before her eyes at the height of the fighting in the Chechen capital, Grozny, between Russian forces and the rebel fighters in February, Mr Peirce added.

The medical workers and patients were arrested, beaten and thrown into a snow-filled hole in the ground and left without shelter for five days, Mr Peirce said. Then the medical team was allegedly taken to a detention camp where they were sexually abused.

After being freed, Ms Khasouyeva fled Chechnya.

THE STATESMAN

18 APR 2000

MYANMAR TRAGEDY

Need to break the impasse

H. Reins
AHEAD of the session of the Human Rights Commission in Geneva, the Myanmar military junta has received a rap on the knuckles for widespread use of forced labour and for doing nothing to arrest the nation's rapidly declining social indicators including spreading malnutrition. Two damning studies on Myanmar, one done by the International Labour Organisation on flagrant violation of workers' rights and the other by the World Bank on the junta's failed economic policies, give a good insight into gross abuse of power to further tighten the vice-like grip on the Myanmar people. The ILO report makes frightful reading; countless people have apparently been herded into labour camps for building infrastructure. Most of them are subjected to the worst kind of servitude with little or no pay or food. An undisclosed number have perished. Repeated appeals by the ILO to the Yangon junta to stop violating human rights have gone unheeded. The ILO's governing body has called for action against the junta. Will it work? The answer is no, if past experience is any guide. Self-interest is all. The junta is thus able to keep sanctions at bay.

International paralysis has encouraged the junta. Recently on armed forces day, the generals publicly threatened to eliminate Suu Kyi. Since 1988 they have been trying to marginalise her and her National League for Democracy. Only a few months ago the junta compelled more than 1,000 of her party members to "resign" their membership. The goal is to isolate Suu Kyi, because she is a powerful symbol both for the Myanmar people and the international community. But symbols do not have a very long shelf-life. The generals make bold to strike at her, something they have not dared to do so far. What will it take to awaken the world from its slumber?

THE STATESMAN

THE STATESMAN

13 APR 2000

NHRC wants video-filming of postmortems

By J. Venkatesan

NEW DELHI, APRIL 12. The National Human Rights Commission has recommended to all the State Governments and the Union Territories for compulsorily video-filming of the post-mortem examinations in all the cases of custodial deaths.

The Commission in its report for 1997-98 has asked the States and the Union Territories to accept this recommendation without any delay in the interest of protecting human rights and bringing to book who are complicit in the brutal practice of custodial violence.

According to the Commission, it is disturbed by the unsatisfactory quality of post-mortem reports in respect of custodial death cases, which of late has increased in many States. As there is rarely

any credible independent evidence in such cases, their fate depends almost entirely on the observations recorded and the opinion given by doctors in post-mortem reports.

A manipulated post-mortem report helps those responsible for custodial violence and results in a travesty of justice and serious violation of human rights. With a view to preventing such unethical acts, the Commission has recommended video-filming of post-mortem examinations and the cassettes to be sent to the Commission along with the reports.

The Commission feels disturbed at the increase in complaints against police for violation of human rights and feels that "policing the police is an urgent issue to be addressed seriously."

The main reason why torture continues to be practised on a

such a wide scale in India is that the police feel themselves to be immune and are aware that they will not be held accountable, even if they kill the victim and even if the truth is revealed. To prevent this tendency the Commission feels that the police should be accountable to law and must function under the four corners of law.

Stressing the need for mandatory judicial enquiry by a sessions judge in each case of custodial death, rape or grievous injury, the Commission has observed "Nothing is more cowardly and unscrupulous than a person in police custody being beaten up and nothing inflicts a deeper wound on our constitutional culture than a State official running berserk regardless of human rights. The concern of the Commission is heightened by the fact that the victims of custodial death and

brutality belong to poor and disadvantaged sections of the society." The Commission has made it clear to all the States that its officers will make surprise visits to any police station to study the condition of lock-up prisoners and directed the Chief Secretaries to inform the police personnel in their respective States to cooperate with the officers of the Commission during their visits.

Pointing out that the power of arrest now available to the police is often misused to harass and humiliate persons in several situations prompted by malafide considerations, the Commission has suggested that the guidelines framed by the Supreme Court regarding arrest should be scrupulously followed before effecting an arrest. And these guidelines should be displayed prominently in all the police stations.

APR 200

Rights record worse in the West: China

PRESS TRUST OF INDIA
BANGALORE, APRIL 10

CHINA has attacked the United States and other Western countries for giving primacy to human rights over sovereignty saying it was only to bully the developing nations.

"Western countries, led by US, unrealistically made groundless charges against developing and underdeveloped nations' condition of human rights, although the record of human rights in these (developed) countries is very bad," Chinese Consul General Huang Quan Heng said.

The so called supremacy of human rights over sovereignty was "an excuse" for strong countries to bully the weak ones, Huang told a function organised here by the India-China Friendship Association to celebrate the 50th year of establishment of diplomatic relations between the two neighbours.

He said China viewed its relations with India in a long-term and strategic partnership and was ready to establish a constructive partnership with New Delhi on the basis of five principles of peaceful co-existence.

As the two most populous

countries, China and India were confronted with the urgent tasks of controlling population, developing economy, improving the people's living standards and protecting environment, he said.

Huang said some differences did exist between India and China due to their disparities in historical background, cultural tradition, social system and religious belief but the differences were nothing abnormal.

As long as both sides proceeded from the overall interests of bilateral friendly relations and handled these concerns on the basis of mutual trust, with a positive,

flexible and pragmatic approach and in a truth-seeking and forward looking spirit, the differences would be narrowed gradually and problems resolved, he said.

Huang said the Chinese government always stood for a peaceful, fair and equitable solution of the boundary issue on the basis of the five principles of co-existence.

This, he said, should be in accordance with the principle of mutual understanding and mutual accommodation and through friendly talks, while taking into account the historical background, the present reality and the na-

tional feelings of the people of the two countries.

Pending the solution of this issue, peace and tranquility should be maintained along the line of actual control in the border areas, Huang said.

He also said that sustained economic development in the two countries had created favourable conditions for expanding bilateral trade and economic relations and cooperation.

Quoting experts' forecast, he said the total trade volume between China and India would be doubled within the next three years.

Hurriyat men stopped from flying to UN meet

STATESMAN NEWS SERVICE

NEW DELHI, April 10. — A Hurriyat team was this morning prevented from flying to Geneva to attend a UN meeting on human rights on a day the defence minister backed the home minister's declaration that the Centre plans to talk to the outfit over the Kashmir dispute.

Mr George Fernandes, according to agency reports, said it was necessary to talk to Hurriyat leaders since they were the cause of the problem in Kashmir. Meanwhile, immigration officials at Indira Gandhi International Airport detained four Hurriyat activists bound for the

56th session of the UN Commission on Human Rights in Geneva.

Home ministry officials were quoted as saying the activists had been detained because they would have launched an anti-India campaign at the Geneva meeting.

The Hurriyat reacted sharply, accusing the government of

trying to hide the truth about the crimes against humanity by "government forces and their agents in Kashmir".

The murder of innocents in fake encounters in Anantnag followed by the firing on protesters, which killed another eight, have raised doubts over the government's claims about the Chatti Singhpora massacre, the Hurriyat said.

FAROOQ THREAT

JAMMU, April 10. — The J&K Chief Minister, Dr Farooq Abdullah, today threatened to resign if the Centre attempts to reopen the "settled issue of Kashmir". Dr Abdullah told the Assembly today that any such move will create many Bosnias in the state. He said "no government in India" could talk to anybody outside the Constitution as the 100 crore people of India will never accept any compromise on Kashmir. — SNS

Bhatt and Abdul Rashid Lone — all of them advocates, had their passports and boarding cards seized by immigration authorities when they reached the airport this morning.

These were returned to the activists only after the KLM flight they were supposed to board had closed its doors.

Why only Russia?

THE RUSSIANS are not too far off the mark in discerning a Cold War mentality in the Council of Europe's decision to begin suspension proceedings against their country for alleged human rights violations in Chechnya. The step is unfortunate not only because the European parliamentarians of the 41-nation body have managed to take away Russia's voting rights in the Council but also because it is an ill-timed move when a new democratic Russia is struggling to find its place in the world economy and forge a responsible partnership with the West. The blow comes not long after the US-led Nato's assault on Yugoslavia, which was deeply resented in Russia because it threatened the feeling of Slav solidarity in the region. Indeed, it is mainly due to Russia's insistence on restoring peace in the region that the Nato bombing of Yugoslavia was stopped and the Kosovo crisis was sought to be tackled through less belligerent means.

The European parliamentarians in Strasbourg, however, seem to have forgotten the virtual unilateral action in Yugoslavia or the US and British bombing of Iraq when they hastily acted to draw up what can be a new fault line between the East and the West. The immediate provocation for their anger was obviously the negative report of UN human rights chief Mary Robinson on her visit to Chechnya where she was dismayed by what she saw. True, Moscow has not displayed much patience in dealing with the Chechen rebels, an attitude which was compounded by its failure to distinguish between them and the civilians. It did seem to regard the whole of Chechnya as enemy territory.

Even then, the European Council chose to ignore the fact that, for all the insensitivity shown by Russia in the region, the turbulence in Chechnya is of immense concern to Russia and Moscow has every right to deal with the Islamic threat on its own terms. If the West can seek to impose its own solutions in Kosovo and Iraq without caring much for the suffering caused to innocent people, especially the children in Iraq, surely it cannot take exception to the legitimate cause of a government seeking to preserve the country's integrity when it is being threatened by Islamic militants. Unless, of course, it has one set of rules for the West, and another for the rest of the world.

NHRC tells Kerala to compensate kin for prisoner's death

New Delhi, April 9

10/4
HR-10

THE NATIONAL Human Rights Commission has directed the Kerala government to pay Rs 50,000 as interim compensation to the dependents of a prisoner who sustained fatal burn injuries while performing 'hazardous' kitchen duty in the Kottarakkara sub-jail.

On May 9, 1996 that Jan Singh (23), who was under judicial remand, sustained severe burn injuries in the jail on May 6 and died two days later in the district hospital. On a communication received from the Superintendent of Police Kollam, the NHRC asked the State government to pay compensation within four weeks and send a compliance report to it, the NHRC sources said on Sunday.

Earlier, pursuant to the direction of the commission, the Additional Chief Secretary of Kerala sent his report, along with the copies of the post-mortem and magisterial inquiry reports, which termed the death as accidental.

The report stated that the magisterial inquiry conducted by the SDM Kollam revealed that deceased, along with the witnesses, were detailed for the kitchen duty at the sub-jail.

While working, Jan Singh accidentally slipped in the kitchen and fell on hot rice water, which was kept in a big aluminum basin. He sustained scalds on lower part of

abdomen and thigh.

Though first aid was given to him at Taluk headquarters hospital, Kottarakkara, and he was immediately referred to district hospital Kollam for better treatment, he succumbed to his injuries. According to the report, no foul play was revealed during the investigation nor any negligence was disclosed against the officials.

"On perusal of the post-mortem report, it is seen that the injuries (ante-mortem) have been reported and the cause of death was due to the scalds, involving 25 per cent of body surface. In the inquest magisterial inquiry, it has been found that skin on various parts of the body was burnt, it added that co-prisoners also said that the deceased accidentally fell into hot rice water, while working in the kitchen and got burns on many parts of his body. In the circumstances the case will have to be finally reported as accidental death," the report said.

"In the circumstances the NHRC is of the view that the requisite precautionary measures to prevent such an accident were wanting and the responsibility of those in-charge must be upheld. Even if there was any contributory negligence of the deceased himself, the authorities cannot escape liability for the proximate cause of the fatal accident and death of a prisoner in his prime youth." (UNI)

THE HINDUSTAN TIMES

10 APR 1996

Symposium on human rights in India at Harvard

CAMBRIDGE, APRIL 7. The former Supreme Court Judge, Mr. V. R. Krishna Iyer, the Attorney-General, Mr. Soli Sorabjee, and the Union Law Minister, Mr. Ram Jethmalani, will be participating in a symposium on human rights and the Indian judiciary's constitutional jurisprudence to be held at the Harvard Law School on April 15.

The one-day symposium, organised by the Harvard University Indian Human Rights Group in close collaboration with the Harvard Law School Human Rights Programme, will focus on the Indian judiciary's contribution in shaping the human rights protection framework, the role of institutions and systems, human rights protection under difficult and exceptional circumstances, including secession and terrorism, and the issues of groups most susceptible to rights violations, including women, children, minorities and socially disadvantaged sections. The other participants include Dr. Granville Austin, Prof. Marc Galanter, Prof. Upendra Baxi, Mr. N. Ravi, Prof. M. P. Singh, Prof. B. B. Pande, Ms. Indira Jaising and Ms. Smita Narula.

The Harvard Law School is a pre-eminent centre for the study of the world's legal systems. Its Dean Prof. Robert C. Clark says,

"There is much that we can learn from the Indian judiciary and its role in one of the world's greatest democracies." Prof. Henry J. Steiner, Director of the Harvard Law School Human Rights Programme observes, "The Indian Supreme Court has been a source of stimulating ideas and indeed inspiration for judiciaries, scholars and activists around the world. Many of its rulings bear so close and insightful relationship to international human rights, and figure in many human rights courses such as my own."

The symposium has attracted a great deal of attention with over 100 registered participants from universities in the United States and the United Kingdom, besides students and faculty from Harvard and MIT, according to the coordinators, Mr. C. Rajkumar and Ms. Pratiba Jain.

Noting that no one working in the field of comparative constitutional law or human rights can ignore the important contribution made by Indian jurisprudence and Indian activists in the human rights realm, the Associate Director of the Programme, Mr. Peter Rosenblum, adds, "I hope that it contributes to a systematic exchange of ideas and information between our two countries and continents."

Europe body mulls Russia suspension

BY CRISPAN BALMER

Strasbourg (France), April 6: The Council of Europe started debating on Thursday whether to suspend Russia from the venerable club of democracies for alleged human rights abuses in Chechnya.

The 41-nation Council's political committee proposed earlier in the week that member-country ministers set in motion suspension proceedings in June unless Russia calls a complete cease-fire in Chechnya and begins talks with Chechen leaders.

The Strasbourg-based Council is a 51-year-old consultative organisation that is independent of the European Union and pays special attention to democracy and human rights issues. It has more moral authority than actual power, but Russia joined only in 1996 and any move to sus-

pend it would be a severe embarrassment to President-elect Vladimir Putin, who has staked most of his political reputation on the Chechnya offensive.

No country has ever been suspended from the Council and only foreign ministers from member states could take that step following recommendation of the consultative assembly. "The governments which are members of the Council of Europe must shoulder their responsibilities," Britain's Lord Judd said in the opening speech to the assembly.

"I find it unbelievable that our governments have so far not found a way of referring some of the allegations to the court of human rights. This is feebleness at the beginning of the 21st century." Russia has denied committing rights abuses in the breakaway republic, saying its troops were only responding to "terrorist" attacks.

But in a sign Moscow is listening to Western criticism of its actions in the Caucasus region, Russian foreign minister Igor Ivanov on Tuesday gave the green light to Council of Europe experts to investigate human rights charges in Chechnya. The three-strong team is expected in the area in two weeks and has promised not to talk to the media.

Council officials said Mr Ivanov's gesture might persuade some delegates at the assembly to vote against Thursday's motion. The vote was originally scheduled for 1 pm but 60 amendments have delayed this until 3 pm.

The Russian delegation has put up a robust defence of its government's actions and urged the Council to reject the motion. "Russia is defending you by not letting the terrorists from the Caucasus into Europe, and yet

you condemn us," said Mr Vladimir Zhirinovsky, an outspoken Russian nationalist and member of the Strasbourg delegation.

He went on to accuse the West of harbouring ambitions to seize Russian territories. "We will resist and use weapons, and not only nuclear ones. We will throw you into the English Channel. We will drive all the human rights advocates to the Channel Tunnel between London and Paris and brick them up in there," he said on Wednesday.

Some Council of Europe officials admitted to feeling anger so little had been done to halt Russia's assault on Chechnya. "Russia seems to be given special treatment by the international community," one unnamed official said. "There is a sense of frustration that Moscow is getting away with this. It really lowers the credibility of our organisation." (Reuters)

China seeks Indian support to foil U.S. rights vote

BEIJING, APRIL 5. China has sought India's support to foil U.S. attempts to censure the communist regime's human rights policies.

China has sought support against the resolution tabled by the U.S. at the ongoing session of the United Nations Human Rights Commission in Geneva, a diplomatic source told PTI.

