

Police abuse of cyber surfers shocks NHRC

TIMES NEWS NETWORK

New Delhi: Taking serious note of a report in The Times of India on the trigger-happy and abusive UP police virtually assaulting some girls who were surfing the Internet for professional purposes in Aligarh, the National Human Rights Commission (NHRC) on Thursday sought an explanation from the state's chief secretary within two weeks.

NHRC chairperson A S Anand is believed to have also watched a TV news report of the gory violence perpetrated by the Aligarh police on college and school-going girls before

issuing the notice to the Mulayam Singh government.

The NHRC said it was shocked by the report which quoted AMU student Shiraz saying that when one teenaged girl resisted the cops, a senior officer said, "Garmi na dikhaao... garmi dikhaogi to bahut kuchh garam ho jayega" (Do not lose your temper or you will lose a great deal more)."

The teenagers were humiliated, even molested, by the men in khaki. They spared none, including those quietly sipping coffee in restaurants in busy commercial areas. Policemen

stormed cybercafes, forcibly separating girls from boys and dragging out several youngsters, the TOI report had said. The most humiliating part of the drive was witnessed at a cybercafe in Civil Lines area where cops passed lewd remarks at girls, said Shiraz.

A lawyer in Aligarh said, "While the law restricts media from using pictures and real names of even those arrested on charges of prostitution, a police officer held one of these teenaged girls by her hair and forced her to look into the lens of a news channel camera." He quoted



one policeman as telling a girl: "Ab sharam aa rahi hai... jab school se bhaag kar aayi thee to sharam nahee aa rahi thi (You are ashamed now; weren't you ashamed when you ran away from school)?"

SP City, Aligarh, Surendra Kumar Verma, insisted that the drive was conducted with care and that none of the girls were harassed. When informed about visuals showing male cops misbehaving with girls, Verma had no comment, and rephrased his earlier statement to say: "We ensured that none of the girls were harassed and that they were handed over to their parents."

FOR LIBERTY'S SAKE

H0-10
28/10
H. Hoffmann

IN RULING THAT the indefinite incarceration of non-citizens suspected of 'terrorism' is a violation of the European Convention on Human Rights (ECHR), the United Kingdom's Law Lords have taken a timely sledgehammer to the authoritarian edifice of 'anti-terrorist' legislation erected by the Blair Government in the wake of 9/11. The British Anti-Terrorism, Crime and Security Act, 2001 gave sweeping powers to the executive to certify individual foreign nationals as terrorists and detain them indefinitely, justifying this derogation from the ECHR on the ground that these 'terrorists' posed an imminent threat to the "life of the nation." Nine of the 18 men — all non-British Muslims — currently in detention moved the Law Lords, challenging the validity of the 2001 Act in the light of Britain's adherence to the ECHR. Some of them have been in prison for three years and at least two of the detainees have become insane. Lord Bingham, who wrote the 8-1 verdict allowing the challenge, alluded to a Kafkaesque situation: "None of the men has been the subject of any criminal charge. In none of their cases is a criminal trial in prospect."

In their 102-page verdict, the Law Lords have justly observed that the case involved one of Britain's most cherished liberties — freedom from arbitrary arrest and incarceration. While several of the Lords took strong exception to the suspension of habeas corpus protection for non-citizens, most found the Act bad on the narrow — and somewhat problematic — ground that it discriminated between terrorists who were foreign nationals and those who were British citizens. "The government," wrote Lord Nicholas, "has vouchsafed no persuasive explanation of why national security calls for a power of indefinite detention in one case [foreign nationals] but not the other [British citizens]." And Lord Bingham wrote: "What cannot be jus-

tified here is the decision to detain one group of suspected international terrorists, defined by nationality or immigration status, and not another." Lords Hoffmann and Scott hastened to add that this did not mean the same bad law should now be extended to British citizens!

"Nothing could be more antithetical to the instincts and traditions of the people of the United Kingdom" than detaining people indefinitely without charge or trial, wrote Lord Hoffmann in what is arguably one of the most stirring judicial verdicts in defence of liberty in recent years. Questioning the claim that Al-Qaeda represented a threat to the very life of the British nation, the Law Lord held that while the Government had a duty to protect the lives and property of its citizens, it is a duty "which it owes all the time" and which it must discharge "without destroying our constitutional freedoms." Lord Hoffmann's is a line of judicial reasoning governments round the world, including the U.S. and India, would do well to study: "The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve. It is for Parliament to decide whether to give the terrorists such a victory." So far, it seems, that is precisely what the Blair Government intends to do, with at least one senior Minister saying the Act will be amended to override the Law Lords' ruling. This is, in fact, unnecessary since the 1998 Human Rights Act, which gave British courts the right to declare a particular law incompatible with the human rights of persons in the country, does not allow the law to be declared invalid. Will Prime Minister Tony Blair pay any respect to the Law Lords' sagacity and do something about the vicious provision for indefinite detention?