The Director-General of the Asian Department of the Chinese Foreign Ministry, Mr. Zhang Jiuhuan, on Tuesday met the Indian Ambassador, Mr. Vijay K. Nambiar, and briefed him on Beijing's stand on human rights, seeking New Delhi's support to defeat the anti-China motion later this month. Sources in the Indian Embassy confirmed the meeting and said the message would be relayed to New Delhi. They noted that India had been voting against similar motions against China on the rights forum in Geneva.

Beijing seemed worried about New Delhi's support this time as the American President visited to India last month and saw an apparent tilt in Washington's South Asia policy.

THE HINDU

66

NHRC orders solatium to handicapped

By Our Legal Correspondent

119-11

NEW DELHI, APRIL 5. The National Human Rights Commission (NHRC) has come to the rescue of a physically handicapped person by ordering a solatium of Rs. one lakh, besides directing employment to him.

Passing orders on a complaint from the handicapped person, the NHRC directed the Madhya Pradesh Government to grant an ex-gratia monetary relief of Rs. one lakh either from the fund established for the welfare of the handicapped or from the Chief Minister's Relief Fund.

The Government was asked to provide a job to the petitioner commensurate with his academic qualifications and physical ability in accordance with the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights on Full Participation) Act, or on compassionate grounds. And to arrange for the medical treatment, management and care of the petitioner for the ailments with which he was suffering at State expense.

According to the complainant, Mr. Bihari Lal Thevait (26), both of his lower limbs were affected due to polio. In 1988, under the orders of the district Collector, he was operated upon, which worsened the situation. Besides, he was suffering from cardiac problem and he had no means to afford treatment for the same. In 1995, he was promised a teacher's job but the same had not been provided to him. He sought a compensation of Rs. 50 lakhs from the State for his rehabilitation. The commission appreciated the action initiated by the Collector in arranging medical treatment to the petitioner. It said without going into the question whether his condition worsened after operation or not, the fact remained that he continued to be in a hapless state inasmuch as he was not in a position to move by

himself due to the permanent disability of his lower limbs and had to seek the help of his neighbours/sympathisers even for performing his daily routine personal activities. The commission asked the Madhya Pradesh Government to send the compliance report within six weeks.

THE HINDU

6 APR 2000

Pressure on Russia over rights abuse

BY PATRICK LANNIN

Moscow, April 5: UN and European rights watchdogs stepped up pressure on Russia on Tuesday over alleged human rights violations during its war with rebels in Chechnya.

UN human rights chief Mary Robinson ended a five-day visit to the Caucasus region by urging Moscow to set up an independent inquiry into abuses by its soldier.

In Strasbourg, the Council of Europe's political committee urged the 41-nation assembly to consider suspending Russia if it did not call for an immediate ceasefire and begin talks with Chechen leaders.

It also recommended encouraging member states to take Moscow to the European Court of Human Rights over alleged rights abuses and demanding that Russia allow independent investigations.

619
The Council has little power but has symbolic authority on rights issues and suspension would embarrass Moscow, which only joined in 1996.

As warplanes launched more attacks on rebel positions in Chechnya, in Moscow President-elect Vladimir Putin laid flowers on the coffins of three agents of the FSB domestic intelligence agency he once headed, all killed in Chechnya.

"I do believe that there have been serious human rights violations," Ms Robinson told a news conference, adding that she had listened to eyewitness accounts of looting and mass killings on her visit to Chechnya and other parts of the North Caucasus.

She said her talks in Moscow after the trip had been constructive but talked of a "day of reckoning" over rights violations in Chechnya. (Reuters)

THE ASIAN AGE

26 APR 1996

Pak challenges U.S. on human rights report

ISLAMABAD: Pakistan's military government has questioned U.S. criticism of its human rights record and said it was committed to economic and social reforms.

11-16 2/3 ✓
"The U.S. State Department's country report... is a compilation of unfounded reports mostly collected from unreliable sources based on hearsay and so-called off-the-record conversations," the foreign ministry said in a statement. The U.S. human rights report issued on Friday said that while Pakistan's poor human rights record had deteriorated under former prime minister Nawaz Sharif, the situation "worsened with the seizure of power by General Pervez Musharraf in that, after the coup, citizens no longer had the right to change their government peacefully". Gen Musharraf, who seized power in a coup last October, has rejected calls by local political parties and western governments to give a time-table for a restoration of democracy until he carries out economic, administrative and electoral reforms.

The foreign ministry statement said Pakistanis welcomed the change of government and wanted to see the success of "the reform process set in motion... for the revival of the economy, strengthening of institutions, improvement of law and order and accountability" of wrongdoings of the past government. "The present government is also committed to restoring genuine democracy in the country and has announced local elections by the end of the current year," it said. "We, therefore, question the objectivity of the U.S. state department's report and are concerned by the tendency of some countries to sit in judgment over others..." it said. (Reuters)

THE TIMES OF INDIA

- 2 MAR 2000

NHRC directive ignored in torture case

State govt. is yet to pay Rs 5 lakh compensation to weaver's family

By Olav Albuquerque

MUMBAI: The Maharashtra government has still not complied with a directive from the National Human Rights Commission (NHRC) to pay compensation of Rs 5 lakhs to a man who was tortured by the police.

He was forced to strip while his family members were thrashed on the suspicion that they were involved in the Mumbai serial bomb blasts of March 1993.

The Shriwardhan police picked up Iqbal Haspatel's family members, including women, and allegedly tortured them after they found spindles for weaving fabrics, which they mistook to be rocket launchers.

The NHRC had directed the government to pay the amount within one month from January 21 and send a compliance report to it by March 1. But, the order has not

been complied with to date.

"I am a poor weaver and I have not received a single paisa by way of compensation," Mr Haspatel told *The Times of India*.

When contacted, additional chief secretary V. Ranganathan said the state government had requested one more month from February 29 to study certain aspects of the matter.

"There is a criminal revision application and a writ petition pending in the high court which has been filed by one of the police officers. We have to study these aspects of the case," he explained.

Former chief minister A.R. Antulay, hailing from Shriwardhan, said, "This shows the contempt and disregard which the government has for the NHRC."

The matter arose because some senior police officers could not differentiate between spindles used in

the weaving industry from rocket launchers. One of them has now been posted to the Intelligence Bureau (IB). In fact, these policemen are not fit to be constables," he said.

Advocate Majeed Memon, who appeared for the victims before the NHRC, wondered whether the government's refusal to pay the compensation would amount to contempt of the commission. The NHRC is headed by the former Chief Justice of India (CJI) J.S. Verma. "They have cocked a snook at the NHRC and a dignitary of the status of the former CJI," Mr Memon said.

Between April 13, 1993, and April 28, 1993, the Shriwardhan police in Raigad district searched Mr Haspatel's house at Valvati village. They claimed to have found rocket launchers in his house. The police arrested Mr Haspatel and his

nephew Nobim Haspatel. Both were remanded to police custody till April 28.

While searching Mr Haspatel's house, the police smashed the furniture and later kicked and allegedly thrashed the women with a leather belt. "They took away the furniture from the house and threatened to destroy them with a bulldozer," Mr Haspatel said in his complaint to the NHRC.

Even when the police realised that the objects were not rocket launchers, they allegedly refused to release these victims.

The police allegedly compelled the Haspatels to confess that they were involved in the serial bomb blasts case.

Mr Memon said this showed the police were so communalised that they were determined to terrorise members of a minority community.

NHRC chief wants panel recommendations adopted

By Our Staff Reporter

CHENNAI, MARCH 3. Speakers at a seminar on 'Human Rights Education in schools' today made an impassioned plea for greater awareness and implementation of human rights by all government bodies.

Taking up the cause, the chairperson of the National Human Rights Commission, Mr. J.S. Verma, himself urged that the recommendations made by a high level committee to impart education on fundamental duties to children be implemented. As early as 1998, the Centre set up a committee to impart education on the fundamental duties. The committee, which worked along with NCERT, submitted an interim report on January 30, 1999 and a final report on October 31 that year.

However, copies of books print-

ed, based on the recommendations of the committee, were lying in the godowns and no further effort was made by the Government or the NCERT to distribute the books or spread awareness about the subject. "We hoped that the syllabus would be amended suitably, but nothing has been done hitherto," the chairperson said.

"No one is even aware that such a committee existed and recommendations were made," he added. In addition to urging the Government to implement these recommendations, he pointed out the important role that people played in ensuring their rights.

"The human rights culture can spread only when each of us is truly committed to the cause," Mr. Verma said. People must be "keepers of the constitution," he said. Though human rights were non-negotiable and inalienable, people must keep a close watch

on the human rights development policy of the government, he added.

He released two books on the subjects 'Introduction to human rights' and 'Introduction to child rights' and handed them over to Kalpana, a student of St. Anne's Higher Secondary School, Madhavaram.

Later, speaking to presspersons, Mr. Verma said the NHRC took cognisance of incidents of HR violations suo moto, though there was bound to be a time-lag in certain cases.

Replying to a question on why neither the NHRC nor the SHRC had constituted a commission of enquiry into the bus-burning incident at Dharmapuri, he said the SHRC was closer home to handle the issue.

With regard to the prison riots of November last, he said the Commission had, based on D.R.Karthikeyan's report, asked

the government to provide some explanations. "The government has not fully responded", he added.

Earlier, speaking at the meeting, Mr. H. Suresh, human rights activist and former judge, Bombay High Court, said around 43,000 cases were pending before the NHRC. He called upon the NHRC and the State commissions to take note of the efforts of NGOs in the area of human rights and provide them support.

Ms. Isabelle Austin, State representative, UNICEF, said the U.N. Commission had in a recent review meeting directed the State and Central Governments to develop an ongoing programme for dissemination of human rights information. She also opined that government must make it possible for people to realise their rights.

Mr. R. Rathinasamy, member, State Human Rights Commission,

appealed to the NHRC chairperson to forcefully put forth the issue of human rights education in schools to the Government. Mr. N.L. Narasimha Rao, liaison officer, UNCHR, said the human rights movement must move from the preserve of NGOs to the State organisations. Mr. Kartar Singh of British Council, Chennai, said if the project were to be sustainable, proper networking was necessary.

NGOs would have to come forward to take the project and continue it on their own. It was also important in this case to take the message to the child's level, he added.

Mr. Henry Tiphange, director, People's Watch, and Mr. Aloysius Irudhayam, former director, Indian Social Institute (ISI), Bangalore also spoke. The consultation was jointly organised by People's Watch and ISI.

EXTRADITION CASE / STRAW STANDS BY DECISION

Pinochet freed, returns to Chile

By Thomas Abraham

LONDON, MARCH 2. The former Chilean dictator, Gen. Augusto Pinochet, returned to Chile a free man after the British Home Secretary, Mr. Jack Straw, announced that he was too ill to stand trial in Spain on charges of torture.

The decision ends a 16-month legal battle that Gen. Pinochet has waged in the British courts to avoid having to stand trial in Spain for human rights abuses committed during his military dictatorship in Chile. Though he has been freed, the case has made judicial history and established that torture is a crime which can be tried internationally.

Gen. Pinochet left Britain in a Chilean air force jet from a Royal Air Force airfield at Lincolnshire just hours after Mr. Straw delivered his decision. To avoid crowds of angry protesters, the former dictator was smuggled out through a side entrance of the house in a wealthy suburb in Surrey, south-west of London, where he has been under house arrest since September 1998.

Gen. Pinochet's case has set a legal precedent in establishing that countries that had signed the international convention on torture can detain and try suspected torturers, regardless of whether they had committed any crime in the country that was arresting and trying them. Gen. Pinochet was arrested in October, 1998 while he was on a private visit to London on the basis of a warrant from a Spanish magistrate who had been investigating cases of torture and disappearances in Chile during Gen. Pinochet's military dictator-



A supporter of the former Chilean dictator, Gen. Augusto Pinochet, celebrates after hearing the decision of the British Home Secretary, Mr. Jack Straw, who ruled that the General should not be extradited to Spain. — AP

ship. After a lengthy court process which went up twice to the House of Lords, Britain's highest court, the British judicial system found that Gen. Pinochet should be extradited.

But Mr. Straw, who has the final say in such cases, ordered a team of doctors to examine whether the 84-year-old former President was

fit to stand trial. This was after Gen. Pinochet's supporters had said that he had suffered minor strokes during his stay in Britain and had become frail and depressed, and had urged the British Government to release him on humanitarian grounds. The doctors found that Gen. Pinochet had suffered 'extensive brain damage'

and "would not be mentally capable of meaningful participation in a trial". The doctors found that Gen. Pinochet's memory had been impaired and that he had "limited ability to comprehend complex sentences and questions owing to memory impairment."

Switzerland, France and Belgium had all put in extradition requests along with Spain, and Mr. Straw had given all these countries time to respond to his decision to let Gen. Pinochet free. All the countries argued that the Chilean dictator ought to stand trial, but Mr. Straw stood by his original decision.

The Pinochet case aroused strong feelings among his supporters in Chile, as well as among those who had suffered at his hands, and had also led to a sharp deterioration in relations between Britain and Chile. Human rights activists, who saw the issue as a test case, will be disappointed that the former dictator will not stand trial, but will have the satisfaction that new legal ground was broken during the extradition process.

The House of Lords ruled, for example, that former Heads of State cannot claim sovereign immunity for crimes such as torture committed while they were in office. It also marked an erosion of the principles of State sovereignty and non-interference in internal affairs, and established that international conventions like the convention against torture and the convention against hostage taking overrule domestic sovereignty.

The Pinochet case has made it risky for dictators and others guilty of mass human rights violation to travel.

THE HINDU
- 3 MAR 2000

Robinson not happy with China's rights record

BEIJING, MARCH 3. The United Nations' top human rights official expressed deep concern here on Thursday over what she called a "deterioration" in China's human rights practices.

"I am concerned about three areas: freedom of expression, freedom of religion and freedom of association," said Ms. Mary Robinson, the High Commissioner for Human Rights, at a news conference following meetings with senior Chinese officials. Her critical assessment came less than three weeks before the annual session of the U.N. Human Rights Commission, starting on March 20 in Geneva, where the U.S. is offering a resolution censuring China's rights record.

Ms. Robinson declined to comment on the resolution. Her remarks here may bolster the U.S. case, but the resolution has little chance of passing, diplomats say, because China can muster a majority of countries to oppose it as unwarranted meddling in its internal affairs. In meetings on Thursday with the Deputy Prime Minister, Mr. Qian Qichen and other officials, Ms. Robinson presented her concerns about developments over the last year and a half. These included the arrests and lengthy prison sentences given to democracy advocates, what Ms. Robinson termed "a notable clampdown on religious expression," and the repression of labour organisers and the Falun Gong spiritual movement. She gave the Chinese Government a written report detailing violations

of international rights standards and listing numerous individuals who have been imprisoned without fair legal procedures.

At about the same time that Ms. Robinson spoke, the Foreign Ministry said at a press briefing only the people of China had the right to judge whether their rights were worsening. "The Chinese people are satisfied" with the freedoms they enjoy, said a Ministry spokesman calling on the Commissioner to cooperate with China. — *New York Times*

Chechnya's sorrow

HD-17 573

Gory video footage of Russian soldiers piling bodies of Chechen men into a ditch is a graphic example of what is happening in Chechnya. VLADIMIR RADYUHIN reports that no human rights observer can break the endless spiral of violence as long as the guerilla war goes on.

THROUGHOUT RUSSIA'S five-month-long campaign to reassert its control over separatist Chechnya, Russian forces have been accused of massive killings of civilians, tortures and looting. Moscow has routinely brushed off the charges as lies spun by rebel propaganda and the Western press. It has argued that Russian troops are eliminating a hotbed of international terrorism and crime in Chechnya. The truth is that both sides are right. Ever since the former Soviet General, Dzhokhar Dudayev, declared Chechnya's independence from Russia in 1991, human rights violations snowballed in the region until it eventually became a land of jungle law.

Russia's attempt to bring Chechnya to heel in the 1994-1996 war resulted in a bloodbath for 80,000 and a *de facto* secession of the region from Russia. An estimated 400,000 people, mostly ethnic Russians, fled Chechnya and many of them still have no home, no job, no future. Left to itself, war-ravaged Chechnya sank into chaos and was plagued by crime that spilled over into neighbouring Russian provinces. With no jobs but plenty of firearms, Chechens reverted to their 19th century tradition of earning a living by kidnapping for ransom and raiding Russian villages across the border. In one of the most macabre incidents, three Britons and a New Zealander, employees of a British telecommunications firm, abducted in the Chechen capital, Grozny, in 1998, were later found on a roadside with their heads sawn off.

Moscow effectively connived for Chechnya's degradation into a buccaneer republic and a criminals' paradise by denying any tangible support to the moderate President, Mr. Aslan Maskhadov, in his efforts to consolidate his hold on power and bring some kind of order to his ravaged region. As Mr. Maskhadov's authority was eroded, Chechen warlords raised the banner of militant Islam to attract multi-million

donations from Osama bin Laden and other religious extremists. In August 1999, they invaded the Russian region of Dagestan seeking to create a fundamentalist Islamic state in the northern Caucasus.

Moscow's second attempt to crush Chechen rebels last September escalated into another full-scale war in the region. Chechens have fully relived the tragedy of the first war. Over 200,000 refugees have fled the fighting and many of them spent the winter in horrid conditions in tent camps in neighbouring Ingushetia. Many others who stayed behind got killed or had their houses destroyed by Russian bombardment. To minimise their losses, Russians levelled Grozny before capturing it from Chechen rebels.

No one knows how many of at least 10,000 civilians remaining in the city were killed in the fighting. Eyewitnesses said Russian troops had gone on rampages in captured Chechen towns and villages, looting houses and killing civilians, including old people and women. The military's efforts to keep journalists out of Chechnya largely failed and served only to draw public attention to reports of alleged atrocities by Russian troops.

Russian authorities have made little effort to investigate the accusations, partly because they do not want to antagonise the military and partly because they are themselves to blame for the excesses.

Moscow has not declared either a state of emergency or a state of war in Chechnya, because this would have led to the cancellation of Presidential elections in Russia next month which are expected to install in the Kremlin Mr. Boris Yeltsin's chosen successor, Mr. Vladimir Putin. In the absence of any legal norms regulating the military operation in Chechnya large-scale abuses were inevitable.

Gory video footage of Russian soldiers piling bodies of Chechen men into a ditch that shocked the world last week is a graphic example of what is happening in Chechnya. Western reporters claimed the bodies were those of civilians tortured and murdered by Russian troops, while Moscow insisted they were militants killed in fighting.

In fact, there is often no way of telling a militant from a civilian, because it is a guerilla war going on in Chechnya. Those who are peaceful villagers in daytime, turn into vicious rebels at night. The Russians see a militant in every Chechen and treat him accordingly.

Unfortunately, there is also a strong element of ethnic hatred among many Russians for Chechens after so many reports of Chechen atrocities against kidnapped civilians and Russian soldiers.

For their part, Chechens, who

remember Russia's 50-year war to conquer them in the last century and who survived a brutal deportation to Siberia under Josef Stalin, are convinced that the current war is a continuation of Russia's policy of genocide against them. Brutality breeds more brutality.

Russia, which so far resisted all attempts by international organisations to monitor the human rights situation in Chechnya, last week allowed Mr. Alvaro Gil-Robles, head of the council of Europe's Human Rights Commission, to visit Chechnya and agreed to open the Commission's office in Grozny "in a few weeks' time". But no observers can break the endless spiral of violence as long as the guerilla war goes on.

Meanwhile, politicians have been busy gathering the spoils of the war. Russia's acting President, Mr. Putin, has all but guaranteed himself victory in the March 26 Presidential race thanks to honouring his tough promise to "rub out Chechen bandits in the outhouse".

For its part, the West has exploited the issue of Russian human rights violations in Chechnya to put Moscow in the dock, compromise its international standing and deny it moral high ground to criticise NATO's bombing of Yugoslavia or any other punitive actions the West chooses to take in the future.

THE HINDU
- 5 MAR 2000

R.T.O.

Rights groups in Kerala decry police brutality

By P.K. Surendran

The Times of India News Service

THIRUVANANTHAPURAM: A woe-begone father, whose son studying in the medical college got thrashed up by the police, gets an assault charge slapped on him. A labourer whose only son kicked to death in public gets arrested for a case of bootlegging. A young autorickshaw driver is badly bashed up and his father is charged with obstructing the police.

Stories of such brutality are trite. One can find a curious aspect if one studies the behaviour of the Kerala police. They swing into action to save their erring colleagues. The battering of A.M. Binoy, a dental student at the capital's bus station a few days ago is a case in point.

A police man accosted the young man in the city bus stand at night by charging him with picking a pocket. The youth denied it and showed him his driving licence to prove that he was a dental student on a visit to his uncle there. But a man, said to be the genuine pickpocket, goaded the policeman to take the youth into custody. The youth was taken to the station nearby and allegedly subjected to torture.

It was later learnt that a passenger had lost his purse and the dental student identified the pickpocket in action. The pickpocket said to be one Raju, known to the police circles, countercharged the youth of taking the money. He sought the help of his friend, a policeman, and got the young man hooked for the offence. The policemen reportedly defied the order of the circle inspector who had dropped in at night and advised them to release the youth. The youngman was badly beaten up in custody. His kidney was damaged, say medical reports. But the medico's travails did not stop at that.

Binoy's father, K.A. Basheer, was on his way to hospital to take his son there for treatment. A traffic cop waved for his car to stop for violation of traffic rules. The father, sad and angry at the police, is reported to have shouted at the policeman and enquired if the police wanted to kill him too. Verbal duel led to a

scuffle and the policeman tipped off his colleagues on the wireless about Mr Basheer. More policemen came and took the car along with the patient to the station and charged the father with attacking the police and violating traffic rules.

Only a couple of days ago a truck driver, Shahul Hamid, was allegedly beaten black and blue for refusing give a bribe to the traffic police. Both the victims of police highhandedness are undergoing treatment in the general hospital. He too faces a couple of charges of committing offences of which he is innocent.

In the first week of December, a youth was kicked to death in Alapuzha by the alleged illicit liquor lobby. The youth was one of the activists against bootlegging in the area. When his father, Sadasivan, sat in dharna before the police station, he was promptly charged with bootlegging and attack on the police.

Sadhhique, a handicapped man in Kozhikode, was reported to have been thrashed by the circle inspector himself when he refused to vacate a shop he had taken on rent. The victim now is facing a "trespassing" case. Numerous such cases of police vengeance are surfacing after the medico's incident.

Police commissioner A.K. Sinha said the cases did not show a pattern of organised police violence. "They are unfortunate stray events involving policemen," he said. But he could not fully explain how the police entertained anti-social elements and habitual offenders in the police station. A policeman accosting an unwary citizen in the company of a historysheeter is bad news for the people.

Chief minister E.K. Nayanar assured the Kerala assembly that he would not brook such police behaviour and those involved would be chargesheeted. Three policemen have subsequently been suspended. However, the human rights organisations have demanded the arrest of the erring policemen and not just suspension. They point out that suspensions fail to deter the police highhandedness as 38 suspensions had taken place in the past five years.

119-10
27/3

STATES MUST TAKE THE LEAD H. P. Reddy ✓

KARNATAKA'S MOVE TO set up a State Human Rights Commission (SHRC) has not come too soon. It is in fact incumbent on all the States to establish SHRCs to provide an institutional ambit for the protection and promotion of human rights. Only nine States have a functional SHRC and five more have notified their intention to create one. There is no reason why the others should not follow suit. Only those who want to gloss over police excesses will remain reluctant. The NHRC alone cannot monitor the entire country and launch *suo motu* action where it deems necessary, on the basis of information from the States. It becomes much easier for an SHRC to begin its own investigation of any human rights violation in the State and take the help of the NHRC, where necessary. The Centre and the NHRC must act in tandem to drive home the message to all States — that they should first set up SHRCs and then ensure that they play a pro-active role in monitoring the functioning of the police and other State agencies. Like the public interest litigation which revolutionised dispensation of justice, the human rights scenario needs a catalytic agent to make the SHRCs come alive.

Given the pendency of cases in the courts around the country, there is a strong case to activate the Human Rights Commissions so that they can take care of at least this area of concern. If the SHRCs can demonstrate their value by launching *suo motu* action and investigating *prima facie* violation of human rights in their area, it can have a salutary effect on the State agencies, especially the law enforcement authorities. Incidents of custodial deaths, high-handedness of the authorities, the plight of thousands of undertrials languishing in prisons and cases of violence sparked by an atrocity are some avenues in which an SHRC can certainly act on its own. Both the Centre and the NHRC must ensure that

they assist the State Governments to not only set up SHRCs but ensure they get funds, manpower and support to discharge their functions. States such as Delhi, Assam, Jammu and Kashmir, Tamil Nadu, Bihar and West Bengal were among the first to get started with their SHRCs. Unless an SHRC can function effectively, deal with the incidents of human rights violations and submit its reports in good time, it serves no purpose. The time has come for States to get their SHRCs to probe police firings or other violent incidents and act on their reports and recommendations.

The Chairman of the NHRC, Mr. J. S. Verma, has emphasised the urgency of implementing some of its recommendations. A high level committee, for instance, suggested that education on fundamental rights and duties be launched in schools. This committee worked along with the NCERT to produce an interim and then a final report. There was no follow up action based on their recommendations. This reflects on the status and importance attached to such vital issues. Similarly, around 43,000 cases are pending with the NHRC and given its capacity as well as the cooperation from the State Governments or agencies, when can it deal with them? Instead of waiting for international agencies or human rights groups to sermonise to them on the importance of human rights, it is time the Government of India and the NHRC took up this challenge more seriously. To demonstrate this seriousness, they must first focus on a new human rights orientation programme for the armed forces, paramilitary and the police forces. All Government agencies must be made conscious of their duties. An awareness of human rights and the existence of these Commissions must be created. Central and State Governments must recognise the work of the Commissions and act on their reports. Only then will their purpose be served.

Jail death:

PRESS TRUST OF INDIA
NEW DELHI, MARCH 11

THE National Human Rights Commission (NHRC) has directed the UP government to initiate departmental action against a senior official of Varanasi Central Jail and pay compensation to the next of kin of an inmate who died due to "various acts of commission and omission committed by" the jail authorities.

The Commission, taking cognisance of the case on a report by the Senior Superintendent of Central Jail, Varanasi, informing it of the custodial death of a convict, Raj Mahal Pandey, directed the government to initiate departmental action against DIG (Prisons), Varanasi Central Jail, and the Additional District Magistrate for dereliction of duty, an NHRC release said today.

Referring to the report submitted by the Additional DM stating that Pandey was mentally ill, the NHRC has also directed the UP government to comply — by the first week of April — with the Supreme Court directive that no mentally ill person can be kept in jail.

The Commission found that more than 16 mentally unsound persons had been kept in Varanasi Central Jail, an NHRC release said. It

NHRC orders action

Additional District Magistrate (City), Varanasi, along with reports of the IG (Prisons) and the post-mortem report of the victim.

The post-mortem showed five ante-mortem injuries on Pandey's body, indicating that his lungs and liver had got ruptured, the NHRC release said. The death was believed to have occurred due to shock and haemorrhage as a result of injuries to his lungs and liver, NHRC said. It added that the magisterial inquiry report based on examination of the jail staff, inmates and medical records stated that the deceased was mentally ill.

The report said Pandey had behaved inconsistently during the inspection by the DIG and later hanged himself from a tree, adding there was no evidence of custodial violence.

"The Commission was shocked at the perfunctory manner in which the magisterial inquiry had been done. The Additional District Magistrate had not cared to connect the version given by the witnesses and jail officials with the post-mortem report," NHRC said.

"None of the five injuries found on the body of the deceased was in the neck portion, indicating he had not died by hanging himself. Instead, he had sustained injuries on the head and thorax portion, resulting in ruptured lungs and liver, indicating the use of severe blunt force," it said.

Commission's annual report

NHRC has stressed the need for keeping the institutions of governance in state of repair and framing social and economic policies which are responsive to the rights of the most vulnerable sections of society.

This has been underlined in the Commission's annual report for 1997-1998 which, along with the action taken memorandum on the various recommendations/observations contained in the report concerning ministries/departments of the Government, was placed before Parliament on March 1 and March 8, respectively. — UNI

added: "According to the Varanasi Jail Superintendent, the deceased and 15 others persons, who were mentally unsound, were kept in jail in violation of the Supreme Court directive."

In Pandey's case, the Commission called for detailed reports from the government regarding allegations that the convict died of the violence perpetrated on him in prison as he had protested against the conditions prevailing there.

According to the release, NHRC has received the report of the inquiry ordered by the state government, which was conducted by the

Rights situation bleak in Pakistan: Report

Mubashir Zaidi
Islamabad, March 16 HC-1A

THE HUMAN Rights Commission of Pakistan (HRCP) painted a bleak picture of human rights in the country in its annual report issued yesterday.

Calling upon the military leader General Pervez Musharraf to restore democracy in the country the report said that every interruption of representative government had only done damage to national integration, political growth and international standing.

Top human rights activist and UN rapporteur Asma Jehangir said that the holding of local bodies election to bypass the general election was not a right step. While appreciating the devolution of power, she said the military government's plan to hold local bodies

polls should not be in isolation but be a part of the general restoration of democracy.

The report demanded that the political leaders and activists charged with any kind of misconduct should be tried in open court, transparently and according to the normal laws of the land.

Discrimination against minorities was on the rise. The report claimed that the Hindu minority had to suffer intolerance, particularly during the tension with India.

The report recommended a crackdown on all camps imparting guerrilla training. It recommends trial of the religious complaints in the ordinary courts.

The report disclosed that 1000 women were killed in the name of honour killings with 353 incidents of *Karo-Kari* (honour killings) in Sindh alone.

THE HINDUSTAN TIMES

17 MAR 2000

Verdict on Pak killer 'barbaric'

INDIA ABROAD NEWS SERVICE

ISLAMABAD, March 17. — Pakistani lawyers and politicians have described as barbaric a judge's verdict that serial child killer Javed Iqbal be put to death in the same gruesome fashion in which he had slain 100 children.

A Pakistani court has ordered that Iqbal's body be cut into 100 pieces after death and dissolved in acid. Critics said this amounts to the state matching the convict's barbarity.

Ms Asma Jehangir, former Human Rights Commission of Pakistan chairperson, said such state barbarism would "only dehumanise society and give rise to fascist tendencies. The ends of justice are never met through anger and emotion."

Mr Hamid Khan, Pakistan Bar Council member and former Lahore High Court Bar Association president, said it was a cruel and unusual punishment because the state could not match the barbarity of a convict, however cruel he may be. It has to be reasonable, he said.

The Pakistan Tehrik-i-Insaaf vice-chairman said hanging Iqbal was the right punishment

but ordering a public conviction and cutting him up into pieces was barbaric.

Punjab Bar Council member Mr Hafiz Abdur Rehman Ansari said there was no precedence in law for such punishments to murder convicts even under the Qisas law. The Qisas law demands death for death, but not cutting up of the body later. He said Islam does not provide for such punishments.

Pro-Pakistan Muslim League lawyer Chaudhry Riasat termed the punishment unusual and extraordinary. He, however, said the case had exposed the country's drawbacks in offering protection to runaway children, the inability of law enforcement agencies to prevent what had happened to them and to conduct investigations properly.

Jamaat-i-Islami chief Qazi Husain Ahmad said that first, the country had got a bad name because of the brutal killing of 100 children and now, after the verdict, the West would get a chance to broadcast that Islam is a religion of barbaric punishments. But the Shariat doesn't provide for the destruction or burning of any convict's body. It clearly forbids such punishments.

THE STATESMAN

18 MAR 2000

NHRC unfazed over statute review panel

Cuttack, March 19

NATIONAL HUMAN Rights Commission (NHRC) chairman Justice J S Verma said he was not disturbed with the setting up of a Constitutional Review Commission by the Centre.

"I am sure that Commission chairman Justice M N Venkatachalaiah, a person not only of proven ability but also of commitment, and other members of the panel, would not indulge themselves in any exercise which they should not do," Justice Verma said.

Delivering the 11th Dr. Harekrishna Mahtab memorial lecture on a controversial topic "Working of the Constitution, a fresh look" here yesterday, the new NHRC chairman rejected the

apprehensions expressed by many sections of the society about the fate of the Indian Constitution following the government's decision to review its working.

Justice Verma clarified that the Venkatachalaiah Committee after conducting an academic exercise could only make certain recommendations for consideration in Parliament which was the supreme decision-making body of Indian democracy.

He added that even Parliament could not alter the Constitution's basic structure, as it could not act beyond its permissible limit. The apex court had made this clear in its verdict in the Keshabananda Bharti case, he said.

The people were the ultimate keepers of the Constitution -

Justice Verma, who probed the Rajiv Gandhi assassination case - said, adding they were duty bound to see that the Constitution was not only preserved but also utilised in the manner in which the framers had expected it to work.

He said for ensuring the stability of the Constitution and a healthy democracy, citizens should be made aware of and educated in the spirit of the Constitution.

It is necessary that all of us do serious introspection to find out the cause for non-realisation of our constitutional promises, Justice Verma said.

He said that though the Constitution had been amended several times in the past 50 years, a closer scrutiny was required on different issues. (UNI)

THE HINDUSTAN TIMES
20 MAR 2000

US slaps China softly on the wrist for human rights violation

BY JONATHAN MIRSKY

London: When the United Nations Human Rights Commission opens its annual deliberations in Geneva, the United States will be ready with its condemnation of China's human rights record. But Beijing, supported by its allies, will slip away — once again — from facing the consequences of its internal brutality.