23 DEC 2001

THE HINDU

Protest against 'rights violations'

By Shujaat Bukhari

Ready for talks

SRINAGAR, DEC. 7. The National Conference today joined the daylong token hunger strike organised by the moderate faction of the All Parties Hurriyat Conference to protest against "increasing human rights violations by security forces".

Led by Mirwaiz Umar Farooq, senior Hurriyat leader, Abdul Gani Bhat, Moulvi Abbas Ansari, Fazl Haque Qureshi and Bilal Gani Lone were joined by hundreds of their workers at the polo ground here, besides the National Conference leaders, Shamima Firdous and Irfan Shah, and the Youth National Conference leader, Farooq Zargar. The National Conference patron, Farooq Abdullah, on Saturday asked his workers to join the hunger strike to make it clear to the Mufti Government that "all was not well in the State."

This is for the first time any pro-India party has openly supported the separatist conglomerate on the issue of 'human rights violations' against security forces.

Ms. Firdous, who is also a member of the Legislative Council, led a contingent of National Conference women holding banners "Stop human rights violations and treat people as human beings". Mr. Shah also appeared with some of his workers and joined the Hurriyat leaders in the shamiana erected for the purpose. Though the Mirwaiz had no problems with the National Conference joining him, he said 'human rights violations' had become the order of the day during Dr. Abdullah's six-year rule in the State.

Welcoming the ongoing peace process between India and Pakistan, the Mirwaiz said, "We are happy that they are coming close but Kashmiris should be part of it". The Mirwaiz reiterated the Hurriyat's stand on talks and said "we are ready for talks as we held two rounds earlier with New Delhi".

But he added that these had to be unconditional and Pakistan needed to be included in the talks which have to be Kashmir-centric.

Mufti's reaction

The Chief Minister, Mufti Mohammad Sayeed, said the separatists had every right to raise their voice against the alleged human rights violations.

"They [Hurriyat] are most welcome to stage a hunger strike against the violations of human rights. There is democracy in the country and they have every right to raise their voice against excesses, if any, taking place."



Chairman of the All Parties Hurriyat Conference, Mirwaiz Umar Farooq (centre), the former Chairman, Moulvi Abbas Ansari (left), and senior leader, Abdul Gani Bhat, at a hunger-strike in Srinagar on Tuesday. — Photo: Nissar Ahmad

08 DEC 2004

THE HINDU

Captured on video: Marine shoots dead injured Iraqi prisoner in cold blood



AP



REUTERS

A Marine raises his rifle in the direction of two wounded prisoners lying on the floor of a mosque in Fallujah before shooting one of them dead. (Right) A wounded insurgent (not the man murdered by the Marine) looks at a US soldier inside a Fallujah mosque.

Associated Press Washington, November 16

A US Marine shot and killed a wounded and apparently unarmed Iraqi prisoner in a mosque in the former insurgent stronghold of Fallujah, according to dramatic television pictures broadcast on Monday. A Marine spokesman said the shooting was under investigation.

The dramatic footage was taken on Saturday by correspondent Kevin Sites of NBC TV. The incident played out as the Marines 3rd Battalion, 1st Regiment, returned to the Fallujah mosque on Saturday. Sites was embedded with the unit. On the video, as the camera moved into the mosque, a Marine

can be heard shouting obscenities in the background, yelling that one of the men was only pretending to be dead. The video then showed a Marine raising his rifle toward a prisoner lying on the floor of the mosque. The video shown by NBC and provided to the network pool was blacked out at that point and did not show the bullet hitting the man. But a rifle shot could be heard.

The blacked out portion of the video tape, provided later to other members of the network pool, showed the bullet striking the man in the upper body, possibly the head. His blood splatters on the wall behind him and his body goes limp. The Marine has been withdrawn from the battlefield pending the results of the investigation.

the American military said. Sites's account said there were five prisoners, who were hurt in the previous day's (Friday's) attack by another Marine unit. The videotape showed two of the wounded men propped against the wall during Saturday's attack and Sites said they were bleeding to death. According to his report, a third wounded man appeared already dead, while a fourth was severely wounded but breathing. The fifth was covered by a blanket but did not appear to have been shot again after the Marines returned. It was the fourth man who was shown being shot. Lt-Col. Bob Miller, who is heading the probe, said the rules of engagement allow the use of force only in self-defence.