What Chinese actions have caused even the US, which usually seeks to curry favour with Beijing, to stand in judgment on China's violations of the international covenants to which it is obligated?

The US state department recently spelled out the Chinese abuses, emphasising that the past year was one of human rights retrogression. Included in the indictment was the sweeping crackdown on the Falun Gong religious movement, the imprisonment of virtually every member of the Democratic Party, no discernible rule of law, religious persecution in Buddhist Tibet and Muslim Xinjiang, and the detention of Protestant and Catholic pastors and priests. Amnesty International reports that more extra-legal executions occur in China than in all other countries of the world combined.

The blunt fact is that China's human rights record has deteriorated since 1998, when China signed — but has yet to ratify — the UN covenant on civil and political rights.

Here, therefore, is a repudiation of the nonconfrontational strategy for dealing with Beijing laid out in late 1998 by the US national security advisor, Samuel Berger, not long after President Bill Clinton, during his trip to Beijing, spoke of "the real progress" China had made on human rights. Mr Berger, taking a position since imitated by Britain, France, and Germany, stated that "through engagement you can get a lot of serious things done and promote American values and

Some suggest that the reason for this year's American motion of condemnation — there was none last year — is that it suits Mr Clinton to sound just robust enough on Beijing to persuade a sceptical Congress to vote for Chinese entry into the World Trade Organisation

maybe even advance the process of change in China."

This truckling to China led Prime Minister Tony Blair of Britain, during his trip to Beijing in October 1998, to claim that his personal intervention had freed Xu Wenli, head of the Democratic Party, from detention, although the Prime Minister's plane had barely taken off when Mr Xu was replaced behind bars to begin a thirteen-year sentence — 13 years, that is, on top of the 12 years he had already served after 1979. This reversal did not stop Mr Blair from saying he wanted

Britain to be China's "best friend in Europe"; nor, according to a recent report, did it deter foreign secretary Robin Cook from instructing the Metropolitan Police to be extra tough on demonstrators during President Jiang Zemin's recent visit to Britain.

As has been the case every year since 1990 at the annual session of the UN Human Rights Commission, China will probably succeed this time in rounding up enough allies, who also violate human rights, to secure a "no action" motion at Geneva. Beijing's diplomats have been working for months to ensure that as at all other UN meetings, nongovernmental groups will not be able to testify about Chinese human rights transgressions.

There is little evidence that Washington ever mounts a diplomatic offensive designed to counter Beijing's either in scope or vigour. This leads to the surmise that the US does not really want China to stand condemned. Some suggest that the reason for this year's American motion of condemnation — there was none last year — is that it suits Mr Clinton to sound just robust enough on Beijing to persuade a sceptical Congress to vote for Chinese entry into the World Trade Organisation. Such parochial cynicism means that few countries in Western Europe will support the US motion. Indeed, it is probably already as good as dead.

Can the international complaisance with regard to China be explained? Perhaps it is because — unlike pariahs like Iran, Iraq, and Serbia — the Chinese are thought to menace only their own people and not the West.

So in Geneva there will only be the soft sound of an American slap on the Chinese wrist. This will signal yet again not simply a moral failure on the part of the Western democracies, but a pragmatic one. Beijing blusters but has little bite.

Gerald Segal, who until his death last year wrote incisively about China asked near the end of his life, "Does China matter?" He observed that despite its huge population, "as a market, a power, and a source of ideas," China should be seen as second-rank nation although it had "mastered the art of diplomatic theatre." Only if Beijing is treated as the capital of a nation on a par with Brazil, Mr Segal wrote, would the Chinese confront their shortcomings and undertake political reform.

Future historians will marvel that despite violating its international obligations and savaging its most admirable citizens — not to say upsetting the peace of its region — China succeeded for so long with its diplomatic smoke and mirrors.

By arrangement with the *International Herald Tribune*

EU calls for rights probe

23/3
Geneva, March 22: The European Union called on Tuesday for a serious and independent investigation into alleged atrocities in Chechnya.

But EU President Portugal, speaking on behalf of the bloc, stopped short of calling for a resolution rebuking Russia over its military drive in the province.

Foreign minister Jaime Gama said in a speech to the main United Nations human rights forum that public opinion was alarmed by reports of widespread human rights violations in Chechnya. "A

ff. Reuters
serious and independent investigation must be carried out without delay in order that those responsible can be brought to account," he said.

"The EU stresses the importance of an international presence in Chechnya and urges the Russian authorities to comply with their commitments and rapidly launch full and transparent investigations into alleged human rights violations," he added.

Mr Gama was speaking on behalf of the 15-member bloc as well as 10 associated central and eastern

European countries. AA - 5

Swiss foreign minister Joseph Deiss also appealed to Russia to investigate allegations of atrocities. "Perpetrators of summary executions and torture must be punished," he said.

UN human rights chief Mary Robinson, who travels to Chechnya on April 1-2, has said she will look into allegations of torture and ill-treatment in detention camps in the region. She plans to report back to the commission, which meets until April 28, and could order a full investigation. (Reuters)

THE ASIAN AGE

23 MAR 2000

China puts rights onus on USA

PRESS TRUST OF INDIA

BEIJING, March 23. — China today blamed the USA for continued suspension of talks on the human rights issue but expressed willingness to resume a dialogue provided Washington gave up its "confrontationist" attitude.

Commenting on Sino-US human rights dialogue, foreign ministry spokesman Mr Sun Yuxi said bilateral contacts over human rights remained suspended and blamed Washington for the present situation.

"The solution to this is that the US gives up confrontation and returns to dialogue," Mr Sun said.

Earlier Chinese foreign minister Mr Tang Jiaxuan had warned that if the US was bent upon confrontation on the question of human rights, Beijing would be "obliged" to fight to the finish.

Mr Tang also remarked that the Chinese had never been afraid of "any bluffs and pressure".

The sparring comes in the wake of the US decision to move a resolution against China's human rights practices at the ongoing session of the UN Human Rights commission in Geneva.

US Secretary of State Madeleine Albright is expected to lobby for the American resolution and make a speech, criticising Beijing's recent crack-down on freedom of speech and religion. Chinese foreign ministry officials, however, believe they can manage to defeat the move.

THE STATESMAN

24 MAR 2000

U.N. panel to hear rights cases in East Timor

By P. S. Suryanarayana

SINGAPORE, MARCH 22. The United Nations today said its transitional outfit in East Timor had set up a judicial panel to hear cases while an emissary sent to Phnom Penh had attained some progress but no agreement with Cambodia on a tribunal to try the surviving Khmer Rouge leaders for genocide in the '70s. HD-16

The U.N.'s Assistant Secretary-General, Mr. Heidi Annabi, told the Security Council in a briefing on East Timor that the law and order had improved and the chief of the U.N. peacekeeping force, Lt. Gen. Jaime de los Santos, had lowered the perceived security threat categorisation almost across the entire half-island.

According to Mr. Annabi, the U.N. Transitional Administration in East Timor (UNTAET), overseeing the territory's movement towards full independence in two or three years, had just now set up a panel consisting of native persons and foreigners as judges.

On Cambodia, the U.N. official noted that the leader of a team sent by the world body to Phnom Penh had presently reported modest or a little progress on the question of the tribunal.

A U.N. official in New York said the effort was still focused on enabling Cambodia to set up a national tribunal that could, however, prosecute the old Khmer Rouge leaders in accordance with international standards of justice. Mr. Correll, too, spoke in Phnom Penh in a similar vein of helping Cambodia over the question of a national tribunal.

THE HINDU

23 MAR 2000

HP-10

NHRC to hold meet in May on rights of AIDS victims

By Our Legal Correspondent

NEW DELHI, MARCH 24. The National Human Rights Commission (NHRC) on Thursday convened a meeting under the chairmanship of Mr. Justice J.S. Verma to discuss issues concerning HIV/AIDS affected people.

It was decided to organise a conference here in May to create awareness amongst policy-makers about the rights involved in the prevention and control of HIV/AIDS.

The meeting was attended by the UNICEF representative, Mr. Allan Court, the Programme Offi-

cer, UNAIDS, Mr. Gordon Alexander, the Joint Director, NACO, Dr. P.L. Joshi, and Coordinator, Ms. Kiran Sharma.

The NHRC Secretary General, Mr. N. Gopaldaswami, its Joint Secretary, Ms. S. Jalaja, and member, Mr. Sudarshan Agarwal, were also present.

Mr. Justice Verma stated that though the health and medical aspects of AIDS had received attention, a comprehensive look at all aspects, including legal, social and psychological issues as also the rights of the affected vis-a-vis others, was necessary.

He observed that only sporadic

attempts had been made to create awareness on these issues. Therefore, it was necessary to mobilise every instrument of governance to consolidate the isolated efforts made by different groups/agencies and organisations to create a structure to deal with the problem in all its dimensions.

There was broad agreement that human rights approach went much beyond the affected individual to include rights of women, young people and children to information, services and support. Human rights occupied the central position when issues relevant to HIV/AIDS were considered.

THE HINDU
25 MAR 2000

Belgium to appeal against ruling not to open medical records

Court lid on report boosts Pinochet

London, Jan. 31 (AP): Nudging general Augusto Pinochet closer to release, the High Court today rejected a request by Belgium and six human rights groups to challenge the secrecy of a medical report finding the former Chilean dictator unfit to stand trial.

Within hours, Belgium appealed to a panel of High Court judges, which will start hearing the case next week.

Britain's top law enforcement official, home secretary Jack Straw, has said he will not rule on whether to extradite Pinochet to Spain while court action is pending.

But he announced earlier this month that he is inclined to let the 84-year-old general return home, saying an independent medical team found the former dictator mentally unfit to stand trial on charges alleging human rights abuses.

Belgium and the human rights groups want to review the medical report before

Straw's final ruling — which also can be appealed — but Straw has refused, citing Pinochet's right to patient confidentiality.

In his ruling today, High Court Justice Maurice Kay said he found no evidence Straw had offended "natural justice" in not making the report available.

Kay also held that the human rights groups had no standing in the case. "In legal terms ... it is none of their business," he said. The groups still said they were considering joining Belgium by filing an appeal.

Pinochet was arrested during a visit to Britain in October 1998 while recuperating from back surgery in a London hospital. He has spent the past 15 months fighting extradition to Spain.

The general's extradition also is being sought by Belgium, France and Switzerland — all on behalf of citizens of their countries who contend their relatives were jailed or killed in Chile — though only Belgium is in-

involved in the legal challenge to see Pinochet's medical records.

Belgium argued that it was entitled to view the report as a nation seeking Pinochet's extradition, and the human rights groups as advocates for some of the general's alleged victims.

In making his ruling, Kay said he was "conscious that my decision is unavoidably adverse ... to people who have suffered greatly in Chile's recent history."

At the headquarters of the organisation of relatives of the missing-detainees in the Chilean capital of Santiago, many shed tears of disappointment.

"This means that the dictator will probably return," said the organisation's president, Viviana Diaz, whose father has been missing since Pinochet was in office.

Across town, supporters at the Pinochet Foundation cheered the decision, chanting "Long live Pinochet."



An anti-Pinochet protester breaks down after the high court ruling. (AFP)

China flays US move on rights issue

Beijing, January 31

412
CHINA HAS reacted sharply to the proposed US move to introduce a human rights censure motion against Beijing at the UN Human Rights Commission, saying it amounted to "meddling in its internal affairs" and would hamper bilateral dialogue on human rights issue.

Termining the allegations of human rights violations in China as 'groundless', Chinese Vice Foreign Minister Wang Guangya said "no one should venture to be the teacher of others."

The US State Department has said it planned to push ahead with the human rights censure motion at the 56th session of the UNHRC

in March in Geneva, in view of 'deteriorating' human rights situation in China last year.

The proposed motion amounts to "meddling in China's internal affairs", Wang, who is in-charge of China's rights dialogue with the US, was quoted as saying by the official China Daily newspaper today.

He said it would render a serious setback to the Sino-US human rights dialogues.

"A dialogue on human rights between China and the US will not be possible if no concrete steps are taken by the US to eliminate the adverse effects of the anti-China resolution."

Claiming that China now had the best human rights situation in its

history, he said "scapegoating China's human rights is without justification and doomed to fail."

He said eight similar attempts by the US could not muster enough votes in Geneva.

Wang said the US move reflected that some people in America were clinging to the cold war mentality and using human rights as an excuse to undermine China's political stability.

He also charged that the anti-China rights resolution was driven by partisan campaigns for the next US presidential election.

Even the US has serious rights abuses, he said citing use of military by the US to suppress the Branch Davidian cult.

(PTI)

THE HINDUSTAN TIMES
- 1 FEB 2000

RIGHTS PANEL FINDINGS / DEFIANT EX-TNI CHIEF REJECTS CHARGES

Wahid wants Wiranto to resign

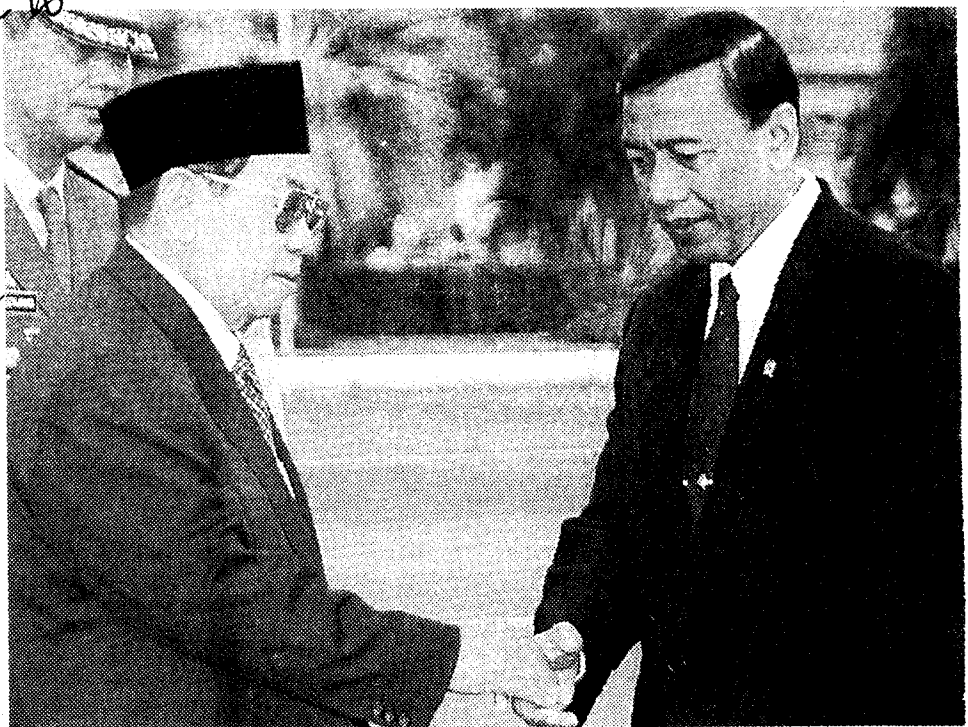
By P. S. Suryanarayana

SINGAPORE, FEB. 1. Indonesia today headed towards a showdown between the President, Mr. Abdurrahman Wahid, and Gen. Wiranto, Senior Minister for Politics and Security Affairs, over the report of the National Human Rights Commission which has named the latter as one of the officers responsible for the carnage in East Timor late last year. Gen. Wiranto declined to resign from Mr. Wahid's Cabinet on the basis of what were described as "assumptions", but the battle lines between the two were not fully drawn.

Gen. Wiranto not only disagreed with the findings by the commission (Komnas HAM) but also lambasted it on three counts. He said: "All that I did so that East Timor could hold the ballot (the U.N.-sponsored referendum last August on independence from Indonesia) was not mentioned" by "KPP-HAM", a sub-panel of "Komnas HAM" that conducted a preliminary investigation into the alleged involvement of Gen. Wiranto and five other military officers in the anti-independence carnage.

Following the recommendation by "Komnas HAM" that Gen. Wiranto and over 30 others be investigated further, Mr. Wahid said, on the sidelines of the World Economic Forum summit in Davos last night, that he would, on returning to Jakarta by the middle of this month on the completion of his current foreign tour, ask Gen. Wiranto to step down. In Mr. Wahid's view, he could not allow personal feelings to come in the way of a full determination of the facts in the wake of the findings by "Komnas HAM" that Gen. Wiranto was accountable for the failure of security in East Timor following its independence vote and the "crimes against humanity" that were committed there.

Maintaining that he would not agree with certain aspects of the report by "Komnas HAM", Gen. Wiranto said in Jakarta today that the commission "had not paid attention" to "all the information from the military and other witnesses." He did not, however, specify who the other witnesses were. In his opinion, the sub-panel, which had interrogated him and some other Generals, "should have only



THE GOLDEN HANDSHAKE: The Indonesian Coordinating Minister for Security, Gen. Wiranto (right), bids farewell to the President, Mr. Abdurrahman Wahid, in Jakarta as Mr. Wahid embarks on his foreign tour on Friday. — AP

gathered information" and carried out an "analysis" of that "information" so as to decide if human rights violations had been committed. It was on the basis of these two objections that Gen. Wiranto put up his primary defence, for the first time in the public domain, that the commission had ignored his contribution to the conduct of the U.N. ballot.

Gen. Wiranto's other points of defence included the reference to such actions as the imposition of martial law in East Timor for the stated purpose of restoring peace there in the wake of the mayhem that followed the voting.

The lawyers defending Gen. Wiranto and other military officers dismissed the panel's

findings as "political recommendations." The main counsel, Mr. Adnan Buyung Nasution, said the commission's call for an investigation by the Attorney General was "without any legal basis."

Today's war of words between Gen. Wiranto and Mr. Wahid more or less eclipsed the decision by the United Nations Secretary General, Mr. Kofi Annan, not to consider constituting an international human rights tribunal to probe Gen. Wiranto and others and allow Indonesia to complete its own investigations in the first place. The U.S. backed the U.N. line although this deeply disappointed the independence leaders of East Timor.

THE HINDU
2 FEB 2000

NHRC pulls up J&K Govt over migrants

Anil Anand
New Delhi, January 2

NATIONAL HUMAN RIGHTS Commission (NHRC) has censured the Jammu and Kashmir Government for its tardy handling of the issue of Kashmiri Pandit migrants who have been struggling for their rehabilitation ever since they had to flee the terrorism-infested Valley.

A three-member bench of the NHRC has expressed its displeasure on the manner in which a special committee appointed by the State Government on the Commission's directives to tackle the migrants' problem, has been conducting itself. "The manner in which the committee is carrying out the work to formulate the policies and principles in respect of the

migrants, gives an impression that serious attention is not being paid by the authorities concerned in this regard", the Commission observed while hearing a petition filed by Kashmir Samiti, Delhi and Indian-Canadian Kashmir Forum. The Commission expressed serious concern on irregular functioning of the committee as it has met only twice ever since it came into being last year. This is despite a proposal put forth by the committee itself before the Commission that it will hold a meeting every fortnight. "The Committee met only twice upto now. Even the notice for the meeting is casually sent to the Special Rapporteur of the Commission which confirm the grievances expressed by the complainants", it further observed.

Accepting the plea of Kashmir

Samiti president Mr C.L.Gadoo and its counsel Ashok Bhan that the cut-off date for fresh registration of displaced persons be extended for the benefit of those who left the Valley after 1990 in view of continued migration, the Commission ruled that Mr Gadoo could send the list of Kashmiri Pandits who migrated subsequent to 1990 and settled in Delhi, to Delhi Government.

"Delhi Government should coordinate with J&K Government to ascertain the correctness of the list following which same procedure should be followed regarding grant of relief to them as is being done in the case of already identified displaced persons", the Commission further stated.

In response to Mr Gadoo's plea that similar facilities should be

extended to the migrants living in Delhi on the lines of those camping in Jammu, the Commission directed him to send the relevant details to Mr Amar Nath Vaishnavi—a member of the committee—to place it before the committee. "The committee in turn is expected to get an inquiry done through the Relief Commissioner and take an appropriate decision", it observed.

Significantly, the Commission concurred with the Union Home Ministry's claim that all problems faced by the migrants be dealt with by the committee. The Ministry took this stand in the light of a memorandum referred by President K.R.Narayanan to it, which was submitted, to him by a delegation of Kashmir Samiti on January 20.

NHRC pulls up Govt on Kashmir

■ 'Pandits' issue not handled properly' ■ Groups demand the State be split into four

PRESS TRUST OF INDIA
NEW DELHI, FEB 3

NATIONAL Human Rights Commission has pulled up the Jammu and Kashmir Government for not handling the Kashmiri Pandit migrants' problems properly.

The Commission expressed disappointment at the manner in which a special committee, set up by the State Government on its directives to deal with the migrants' problems, has been functioning.

"The manner in which the committee is carrying out the work to formulate the policies and principles in respect of the migrants gives an impression that serious attention is not being paid by the authorities concerned in this regard," a three-member bench observed. The Commission's observations came during a recent hearing of a petition filed by Kashmiri Samiti of Delhi and Indo-Canadian Kashmiri Forum.

Expressing serious concern over irregular functioning of the committee, the NHRC pointed out that the Committee met only twice since it was constituted last year despite its own suggestion to meet every fortnight. Even the notice for the meeting is 'casually' sent to the special rapporteur of the NHRC, the bench observed.

The NHRC accepted the plea of the Samiti that the cut-off date for fresh registration of displaced persons be extended for the benefit of those who left the Valley after 1990.

It asked the Samiti to send to the city government the list of Kashmiri Pandits who migrated after 1990 and settled in Delhi, NHRC sources said.

PRESS TRUST OF INDIA
NEW DELHI, FEB 3

THREE prominent organisations of Jammu and Kashmir today raised a joint demand for splitting the state into four parts and opposed grant of autonomy to the state as sought by the National Conference government.

Leaders of Jammu Joint Students Front (JJSF), Ladakh Buddhist Association (LBA) and Panun Kashmir at a press conference here also criticised the Vajpayee Government for being "silent" over the endorsement by the state Cabinet of the report which envisages limiting the Centre's powers in the state.

"We demand political reorganisation of the J&K state which envisages Union territory for Ladakh, separate state for Jammu and creation of Panun (own) Kashmir with a Union territory status for seven lakh internally displaced Kashmiri people," they said. JJSF president Rajinder Jamwal and LBA president Tsamphel charged that their regions had

throughout been "discriminated against by the state governments dominated by Kashmiris" and said carving out separate entities of Jammu and Ladakh would be an appropriate way to address the grievances of the people of these two regions. "Ladakhis have always been dominated (by Kashmir). We have never been comfortable and that is why we had started a campaign for UT status in 1989," Samphel said, adding they later settled for hill district status for the sake of national interest.

The LBA leader said the Ladakhis had "again started feeling that our existence and future is in danger, particularly after the Farooq Abdullah government mooted the idea of pre-1953 position for the state. "Right now, if we have any problems with the state government, we rush to the Centre. Where will we go if the Centre's powers in the state are reduced?" he said. Jamwal said the people of Jammu and Ladakh as well as Kashmiri pandits had nothing to do with more autonomy for the state and that it was "the demand of only the National Conference."

INDIAN EXPRESS

4 FEB 2000

5T-9

Annan hails Wiranto suspension

16/2

DEUTSCHE PRESSE AGENTUR

JAKARTA, Feb. 15.— The UN secretary-general, Mr Kofi Annan, has hailed the Indonesian President, Mr Abdurrahman Wahid's decision to suspend former military chief, General Wiranto, from the Cabinet over his alleged involvement in the bloodshed in East Timor last year.

"The government of Indonesia has demonstrated its determination to put those accused on trial and if it does go through, I think it will make Indonesia stronger and it will be helpful for its own legal system," Mr Annan said on his arrival in Indonesia today.

Yesterday, he said a global tribunal won't be set up "at this stage" to try those responsible for the East Timor atrocities that followed its vote for independence.

A UN human rights commission's recommended an international human rights tribunal be set up to try those responsi-

ble for the bloodshed.

Mr Annan is likely to discuss the Timor issue with Mr Wahid tomorrow, officials said.

Army supports Wahid: The Indonesian military today pledged to "secure" Mr Wahid's decision on General Wiranto, the Jakarta Post reports.

"TNI will respect the President's decision and faithfully ensure and secure its implementation," the TNI chief, Admiral Widodo AS, said. He expressed confidence that Gen Wiranto would also accept the decision.

US reaction: Supporting Mr Wahid's decision to suspend Gen Wiranto, the state department spokesman, Mr James Rubin, said: "The USA strongly supports democratic and constitutional government," IANS reports from Washington.

Aid workers threatened: International aid workers were yesterday threatened at gunpoint by police while accompanying East Timorese refugees from West Timor, adds DPA

THE STATESMAN

16 FEB 2000

Rights activists hail ruling on Pinochet

Madrid, February 16

CHILEAN HUMAN rights activists yesterday punched the air in celebration as Britain's High Court ruled against

Augusto Pinochet, blocking any rapid return home of the detained former dictator.

The High Court ruled on Tuesday that British Home Secretary (Interior Minister) Jack Straw must give a

key medical report on the 84-year-old Pinochet to those countries seeking his extradition to stand trial for alleged torture.

"Happy, satisfied, we are one

step closer to seeing Pinochet being extradited to Spain to face the courts there," Viviana Diaz, president of families of the detained disappeared, said at the headquarters of the protest group.

Brain damaged

Former Chilean dictator Augusto Pinochet has suffered brain damage and would have difficulty understanding and answering questions at a trial, Spain's ABC newspaper said today, citing a British medical report.

(Reuters)

Around 100 angry Pinochet supporters protested in the Chilean capital, throwing eggs at the Belgium embassy, the country behind the latest legal move. Witnesses

said pro-and anti-Pinochet activists clashed on the streets of Santiago.

Chile's government said the decision puts the drawn-out case one step closer to being closed.

(Reuters)

THE HINDUSTAN TIMES

17 FEB 2000

Jakarta vows trials over East Timor atrocities

Jakarta, February 16

INDONESIA, UNDER the threat of an international war crimes tribunal, today vowed to prosecute those responsible for last year's atrocities in East Timor. After talks with President Abdurrahman Wahid and Vice-President Megawati Sukarnoputri at the presidential palace, United Nations Secretary-General Kofi Annan warned calls for a U N tribunal would be revived if Jakarta failed to honour its promise.

Mr. Wahid has already been forced to dump former armed forces Chief General Wiranto from the Cabinet and order an investigation by the Attorney-General after a human rights inquiry implicated Wiranto and

five other generals in the bloodshed.

"It is important that those who were responsible for the atrocities be brought to justice in order to send a message out that impunity will not be allowed to stand," Mr Annan told reporters.

He said there would be no need for an international human rights tribunal on East Timor if Indonesia brought those responsible to trial. "Of course, if that doesn't happen, the Council has a right to revert to it," he said.

Asked about his earlier promise of a pardon if Wiranto faced trial and was convicted, Mr Wahid said: "We will prosecute those involved. And then later the decision would tell us what to do." He did not elaborate. Mr Annan would not com-

ment on the possibility of a pardon.

Gen. Wiranto, who denies any wrongdoing, led the military when pro-Jakarta militias backed by Indonesian troops went on a systematic campaign of killing and destruction last September after East Timorese voted overwhelmingly to throw off Indonesia's rule.

Analysts have said Mr Wahid would be unable to resist domestic and foreign pressure to put Wiranto and other generals on trial, despite likely stiff opposition from hardline elements of the politically powerful armed forces.

But they say his offer of a pardon may help keep the lid on the military, already angry at Mr Wahid's push to get them back into the barracks from politics. (Reuters)

THE HINDUSTAN TIMES
17 FEB 2000

Chilean rights activists hail Pinochet verdict

SANTIAGO: Chilean human rights activists, on Tuesday punched the air in celebration, as Britain's high court ruled against Augusto Pinochet, blocking any rapid return home, of the detained former dictator.

Around 100 angry Pinochet supporters protested in the Chilean capital, throwing eggs at the Belgium embassy — the country behind the latest legal move to stop Pinochet from escaping extradition to Spain.

Witnesses said pro and anti-Pinochet activists clashed on the streets of Santiago. In one incident, three Pinochet supporters repeatedly kicked a youth on the ground. Police said three arrests were made.

"Happy, satisfied, we are one step closer to seeing Pinochet being extradited to Spain to face the courts there," Viviana Diaz, president of the families of the detained disappeared, said at the headquarters of the protest group.

In London, the high court ruled on Tuesday that British home secretary (interior minister) Jack Straw must give a key medical report on the 84-year-old Pinochet to those countries seeking his extradition to stand trial for alleged tor-

ture.

Chile's government said that the decision puts the drawn-out case one step closer to being closed.

"There is not much left to debate... We are in the final leg," deputy foreign minister Mariano Fernandez told reporters.

Chilean rights activists clapped, sang and punched their fists in the air to rejoice at the decision.

They slipped on symbolic white face masks to remember loved ones lost during Pinochet's 17-year authoritarian rule and hugged each other.

supporters of the former commander in chief of the army said that it was time to escalate protests.

"The moment has arrived when Pinochet's followers have to take to the streets and lose their fear," one woman in tears told local television. Her comments were wildly cheered by other supporters of Pinochet.

"The torture of Pinochet has to stop," said another supporter of the general, still revered by many Chileans who believe he stopped the country from turning into a Marxist state under Allende.

Pinochet foes and friends alike have waited on tenterhooks for every twist and turn of Pinochet's legal battle in London which started with his arrest there in October 1998.

This latest court ruling came after Belgium and six human rights groups argued that Mr Straw's refusal to publish the medical report stopped them from mounting any meaningful challenge to his decision that the retired general was too ill to stand trial. France, Spain and Switzerland, which also have outstanding extradition requests, will now be allowed to see the medical report. (Reuters)

'Dictator has suffered brain damage'

MADRID: Former Chilean dictator Augusto Pinochet has suffered brain damage and would have difficulty understanding and answering questions at a trial, Spain's ABC newspaper said on Wednesday, citing a confidential British medical report.

"There is clinical evidence of extensive brain damage," the right-wing daily quoted the report as saying, adding that there was damage to the frontal and temporal lobes of the brain with resulting loss of memory.

"Pinochet's main medical problems at present are Auguste Pinochet a peripheral diabetic neuropathy and a recent progressive cerebral-vascular injury," the report said. (Reuters)



Tuesday's ruling was a significant victory for the four European countries and the human rights groups that want Pinochet to stand trial for alleged torture during his 1973-1990 rule in the aftermath of the bloody overthrow of the democratically elected socialist president Salvador Allende.

More than 3,000 people died or disappeared under Pinochet's regime, after his bloody 1973 military coup against Allende. Tens of thousands of others fled into exile.

At the Pinochet Foundation at the other side of the Chilean capital, a sombre mood turned sour, as

Special powers not the answer

By Pierre Sane

IN A remote rural area, police stake out a village hut where they claim members of an armed rebel group are in hiding. They set fire to the house and shoot its occupants, one by one, as they try to escape. Among those shot dead are five young girls, one 14 years old and another 15. A few days later, it is the rebel group's turn. It sets ablaze a house occupied by its political opponents — "enemies of the people", it calls them. When those in the house rush out, they are met with a hail of bullets. Eight people are killed, two of them boys, and another eight wounded.

A university lecturer is repeatedly arrested under a security law that allows for up to 90 days preventive detention, with possible extension up to 12 months. Each time lawyers challenge his detention, the Supreme Court orders his release. But as soon as he is released, he is rearrested. In December last year, he was bundled into a police van outside the central gaol and taken to an unknown location. Despite further writs being filed in the Supreme Court, his whereabouts are unknown.

Where in South Asia is this happening? Kashmir? Jaffna? Karachi? One may be forgiven for thinking so, since these are well-known 'badlands' — places we have come to associate with grave human rights abuses by both political groups and security forces. But no, these particular incidents took place in Nepal, in the context of a conflict that rarely makes international headlines — the confrontation between police and insurgents belonging to the Communist Party of Nepal (CPN) (Maoist).

The conflict began in two districts but has now spread to 31. It claimed 70 lives, in its first year. In its fourth, which has just ended, the death-rate has multiplied five-fold. More than a thousand people have been killed in these four years — rebels, policemen and civilians. As the conflict becomes more intractable, familiar patterns of violations have taken shape — extra-judicial execution, summary justice, "disappearances", torture. Equally familiar are the new measures being proposed by Kathmandu to deal with the conflict. Following in the footsteps of some of its neighbours, the Nepal Government seems set to assemble a new armoury of paramilitary

itary tactics and special powers that override human rights.

Last September, the Government tabled in Parliament a Bill for the Amendment of some Nepal Laws Relating to the Internal Administration, which is expected to be debated shortly. Its obscure name is deceptive, since the special powers it contains are neither obscure nor innocuous. If the Bill becomes law, it will extend the power of Chief District Officers (CDOs) to declare areas disturbed and subject to

Forces (Special Powers) Act, 1958. While the declaration of disturbed areas was always meant to be a "temporary measure", the application of the Act in some parts of India would be better described as permanent. It grants the security forces powers of "shoot to kill", which despite orders from the Supreme Court continue to be used to commit extrajudicial executions. The Act offers protection to those who commit such abuses, requiring the authorities to sanction the prosecution of officials. This

The Nepal Government seems set to assemble a new armoury of paramilitary tactics and special powers that override human rights... Before going down this path, Nepal would do well to look at the experience of its neighbours.

emergency powers, including the power to arrest without warrant and to shoot on sight. It will open the door to arbitrary detention for ill-defined subversive activities and enable CDOs to sentence people for up to six years (as opposed to the current three months) for non-violent offences such as sticking bills or attending small meetings.

Sadly, these headline policies are being contemplated by politicians who know what it means to suffer long years in gaol, in a country which has enshrined human rights principles at the heart of its young democratic and constitutional order. A country which has signed all the major international covenants, and abolished the death penalty. No one underestimates the grave security problem presented by the CPN's "people's war". I have no hesitation in condemning the abuses it has committed against the very "people" for whom this struggle is supposedly being waged. But it is equally important to question the wisdom of this new strategy for dealing with this conflict. Before going down this path, Nepal would do well to look at the experience of its neighbours in the face of similar armed conflicts and insurgencies.

More than 40 years ago, in response to insurgencies in the Northeast, India adopted similar powers in the Armed

ic that the former Prime Minister, Mr. Nawaz Sharif, is now being tried by an Anti-Terrorist Court of his own making — and vociferously complaining that he is not getting a fair trial!

Across South Asia, you can see this creation of special powers and special legislation. Some of these laws are a hangover from the colonial past, others a response to specific problems and exigencies of the time — guests that have come to stay, and stay. They might offer short-term solutions and a quick political fix. But they have the long-term effect of undermining the rule of law, its institutions and protection for human rights. One hears them being defended time and again as necessary instruments in the state's war against terrorism, but they are blunt instruments, surely, since they have largely failed to promote regional peace and stability. After all these decades, "disturbed areas" in the North-east have not been transformed into zones of tranquility, and Jammu and Kashmir is rife with conflict. In Sri Lanka, the conflict shows no signs of waning. Indeed, heightened security powers have, more often than not, fuelled popular disaffection and generated sympathy for rebel groups, creating a climate of permissiveness in which higher levels of violence are tolerated.

There are no easy remedies for the predicament that Nepal is facing, just as there are none for other conflicts in the region. I am far from suggesting that a law-and-order approach is out of line. The point, rather, is that a law-and-order approach can be neither credible nor effective unless it includes firm human rights protections. Beyond that, it also needs to be recognised that there are many stories locked within this tale of spiralling violence in Nepal — of poverty, of institutions weakened and undermined by corruption and the abuse of power, of frustration and discontent exploding into armed rage. Difficult though the task is, Nepal's leaders must find a holistic strategy that takes into account the political, economic and social context in which this conflict is embedded, rather than resort to knee-jerk special powers. They must learn from the mistakes of their neighbours — not repeat them.

The writer is Secretary-General, Amnesty International.

U.S. steps up criticism of China's rights record

By Jal Taraporevala

MUMBAI: Senior U.S. officials have, of late, stepped up criticism of China's human rights record. They have even indicated that Washington could sponsor a resolution condemning Beijing at the United Nations Human Rights Commission in Geneva next month.

The U.S. is apparently signalling its displeasure at the manner in which the Chinese have been dealing with the issues of the Falun Gong sect, Tibet, the Muslims of

Xinxiang and political dissent, even though the past few months have witnessed an easing in bilateral tensions between Beijing and Washington on some issues.

For instance, the U.S. has dropped its objections to China joining the World Trade Organisation. The matter concerning compensation for the American missile attack against the Chinese embassy in Belgrade has also been settled. But by condemning China's human rights record in categorical terms, the U.S. is emphasising the point that it intends to keep up the pressure on human rights questions, ir-

respective of progress on other bilateral issues.

The American denunciation of China's human rights performance has also been prompted by considerations of domestic politics. There are those in the U.S., especially on Capitol Hill, who are opposed to a soft approach towards Beijing. By publicly ticking off China, the administration in Washington is therefore seeking to placate these critics to some extent.

Apart from human rights, the two nations have substantial differences on such questions as trade, investment opportunities, Taiwan and arms sales. This being so, by criticising Beijing on human rights, Washington is indirectly trying to gain more leverage in the bilateral discussions on the other issues that divide them.

It is, however, not in the interests of either side to undermine the relationship seriously on account of strategic, economic and geopolitical factors. Even so, tensions are likely to continue to characterise Sino-American relations for the foreseeable future.

THE TIMES OF INDIA

18 FEB 2000

PRIVATE PRISONS

Profit Motive Warps Criminal Justice

THE privatisation of prisons started in industrialised countries in the mid-1970. In these countries, there had been a sharp increase in the prison population following the decision of the respective governments to get tough on crime and lawlessness. For example, in the US, the number of in-mates in state and federal prisons increased from 328,695 at the end of 1980 to 12,24,554 at the end of 1997. There was a similar rise in the UK. The present prison population in the UK is about 60,000.

The unprecedented growth in the prison population caused serious overcrowding in prisons and a concomitant increase in correctional expenditure. These developments opened the doors for private corporations to finance and build prisons and also to operate and manage them. The promise of privatisation is that it can build, finance and manage correctional facilities cheaper and faster than government agencies. Advocates of privatisation claim that private operators can run facilities more efficiently and cost-effectively.

COERCIVE POWERS

In England, the Adam Smith Institute, the ultra-free market think-tank, in 1984 produced a pamphlet advocating privatisation of prisons. Initially it was viewed as an eccentric and unreliable idea not to be taken seriously. But in 1991 the law was changed to allow all types of prisons to be run by private contractors. The first private prison in England was opened in 1992.

In the US, there are about 21 companies that manage 88 prisons which incarcerate about 50,000 inmates. This business has experienced phenomenal growth. Some companies make hefty profits. The largest prison company, the Correction Corporation of America, made a profit in 1993 of \$4 million on \$100 million of revenue — a 57 per cent increase from the previous year. Founded in 1983, CCA controls 30 per cent of the private correction market.

Today, the US has approximately 1.8 million people behind bars; about 100,000 in federal custody, 600,000 in local jails and 1.1 million in state custody. Prisons hold persons convicted of federal or state crimes, jails hold people awaiting trial or serving short sentences. The US now imprisons more people than any other country in the world — perhaps half a million more than Communist China. Mark Mauer, author of *The Race to Incarcerate* says, "No other society in human history has ever imprisoned so many of its own citizens for the purpose of crime control."

By SANKAR SEN

According to one estimate, if the present rate of growth of the prison population continues, 4.5 million black men will be in prison in the US by the year 2020. Nils Christie, a Norwegian criminologist, has argued that the massive prison expansion is one of the problems faced by modern societies. The problem is the emergence of a large group of unemployed young men whom society has no need of. He writes — "it is a

The author, a retired IPS officer, is Special Rapporteur and Chief Coordinator, Custodial Justice Programme of the National Human Rights Commission.

blessed situation for industry, but it is a fatal situation for the democratic ideals and for the basic values within our social systems". Another country with enthusiasm for privatisation is Australia where a larger number of prisons are being privatised than in any other country. The state of Victoria has more private prisons than any other place in the world. In 1997, 45 per cent of Victoria's prisoners were in private prisons.

The debate between the opponents and proponents of privatisation surfaced early and continues unabated even today. In this debate the problems of justice and accountability feature prominently. The eminent criminologist Sir Leon Radzicowicz said in 1988 when the issue of privatisation was first discussed in Great Britain: "In a democracy grounded on the rule of law and public accountability, the enforcement of penal legislation which includes prisoners deprived of their liberty while awaiting trial, should be the undiluted responsibility of the state." It is one thing for private companies to provide services for the prison system but is altogether a different matter for bodies whose motivation is primarily commercial to have coercive powers over the prisoners.

REHABILITATION

Advocates of privatisation argue that private operators run facilities more efficiently and cost-effectively. Private prisons also provide more hours of purposeful activities for the prisoners. They further point out that the privatisation is the best way to decrease costs and construct new and better-designed prisons more quickly. By introducing an element of competition and new management techniques, cost can be reduced and quality of services improved. Private correctional services can operate more efficiently because of less bureaucracy and a higher motivation to control costs.

The greatest point in favour of private prison administration is that they are cheaper than state institutions. However, evidence on this score is somewhat inconclusive. A

study done for the British Home Office in 1996 shows that private prisons are by 13 to 22 per cent cheaper than public sector prisons. The study also shows that the cost gap is narrowing.

In the US, the General Accounting Office of the federal government produced a report in 1996 based on an analysis of five studies that compared the cost and quality of private and public sector prisons. The report advised that no firm conclusion could be reached from the studies done so far. It could not be said categorically that private prisons are cheaper and better than public prisons.

Several major corporations involved in the privatisation of corrections have indicated that cutting salary and benefit levels is one way they plan to realise profits. In the attempt to cut costs, privatisation encourages investment in expensive electronic control to replace personnel. Private prisons are designed to minimise the number of staff required. In the long run, a decrease in human control will have negative consequences on the general atmosphere in prison.

Further, the critics also maintain that private companies may not take adequate interest in the rehabilitation of the offenders.

Elements of rehabilitation may be incorporated in the contract, but are likely to be subordinated to the profit motive. Another implication of privatisation is the importance of contract details and the monitoring of the private companies by the government personnel. Transition from rowing to steering is not always smooth. Performance of the private correctional facilities should be subjected to a vigorous external review by an independent authority.

RAW MATERIALS

In this connection, another development in the US requires notice. The large-scale involvement of private companies in the construction and management of prisons has created a "prison-industrial complex". The analogy is with the military-industrial complex. In the time of war, writes Vivien Stern, "it was more tanks and missiles and guns. In the age of the prison industrial complex, it is more barbed wire prefabricated cells and electronic door-locking instruments". A whole sector of US industry is now devoted to war against the US citizens.

The prison-industrial complex is based on an "iron triangle" between the bureaucracy, private industries and politicians. These entities create interlocking financial and political interests to push for a particular policy of expansion of the

criminal justice system. It is this congruence of special interests that has given prison construction a seemingly unstoppable momentum. Nils Christie in *Crime Control as Industry* suggests that companies that service the criminal justice system need sufficient quantities of raw material to guarantee long-term growth — the raw material is prisoners and industry will do what is necessary to guarantee a steady supply.

Conditions in Indian jails are appalling. There are serious problems of overcrowding, lack of sanitation, poor medical facilities and these deficiencies are compounded by utter mismanagement. The National Human Rights Commission while suggesting various measures to improve conditions of the inmates in jails has recommended privatisation of some facilities like catering.

Similarly, the West Bengal Human Rights Commission in its annual report 1997-98 while noting the decline in the quality of "supplies and services" in jails suggested that time has come when the government may "seriously consider to entrust (sic) some of the jail services to reputed NGOs, philanthropic bodies and organisations of ex-servicemen etc selectively". The response from the state government so far has not been encouraging.



Harassment during VIP movement will be reduced, govt. assures NHRC

The TOI Human Rights Cell

NEW DELHI: The government has assured the National Human Rights Commission (NHRC) that it will take steps "to minimise public harassment during VIP movement".

The NHRC's director general (investigation), Mr D.R. Karthikeyan, said here that the government had appreciated that the restriction on traffic during VIP movement "forms violation of human rights".

Mr Karthikeyan, who was attending an "open forum" discussion programme on human rights, said that the home ministry had responded to a letter written by the NHRC to home minister L.K. Advani. It said that instructions had been issued to minimise traffic restriction, and that police personnel had been asked to behave politely with passers-by.

Former NHRC chairman Justice M.N. Venkatachaliah, during the last days of his tenure had written to the home minister pointing out the hardship pedestrians and others face during VIP movement, especially in New Delhi.

Earlier, presiding over the meeting, NHRC chairman Justice J.S. Verma said that such traffic restrictions which appear all of a sudden in the middle of the road "formed gross violation of the right to equality".

"Even I have been a victim of this VIP route syndrome," Mr Verma said, citing the example of a sitting supreme court judge, when he was put to much public embarrassment in 1989.

All aspects of human existence form a part of human rights, and, therefore, society as a whole should respond adequately for preserving and upholding it, he said.

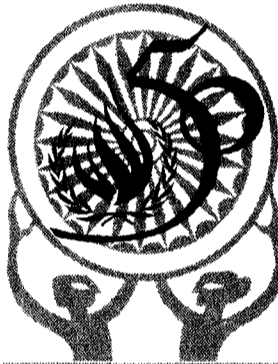
Talking about the "poor working conditions" in the subordinate courts, Mr Verma said that such situations had only given rise to promotion of extra-judicial means. He cited the example of a former director general of police trying to "misuse the system and resorting to unfair means, including hiring of goons to settle tenants-land owners disputes".

According to him, often the investigating agencies' failure had prompted the judiciary "to show its teeth," and to call it "judicial activism" would only be a travesty of the truth. "What courts were merely doing was that they were asking the executive to do their job," he observed. Noted

lawyer Prashant Bhushan said that repeated failure to implement human rights laws effectively, was also a failing on the part of the judiciary.

"Judiciary could often articulate only the middle class sentiments as regard the issues of environment laws and cleaning up of slums ignoring the plight of poorer section," Mr Bhushan said.

However, in his observations Mr Karthikeyan said that the judiciary had done a "remarkable" job, given the various limitations the system was afflicted with. Kamini Jaiswal, advocate, stressed on sensitisation of lower courts on human rights, saying, "It is where the common people go to settle their grievances."



सभी के लिए सभी मानवाधिकार
ALL HUMAN RIGHTS FOR ALL

THE TIMES OF INDIA

25 FEB 2000

Human rights part of Clinton's agenda

By Sridhar Krishnaswami
WASHINGTON, FEB. 26. Issues of human rights will be part of the "wide ranging" talks the U.S. President, Mr. Bill Clinton, will have in India, the Assistant Secretary of State for Democracy, Human Rights and Labour, Mr. Harold Koh, has said.

At the Washington Foreign Press Centre, he was asked if the subject of human rights would figure generally or specifically in the agenda of Mr. Clinton. "We certainly believe that it will... Consistency on raising the issue may mean that it comes up in a different way with regard to different countries because we have different kinds of relationships."

We have issues regarding not just freedom of religion but also with regard to labour issues, trafficking, efforts on which we are seeking a cooperative relationship."

The senior administration official went on to say that the U.S. was expecting an extremely productive visit "but productive often means frank and honest dialogue and discussion about issues of mutual concern".

The official defended the report on India which was critical not only in its general observations, but pointed as well on the societal level, especially as it dealt with tensions between Hindus and Muslims and between Hindus and Christians.

The State Department Annual "report card" covers some 194 countries and has come under sharp criticism from rights groups and ac-

tivists. There is a charge that the State Department uses the report to attack politically inconvenient countries. At a more specific level, the administration is accused of "going after" countries such as China and letting off others such as Russia for what is going on in Chechnya.

On India, Mr. Koh argued that the report did not make any kind of "broad generalisations", rather that it talked of examples of societal violence and the extent to which that raises questions of religious freedom. "The report on India is comprehensive, balanced and accurate... if you read the report very closely as those who prepared it did, I think you would find that it is both fair and accurate with its reporting."

Focus on communalism

The Human Rights Report 1999 of the U.S. State Department has dwelt on the issue of religious freedom and violence, the last two years being the focus of attention. "India is a secular state in which all faiths generally enjoy freedom of worship; Government policy does not favour any religious group. However, tensions between Hindus and Muslims, and to a lesser extent between Hindus and Christians, continue to pose a challenge to the secular foundation of the state. In addition, Governments at the State and local levels only partially respect religious freedom."

The report argued that the BJP was an offshoot of the Rashtriya Swayamsewak Sangh

(RSS) and that while officially the BJP agreed that the caste system should be eliminated, many of its members were ambivalent about this and that most BJP leaders were also members of the RSS.

"While at the national level the BJP has downplayed its Hindu nationalist agenda, some Christian groups have noted the coincidence of its coming to power and the increase in complaints of discrimination against minority religious communities. These groups also claim that BJP officials at State and local levels have become increasingly uncooperative."

The potential for renewed Hindu-Muslim violence remains considerable, the report said, citing the entrenched positions of the two communities on issues such as the construction of temples and the ongoing militancy in Jammu and Kashmir. The report took note of the increase in the number of attacks against members of the Christian community and missionaries, including in Tamil Nadu which was witness to multiple church burnings between September and November last year.

"Since 1998, Christian aid workers have been harassed increasingly. Many report having been hampered in their work due to threats, bureaucratic obstacles and in some cases, physical attack on their workers. Several Christian relief organisations have reported difficulty in getting visas renewed for foreign relief workers," the State Department noted.

USA targets Pak, China rights record

REUTERS, PTI & AFP

WASHINGTON, Feb. 26. — The US State Department's annual report on the state of human rights around the world has attacked China and Pakistan, criticising both countries' records in recent months. China reacted angrily today, telling the USA to mind its own business.

Pakistan's human rights record, which was poor before too, worsened under General Pervez Musharraf, the report released yesterday says. "The government's poor human rights record deteriorated under the Sharif government and there were serious problems in several areas; however, the situation worsened with the seizure of power by Gen. Musharraf, in that, after the coup, citizens no longer had the right to change the government peacefully."

On China, the report says the country's human rights record worsened noticeably in 1999 as authorities targeted the China Democracy Party, the Falun Gong spiritual movement, the media and unregistered churches. In Beijing, the official Xinhua agency quoted the foreign ministry spokesman, Mr Zhu Bangzao, as saying: "China expresses its strong displeasure and firm opposition to the US State Department report criticising human rights situation in the Communist country."

(Opp. leader appeal: A member of the outlawed China Democracy Party today urged the UN Human Rights High Commissioner, Ms Mary Robinson, to demand the release of jailed Chinese political dissidents in her talks with Chinese leaders next week. Wang Hongxue in an open letter also called on Ms Robinson to demand Chinese officials allow her to visit jailed dissident and CDP founder Xu Wenli.)

Other countries in South Asia, including India and Sri Lanka, came in for criticism in the US report. On Israel, the report said the country's treatment of Palestinian detainees improved in 1999, especially after the Supreme Court banned abuses such as shaking, sleep deprivation and the use of hoods.

THE STATESMAN
27 FEB 2000

Russia faces more rights abuse charges

ASSOCIATED PRESS

MOSCOW, Feb. 26. — A human rights group says it has gathered medical evidence documenting the widespread torture of Chechen civilians by Russian armed forces. Preliminary findings from a random survey conducted in the republic of Ingushetia by Physicians for Human Rights revealed systematic abuses of Chechen civilians, including summary executions, illegal detention and torture, the group said in a report released today.

PHR interviewed 326 displaced Chechens at refugee camps in Ingushetia, which borders Chechnya, and nearly half said they had seen civilians killed by Russian forces. "Russia's federal forces are brutally and arbitrarily detaining civilians, mostly men, but women as well," said Mr Doug Ford, who coordinated the PHR survey. According to Mr Ford, two detainees who were released from the Chernokozovo camp and examined by PHR doctors recounted tales of severe beatings and torture by electric shock.

The Russian Justice Ministry today denied that atrocities had taken place at the Chernokozovo camp. It said conditions at Chernokozovo "fully correspond to current legislation of the Russian Federation and generally recognized norms of international law".

The PHR report followed yesterday's television footage showing bodies lying in a pit that suggested Russian troops had committed atrocities against Chechens. The *Izvestia* newspaper today said the video had been made by their correspondents in Chechnya and given to the German television station. "The German television company presented as atrocities by the Russian army developments which are nothing of the sort," *Izvestia* said in a front-page article. "Soldiers were burying the dead bodies of gunmen, whom local residents could not identify," the newspaper said.

Scribe traced: A Russian reporter, Mr Andrei Babitsky, whose fate aroused international concern after he disappeared in rebel Chechnya, has been detained by police in Dagestan for carrying a false passport, Russian media said today, adds Reuters. Itar-tass news agency quoted a source at the Interior Ministry in Makhachkala, capital of Dagestan, as saying Mr Babitsky was carrying a passport issued in the name of a citizen of Azerbaijan, Ali Musayev.

THE STATESMAN
27 FEB 2000

NHRC directs Orissa Govt to pay relief to detained boy

New Delhi, February 27

NATIONAL HUMAN Rights Commission has directed Orissa Government to pay Rs 50,000 as interim relief to a 16-year-old boy, a victim of illegal detention by police and alleged physical abuse and torture.

The commission asked the State Government to initiate disciplinary proceedings against the superintendent of police of Kandhamal, Phulbani, for his "total lack of sensitivity towards human rights problems," NHRC sources said today. In his complaint, Jaya Kumar Sahu had alleged that he was arrested by officer-in-charge of Phulbani police station who took away Rs 22,500, a gold chain, two silver chains and a gold ring and put him in lock-up for three days, they said.

During the period, it was alleged, he was abused and beaten up, they

said, adding that he was also made to make false confessions and even after being produced in the court, he was not sent to a juvenile home but to a regular prison.

Following a notice issued by NHRC, the SP of Kandhamal sent a report stating that the complainant and another person were arrested on charges of theft and smuggling of gemstones. According to the SP's report, the two were detained for three days in the police station without being produced before a magistrate for interrogation, they said.

While the police officer concerned had been 'censured' for his actions, on the allegations of removal of cash and jewellery from the complainant, the SP's report said the police officer who had done the seizure had been transferred and hence the claim could not be verified. (PTI)

THE HINDUSTAN TIMES

28 FEB 2000

Failure to deport 10 Bangladeshi children from Murshidabad home

NHRC may take action against state officials

STATESMAN NEWS SERVICE

CALCUTTA, Feb. 27. — The National Human Rights Commission is likely to take stern action against senior state government officials for their failure to deport several Bangladeshi children from a Murshidabad home.

The NHRC had asked the chief secretary, Mr. Manish Gupta, to conduct an inquiry and report to the commission about the status of the case (614/25/1999-2000) by 7 February.

No efforts have, however, been made towards the release of the boys from the Ananda Ashram-Brostal Home.

The 10 children aged around 14 years have been staying at the home since last October,

with juvenile delinquents. "The home secretary, government of India, the chief secretary and the government of West Bengal are requested to have an inquiry.....take further notice that in default, the commission may proceed to take such action as it deems proper," the NHRC wrote to the chief secretary.

The NHRC directive comes close on the heels of an UN inquiry into trafficking of children from India and Bangladesh to Saudi Arabia, Qatar and the UAE.

Last month, three handicapped children from Nadia district, returned to their homes after spending several months in Mecca where they had to beg for alms.

One of them, Dosh

Mohammed from Nakashipara in Nadia district, managed to give traffickers the slip and return to his native village after touts tried to sell him off to another slave trader in Riyadh.

Dosh was sent back by law enforcers after a brief stay in jail but continues to be tormented by the touts who want him to beg again during the next Haj pilgrimage in Mecca.

"They forced me to show my handicapped portion of the body and beg for alms for months. I earned several thousand rupees but got only one meal a day in return," Dosh told local police.

After receiving reports on growing child trafficking from Nadia, Murshidabad, Malda

and North 24-Parganas, NHRC has asked the state government to immediately arrest the touts and make efforts to release the Bangladeshi children.

The 10 Bangladeshi children were rescued by the BSF from touts on 4 July last year.

The touts managed to escape but later broke into the Brostal home and snatched three children in October.

The home authorities later reported the matter at the local police station but the children have not been traced yet.

The NHRC has also served a notice to Mr HK Dwivedi, District Magistrate of Murshidabad, regarding the children's release.

The Bangladesh High Commission in Calcutta is also trying to secure the children's release.

THE STATESMAN
28 FEB 2000

U.S. to seek censure of China

WASHINGTON, JAN. 12. The United States has decided to introduce a resolution criticising China at the United Nations Commission on Human Rights in Geneva later this year citing its deteriorating human rights performance.

The State Department spokesman, Mr. James Rubin, told mediapersons at his daily press briefing on Tuesday that the U.S. would back the resolution in March because of China's poor human rights practices, referring to restrictions on freedom of speech, dissent and religion. "The decision to go forward with this resolution at the commission is based on the fact that the Government of China's human rights record has continued to deteriorate," he stated.

"Over the past year, the Government of China intensified its crack-

down on political dissent, initiated a campaign to suppress the Falun Gong, and intensified controls on unregistered Churches and on political and religious expression of ethnic minority groups, especially Tibetans. Controls on the media and the Internet have also been tightened," Mr. Rubin said.

He refers to it
Noting in particular the issue of Tibet and the high-ranking, 14-year-old Karmapa Lama who trekked to India last week, Mr. Rubin said restrictions on freedom of speech, dissent and religion had motivated the U.S. decision. "We are concerned about reports that the monastery from which the Karmapa Lama fled has been raided and that two monks have been arrested," he said. "We have long been deeply disturbed about the

human rights situation in Tibet and particularly the tight restrictions on Tibetan Buddhism".

Asked whether he had informed China in advance, Mr. Rubin said. "Well, China historically does not respond well to decisions like this. But the fact that China doesn't want us to go forward is not, in our view, an obstacle to our pursuing a matter of principle like this." Responding to another question whether the U.S. would rescind its decision to introduce the resolution if China were to ratify the International Covenant on Civil and Political rights, he replied that the convention was just one factor and "unless there are concrete steps to improve human rights situation," the U.S. would go ahead with its decision. — UNI, PTI

THE HINDU

13 JAN 2000

Indonesian tribunal to probe rights abuses

By P. S. Suryanarayana

SINGAPORE, JAN. 20. The delicate balance of power between Indonesia's new democratic leaders and its military establishment (TNI) today seemed to tilt in favour of the civilian elite.

The Minister for Human Rights, Mr. Hasballah Saad, announced in Jakarta that a military-civilian tribunal would investigate the alleged violation of human rights by soldiers and other security personnel in the restive Aceh province. The announcement of cooperation by the TNI and the civil administration came in the midst of pledges of allegiance by the military to the democratically elected President, Mr. Abdurrahman Wahid.

The most notable pledge of allegiance was made by the Jakarta military commander, Maj. Gen. Ryamizard Ryacudu. On a separate but related front, the regional military commander in the strife-torn Maluku Spice Isles, Brig. Gen. Max Tamaela, assured the National Human Rights Commission of support for a probe into the allegations against troops and other security officials in the context of their efforts to control the year-long communal violence there.

On the civilian political stage, the Chairman of the People's Consultative Assembly (MPR), Mr. Amien Rais, cautioned Indonesians against "listening" to foreign diplomats and Generals in regard to rumours of a possible military coup against the President. The Speaker of the House of Representatives, Mr. Akbar Tandjung, took the line that any bid by the TNI at staging a putsch would not receive the support of the or-

dinary Indonesians. Therefore, in his view, "the TNI will not try to stage a coup."

As indicated by a national agency, the Jakarta military commander was of the view that any coup attempt could be made, if at all, only with his support. Alternatively, those who might wish to overthrow the President militarily would need to fight the Jakarta commander and the troops under him. There being no sign of any of these two developments, the TNI was not really preparing to topple the President, the Jakarta commander reasoned.

As for the rights issues concerning the TNI, the Minister for Human Rights said 18 military personnel and two others might be the first batch to be interrogated by a joint civilian-military tribunal to be set up soon in relation to Aceh. The panel might be headed by a Supreme Court judge and consist of civilian and military nominees, and the first interrogations would relate to five cases. The Spice Isles commander indicated that a human rights panel of the National Commission would be assisted by providing necessary data. Such help might stop short of allowing military officers to be interrogated, according to indications.

On the parliamentary front, the President today unveiled the budget for the period April-December 2000. The latest budget, acknowledged for the first time as a deficit one, was geared to a growth forecast of 3.8 per cent during the reckoning period, the first positive estimate following the 14 per cent fall in fiscal 1998-1999 (April-March) and nil growth in 1999-2000.

U.S. backs Jakarta on rights probe

By P. S. Suryanarayana

SINGAPORE, JAN. 21. The U.S. Secretary of State, Ms. Madeleine Albright, today said that the Clinton Administration would be fully supportive of the current transition to democracy in Jakarta. She held out the assurance to the Indonesian Foreign Minister, Mr. Alwi Shihab, when he called on her in Washington. The assurance came even as the civilian leadership looked like having gained the upper hand over the military establishment (TNI).

Ms. Albright said the U.S. would be willing to grant Jakarta some more time to try and investigate on its own the allegations of massive human rights abuses by the so-called rogue elements within the TNI in East Timor prior to its recent separation from Indonesia.

The Abdurrahman Wahid administration in Jakarta is opposed to the idea of allowing the U.N. to constitute an international tribunal to probe the Indonesian generals in regard to the recent anti-independence carnage in East Timor.

Ms. Albright's assurance must please Jakarta as the talk of a putsch by the TNI against Mr. Wahid was traceable to the move for a probe against some Indone-

sian military officials for their alleged misdeeds on the human rights front over several decades and in several places.

The assurance, the latest move by the U.S., which first sounded a diplomatic alarm against the possibility of a military coup in Indonesia, addressed the concerns of the Wahid administration in regard to its keenness, as a matter of both principle and policy, about protecting national sovereignty and retaining in Jakarta's own hands the right to probe its generals.

Ms. Albright also assured Mr. Alwi of substantial U.S.' economic assistance to Jakarta. The U.S. Treasury Secretary, Mr. Lawrence Summers, said in Jakarta during a hurried visit there that the U.S. would catalyse huge bilateral and multilateral financial aid to the Wahid administration if it were to undertake massive economic and political reforms.

The offer by Mr. Summers would also help unfreeze upto \$10 billions of multilateral aid through the International Monetary Fund, according to independent estimates.

The IMF also entered into an agreement with the Wahid Government on a new economic plan for a democratising Indonesia.

Mr. Alwi said that Jakarta would not countenance the movements for independence in either Aceh or Irian Jaya (Papua) or elsewhere under its jurisdiction. According to him, the fear of a "domino effect" was at the root of this policy. However, he said, Indonesia was willing now to enter into dialogue with the separatists within this framework.

The latest indications in Jakarta today were that Mr. Wahid might visit Aceh early next week to preside over a reconciliation meeting said to be open to separatist leaders too. He had at the same time instructed the Vice-President, Ms. Megawati Sukarnoputri, to travel to Ambon for another attempt at restoring sustainable peace in the Spice Islands, the scene of communal violence for over a year.

On the political front in Jakarta, the Chief of Staff of the Army, Gen. Tyasno Sudarto, said that he had instructed the military and police commanders to take concerted steps to prevent the outbreak of communal clashes in Jakarta.

He reminded them that the 1998 anti-ethnic-Chinese communal rioting in Jakarta had led to the downfall of the then Indonesian government headed by Gen. Suharto.

East Timor leaders for rights tribunal

By P. S. Suryanarayana

HQ-16 20/11 Human Rights

SINGAPORE, JAN. 30. The leaders of East Timor have welcomed the idea of setting up an international human rights tribunal for adjudicating the alleged atrocities by some Indonesian military personnel in that territory in the wake of its vote for independence from Jakarta's rule last year. Indonesia, on the other hand, has opposed the constitution of any kind of international tribunal for scrutinising the actions of its soldiers and military officers in East Timor.

The United Nations Secretary General, Mr. Kofi Annan, is expected to unveil in New York tomorrow his views on the recommendations of a panel which he had set up to investigate the circumstances in which the carnage occurred in East Timor. The mayhem was widely blamed on the anti-independence militias among the East Timorese themselves and their alleged allies in the Indonesian military establishment (TNI). The carnage followed East Timor's decisive rejection of autonomy as an Indonesian province.

The U.N. panel in question is widely believed to have recommended the formation of an international human rights tribunal. However, analysts and observers argue that any such recommendation might not be approved by the

U.N. Security Council, where one or more permanent members may oppose the plan on the ground that it could only destabilise a democratising Indonesia. The U.S. has indicated a certain willingness to wait for some time to judge the internal process, now under way in Indonesia, to bring those responsible for the alleged crimes in East Timor to book.

It was in this context that the visiting East Timorese leader, Mr. Jose Ramos-Horta, said in Singapore today that any move to constitute a U.N.-sponsored tribunal would indeed "help consolidate democracy in Indonesia". Mr. Ramos-Horta and the chief independence leader of East Timor, Mr. Xanana Gusmao, arrived in Singapore today in the course of their tour of several Asian countries to seek help for their territory being run at present by a U.N. Transitional Administration.

Noting that an international tribunal "is necessary" to put East Timor through its paces in every respect, Mr. Ramos-Horta took care to preface his comment with the observation that it was for the first time he had heard of such a possibility and that it needed to be confirmed. Mr. Ramos-Horta said: "If they (the U.N.) are calling for (a) war crimes tribunal (in relation to East Timor), then it is a very important move."

THE HINDU

31 JAN 2000

Probe into rights abuses in Spice Isles

By P. S. Suryanarayana

SINGAPORE, JAN. 14. An authoritative team was constituted in Jakarta today for the investigation of human rights violations in Indonesia's Maluku Spice Islands. This move was punctuated by the 'election' of a new chairman by the National Human Rights Commission, and it was announced in the midst of the efforts by the Indonesian military establishment (TNI) to restore order, through the deployment of additional troops, in the islands afflicted by chronic communal clashes in the past year.

The move to elect the Chairman of the rights commission followed the recent resignation by Mr. Marzuki Darusman from that post. Mr. Marzuki, who was also Indonesia's first Attorney-General in the pro-democracy era, quit so as to pay greater attention to the top legal assignment.

The new Chairman will be Mr. Djoko Sugianto, who was the First Deputy Chairman under Mr. Marzuki's stewardship of the panel that was set up under a presidential decree and came to acquire extraordinary importance in view of the current transition towards a new democratic order.

The formation of a sub-panel to investigate allegations of human rights abuses in the Spice Isles was seen as a message to the authorities that the clashes between Muslims and Christians there as also the security operations to control the rioting over a period of more than a year would be scrutinised independently. The more immediate context was a series of events culminating in the calls by some Muslim groups for a 'jihad' (crusade) against the Christians of Maluku and the President, Mr. Abdurrahman Wa-

hid's decision to warn against such precipitous action even as he cautioned people against exaggerating the threat.

Harrods to lose royal warrants

LONDON, JAN. 14. Harrods is to lose three of its four royal warrants — after 90 years of continuous royal patronage — following Thursday's announcement that Britain's royal family had severed trading links with the store.

The first warrant — a royal seal of approval — to go will be that of Prince Philip, whose coat of arms must be removed from the store by December 31 — 45 years after Harrods was first appointed as "out-fitters" to the Duke of Edinburgh. The Harrods owner, Mr. Mohammed Fayed, who recently accused the Prince of murder, was informed of the news by letter yesterday.

The decision followed the standard five-year review process that is applied to all warrants. Warrants expire if there has been insufficient trade with a royal household.

The Harrods warrants of the Queen and the Prince of Wales are due for review at the end of this year but, as *Daily Telegraph* has already disclosed, they will also not be renewed. Buckingham Palace admitted that there was now "no trading relationship" between Harrods and the relevant royal households. — ©Telegraph Group Limited, London, 2000.

THE HINDU
15 JAN 2000

US to nail China on rights at UN meet

N C Menon
Washington, January 12

THE US intends to sponsor a resolution in the annual UN Human Rights Commission meeting in March criticising the Chinese Government for the continuing deterioration of its human rights record.

Announcing this yesterday, State Department spokesman James Rubin said: "Over the past year, the Government of China intensified its crackdown on political dissent, initiated a campaign to suppress the Falun Gong, and intensified controls on unregistered churches and on the political and religious expression of ethnic minority groups, especially Tibetans. Controls on the media and the Internet have been tightened."

"These actions, taken as a whole, are contrary to the direction that China has been urged to take by the world," Rubin said.

"They are specifically contrary to internationally recognised human rights standards, including the International Covenant on Civil and Political Rights, which China has signed. China has neither ratified this covenant nor taken significant concrete steps to bring its human rights

practices into compliance with either the International Covenant on Civil and Political Rights or other human rights instruments."

Rubin said the US intention of sponsoring the resolution was to shine an international spotlight directly on China's dismal human rights record.

The spokesman agreed that the US move was certain to annoy the Chinese, but one could have a relationship with China and still have fundamental disagreements with Beijing on specific issues. The Chinese authorities had been informed at the highest levels of the US plan.

Even while it is planning to sponsor an anti-China resolution at the UN, the US has continued to pursue Congressional affirmation of normal trade relations with China and its entry into the World Trade Organisation (WTO).

In the convoluted world of politics, the anti-China resolution might actually make it easier to win Congressional endorsement of the trade deal with Beijing.

Several Congressmen had maintained they would oppose the trade deal because of China's abysmal human rights record. Meanwhile, Rubin said the US was concerned

about reports that the Tsurphu Monastery, from which the Karmapa Lama fled, had been raided and two monks held.

"We have long been deeply disturbed about the human rights situation in Tibet, and particularly the tight restrictions on Tibetan Buddhism," he said.

"We call on China to start a dialogue with the Dalai Lama and to preserve Tibet's unique religious, cultural and ethnic heritage."

UNI adds: Asked whether the US would rescind its decision to introduce the resolution if China were to ratify the International Covenant on Civil and Political Rights, Mr Rubin replied that the convention was just one factor.

He said that unless there were concrete steps to improve the human rights situation in China, the US would go ahead with its decision to sponsor the resolution.

The spokesman said that the US did not move the resolution in 1998 because China had taken significant steps to improve its human rights record.

Beijing had released Wang Dan and Wei Jingsheng and by signing the International Covenant on Civil and Political Rights.

BARRING RIGHTS

Jails Need To Be Reformed

PRISONS constitute a critical area of human rights concern. A person in custody in any civilised society cannot be reduced to the status of non-person, because he is in prison. Hence the prison system must offer conditions that are compatible with human dignity and conducive to social mainstreaming. Article 10 of the International Covenant on Civil and Political Rights mandates that: "All persons deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the person." It also stresses that "the reform and social readaptation of prisoners" should be an essential aim of the imprisonment. The United Nations Standard Minimum Rules for Protection of Prisoners (known as "Standard Minimum Rules") adopted by the UN Social and Economic Council in 1957 provided guidelines for treatment of prisoners and reaffirmed the tenet that prisoners do retain their fundamental rights even while in custody.

The Supreme Court of India in the case of Prem Shankar Shukla versus Delhi Administration (WP No 1079 of 1979) reaffirmed the principle that persons in custody should be treated with respect for the inherent dignity of the human person. "The goal of imprisonment", to borrow the words of Justice Krishna Iyer, "is not only punitive, but restorative, to make an offender, a non-offender".

CONTRADICTIONS

Unfortunately, human rights of persons languishing in prisons are often disregarded and violated. Most people in prisons are poor and crimes committed by them are not dangerous. However the option chosen by society is to lock them up. There are thus contradictions and dysfunctionalities at the heart of the prison system. The prison is a place, where the ills of society are distorted and exacerbated.

Most prisons in India are overcrowded appallingly mismanaged and lack adequate medical facilities. The Justice Leila Seth commission of inquiry looked into the circumstances and sequence of events leading to the death of Rajan Pillai in Tihar Jail. In the report the committee referred to overcrowding, appalling sanitary conditions and shortage of medical staff in the largest prison of the country. It found that in the jail hospital, there were only six doctors and called it token medical facilities.

By SANKAR SEN

In India, the prison population is relatively small (approximately 240,000 people), which works out to 0.23 per cent of the total population of the country. The situation in India in this respect is to be juxtaposed against those in some of the developed countries. A report by the bureau of statistics of the US department of justice shows that as on 31 December 1998 there were 1.5 million prisoners in different prisons in the US. This gives the US a national incarceration rate of 628 prisoners per 100,000 of population against



The author, a retired IPS officer, is Special Rapporteur and Chief Coordinator, Custodial Justice Programme of the National Human Rights Commission.

India's 23 prisoners per 100,000 population.

A striking feature of the US prison system is the intolerable racial disproportion. Only 6 per cent of the population in the US is black (ie African-American) and male, but nearly 50 per cent of the prisoners in USA are African-American. African American men are imprisoned nearly six times more than white men.

In India 80 per cent of the prisoners are undertrials and most of them stay in overcrowded prisons, where medical facilities are poor and inadequate. There are many jails, where prisoners are packed together with no space even to sleep. Indeed overcrowding remains a major problem in prisons of many other countries of the world.

One of the most common causes for deaths in prisons is disease. This often is the result of overcrowding, malnutrition and lack of medical care. The National Human Rights Commission in India had issued instruction to all the state governments to report within 24 hours all cases of deaths both in jail and police custody. During the year 1995-96, 308 cases, in 1996-97, 700 cases and in 1998-99, 1,114 deaths in jail custody were reported to the commission. One of the major causes of death in jail custody in India is tuberculosis. This is also a problem in prisons of many other countries.

OPPRESSION

In one case reported from Thane Central Jail, the National Human Rights Commission pointed out that "timely and proper medical diagnosis and treatment is [the] inherent right of the prisoner. His freedom to seek and have access to medical aid outside is curtailed by law. Hence the prison authorities are therefore under duty to provide the reasonable degree of care and facility." The commission in this case awarded an interim

relief of Rs 1 lakh to the dependents of the deceased prisoner and also directed the Maharashtra government to make a comprehensive appraisal of the control and spread of tuberculosis and other infectious diseases in prisons and to instal, wherever lacking, adequate diagnostic facilities.

For improving the prison conditions, it is essential to make determined efforts to reduce the number of undertrials in jails. It was hoped that the Supreme Court's pathbreaking decision in the case of "Common Cause versus Union of India", in which the apex court prescribed different categories of cases pending trial where the accused prisoners can be released on bail. The court declared that it will not allow criminal prosecutions in the country to "operate as [an] engine of oppression". Unfortunately, even after the judgment, a large number of prisoners continue to languish in jails, because no one institutes cases on behalf of the prisoners. The judgment of the court was not self-executing. Again a large number of poor prisoners though granted bail, continue to be imprisoned because no one provides sureties for them. In Tihar Jail at present there are more than 300 prisoners in this category.



Further the requirements of undertrial prisoners, who are yet to be convicted, are quite different from those convicted. From both administrative and therapeutic angles, separate institutions for undertrial prisoners would go a long way in rationalising and improving prison conditions.

Prisoners frequently complain about the food they get. In the restricted conditions of prisons, the prisoners cannot get food of their choice or liking. Diet thus assumes special importance. Unfortunately, distribution of food and management of kitchen in most of the prisons are terribly unsatisfactory. The All-India Jail Reforms Committee (1980-83) popularly known as the Mulla committee angrily remarked "that in an era when careful attention is paid even to the feeding of the dairy cattle, prison kitchen and diet systems have remained in utter neglect".

VIOLATIONS

Regarding violation of human rights in Indian prisons, the West Bengal Human Rights Commission in its annual report 1997-98 has highlighted some glaring cases. It mentions the case of an undertrial prisoner, Paresh Chandra Dutta, who was asked to pay by the jail staff Rs 500 to buy 10 packets of cigarettes and bidis. He refused to pay he was assaulted by the prisoner-in-charge of the ward. The West Bengal Human Rights Commission found that extortion was common in various jails. While recommending criminal prosecution case against the sub-jailer and warders who were on duty when Paresh Chandra Dutta was assaulted, the commission awarded compensation to the wife of the deceased. It also asked the government to prevent such incidents.

Though the aberrations of the present prison system are known, studies done in Western industrialised societies indicate that creation of more prisons for punishing wrongdoers is more popular than efforts at non-prison solutions. Retribution for those who have made others suffer is what the people want. Indeed concern for better treatment of the victims of crime has given support to the idea that it is in the interest of the victims that the offender should be severely and adequately punished.

While it is necessary to look after the victims of crime, it will be perhaps worthwhile to remember that crime is not prevented by imprisonment. While perpetrators of serious crimes especially those involving violence should of course be incarcerated, it has to be borne in mind that serious crimes constitute a minute proportion of the total crimes. There is no need to think that locking up a large number of persons will make society more peaceful.

Accountability in J & K

By Kuldip Nayyar

It is a sad story, but the fact remains that democracy and administration, as practised in the rest of India, is absent in Jammu and Kashmir.

INSTANCES OF human rights violations have lessened in the Kashmir valley, but not the severity. When I was there recently, I came to know about the gruesome killing of Mohammed Ashraf Bazaz, a local bank manager, and his wife. I have not yet seen the news in the press. The couple was travelling by an autorickshaw through the main bazaar. They were stopped at a chowk and shot dead. Local people allege that one BSF man tried to 'misbehave' with his wife. The husband had protested against it. The same BSF man reportedly shot them dead. The autorickshaw driver escaped with injuries. The BSF version is that Bazaz and his wife got killed in cross-firing. When I, along with human rights activists, met the BSF chief in Srinagar, he said he was not aware of the allegation. It was the talk of the town. His ignorance sounded strange. However, on our complaint, he said he would look into it. I am sure he will. But since his own man is involved, the BSF chief would do well to associate the State Human Rights Commission so that the inquiry becomes more credible.

The BSF, as such, is not so much criticised as it was a year and a half ago when I was there last. Then the BSF man was the ugly Indian. The brunt of the attack this time was on the Special Operations Group (SOG), comprising the Jammu and Kashmir police. People talk about the 'excesses' they have committed. Another organisation, equally blamed, is the Kashmiriya Rifles (RR) which most Kashmiris call the Rashtriya Sangh. The RR is under the army. It has been specially set up to deal with civil commotion.

It looks to me as if there is no accountability. Both organisations seem to be a law unto themselves. Since the administration in Jammu and Kashmir is so feeble and so remote, the worst of crimes can be committed with impunity. True, the people's alienation has led to exaggerations and the same story is heard over and over again from different organisations and important individuals. No doubt, some violations of human rights have taken place. Many sins are being committed in the name of curbing insurgency.

In numerous cases, the courts are helpless because their orders are not respected. The State Bar Association has filed a writ petition in the Jammu and Kashmir High Court that the orders issued by it or by the subordinate courts "are taken with impunity by administration where life and liberty of people is involved". The Bar Association said "court orders are contemptuously treated which not only result in undermining the dignity and supremacy of the courts in Jammu and Kashmir. The supremacy of law, as envisaged under the democratic fabric in the Indian Union, is jeopardised".

The authorities put the blame on the militancy, which has un-

resulting in violations of human rights!

To meet the challenge of the militants will be quite a drain on India. The defence of the Siachen Glacier is said to cost Rs. 7 crores a day, and Kargil around Rs. 9 crores daily. New Delhi has no option except to bear the burden because there is no likelihood of early settlement. The talks between India and Pakistan could have improved the atmosphere but no worthwhile dialogue is possible when Pakistan insists on fuelling militancy by sending its men and giving training and arms to the youth it can force or purchase in the valley.

HUMAN RIGHTS DIARY

doubtedly increased since the advent of General Musharraf's military rule in Islamabad. Nearly 80 per cent of the militants are Pakistanis. The rest, Afghans, Sudanese and others, are purely mercenaries. A few among them have been coaxed into militancy in the name of jihad but it is primarily money that keeps them in the valley, not the invocation of Islam. Nonetheless, it is true that they get shelter from the local population and some Kashmiris act as their guides.

General Musharraf's recent statement that there will be no reduction of forces on the Pakistan side of the Line of Control (LoC) is ominous. It is apparent that he wants to sustain tension. More and more militants will come from across the border. At present, the entire area is covered with snow and the entire area is like a white sheet. But once the weather warms up, Pakistan will stoke the fire of militancy with all its vigour. Already there are threats by some fundamentalists in Pakistan that Kargil will be recreated at many places. The confrontation between the militants and the security forces will increase. Many innocent people will get hurt or killed in the process, inevitably

try. The 1999 Lok Sabha election has been the biggest violation of human rights. Exercising choice in electing a candidate is a fundamental right of the voter. But he has been denied it, election after election. When some young men went to Pakistan in 1987 for getting training and arms it was because they had lost faith in the ballot box.

True, the Kashmiris have generally realised that the bullet is no solution. But they are caught in a vicious circle from which they find no escape. A free and fair election may still retrieve the situation but polling will have to be supervised by human rights activists and civil liberty groups in the country. The Hurriyat's demand for U.N. supervision cannot be accepted by a sovereign country. The vehemence with which they have boycotted elections and have pressured people not to vote for any candidate reflects a sort of nervousness. They saw to it that the third group with candidates like Mufti Mohammed Syed, his daughter, Ms. Mehbooba Mufti, and Mr. Muzafar Ali Beg, were defeated so that Dr. Farooq Abdullah's sullied National Conference remained the only alternative.

A team of human rights activists, which visited Srinagar in the first week of December, has confirmed that the conditions obtaining in the valley are not satisfactory. In its report, it has said: "People are far more alienated today than they were one and a half years ago. There is growing discontent with the performance of the popular Government in the State. As the present system does not provide an adequate democratic outlet to this discontent, it leads to disillusionment with the system itself. The failure of the Election Commission to prevent electoral malpractices and coercive voting for the ruling party discredited the election system. The violent boycott campaign of the secessionist-militant forces and the confusion in the democratic opposition parties too distorted the electoral verdict in favour of the ruling party. The lowest-ever polling thus was a vote of no-confidence not only against the ruling party but also against all parties, elections and the democratic system."

It is a sad story, but the fact remains that democracy and administration, as practised in the rest of India, is absent in Jammu and Kashmir. It is not a new thing. New Delhi has always decided who will rule the State. People had to accept the men imposed on them. The situation has aggravated over the years. Elections held so far, except the one in 1977, suggest that the State has not been allowed to have free and fair polls like the rest of the coun-