17/11
Kumar Kapat

Human Rights

NHRC orders Punjab to pay custody victims' kin ^{5/5} 17/11

Statesman News Service

NEW DELHI, Nov. 11. - Holding the Punjab government "vicariously liable" and "accountable" for the deaths of 109 people in police custody during 1984-1994 - the peak period of militancy in various districts of Punjab - the National Human Rights Commission (NHRC) has ordered the state to make a payment of Rs 2.5 lakh as compensation to the next of kin of each of these victims.

An NHRC panel, headed by the chairman Mr Justice AS Anand, gave the significant order on a reference made to it by the Supreme Court in 1996 on writ petitions which made serious allegations about "large-scale cremations resorted to by the then Punjab police officials, persons allegedly killed in fake encounters" during the militancy days. The main thrust of writ petitions filed in the apex court in 1995 was that "there had been many alleged "extra-judicial executions" of people and their "hasty and secret cremations by the police and administration", thereby rendering the state responsible.

The NHRC, in its order, said half the compensation amount of Rs 2.5 lakh should be paid to the next of kin and the rest should be deposited in a fixed deposit for a period of five years. The relatives of the victims can draw interest on the fixed deposit, said the NHRC ruling.

Over 2000 people were reported missing and suspected to have been mass-cremated by the police during the terrorism phase in Punjab between 1984 and 1994.

The NHRC has asked the relatives of these deceased to send in their claims of compensation to it. But, as a first step, it considered the cases of 109 people who were admittedly in the police custody before their death, and were cremated by the police in Amritsar, Majitha, and Tarn Taran districts by the police.

While granting monetary relief, the NHRC, however, made it clear that "it is not expressing any opinion about the culpability or otherwise of any police officer or officials ... (in view of) the investigation being carried out by the CBI to determine the culpability under the orders of the Supreme Court."

12 NOV 2004 THE STATESMAN

Valley erupts over rape allegations

SRINAGAR, Nov. 10. —

Over a dozen protesters were injured and eight persons, including the chairman of Jammu and Kashmir Liberation Front, Mohammad Yaseen Malik, were detained today as demonstrations against the alleged rape of a woman and her teenaged daughter reverberated in the Kashmir Valley which observed a near complete shutdown.

Kashmir University was also closed indefinitely following two days of violent demonstrations against the 6 November Handwara incident.

Protestors in Maisuma, Lal Chowk, Abi Guzar, Gawkadal, Madina Chowk, Barbar Shah, Redcross Road, Basant Bagh, Budshah Chowk and Koker Bazar took to streets early today shouting slogans against the Centre and the state governments, official

sources said. *Humayun Raza*
As police tried to disperse the irate crowds by baton charge and tear gas shells, the protestors indulged in stone-pelting. Nine civilians and four policemen sustained minor injuries, the sources said. Six protestors were also detained by the police.

JKLF chairman was detained alongwith his party colleague Sheikh Abdul Rashid outside the local office of the United Nations Military Observors Group (unmog) at Sonawar here this afternoon.

China-made globes banned

The Delhi High Court today banned the import and marketing of China-made globes in India showing J&K as not an integral part of Indian territory. — PTI

11 NOV 2004

THE STATESMAN

Army men rape ^{Human Rights} woman, minor daughter in J&K

SRINAGAR, Nov. 8. — Belying Union home minister Mr Shivraj Patil's claim that the situation in J&K was "becoming normal", massive protests have broken out in Kupwara after security forces allegedly raped a 30-year-old woman and her 10-year-old daughter.

According to reports, a contingent of troops led by a Major of 30 Rashtriya Rifles barged into the house of Abdul Rasheed Dar in Bader Payeen, Handwara tehsil, on Saturday night. The officer and his troops then raped Dar's wife and daughter before escaping from the scene. *SF 9/11*

As the news spread, thousands of residents blockaded the roads in the area and shouted slogans against security forces. People also observed a general strike with shops and other business establishments remaining closed.

Compelled by the strong public reaction, the state government today ordered an enquiry into the incident. Police have also lodged an FIR under Sections 367, 456 and 353 against the Major and the jawans. Chief minister Mufti Md Sayeed told reporters today that "clear-cut instructions" have been issued to punish the guilty. The government has appointed Mr Sharafat Ali Khan, Kupwara's Additional Deputy Commissioner, to conduct a magisterial probe. He has been asked to submit his report within 10 days. Taking a serious view of the reported rapes, Army Chief Gen. NC Vij today ordered the constitution of a court of inquiry to probe the case, PTI adds from New Delhi. "The court of inquiry has been asked to submit its report within a week" an Army spokesman said. — SNS

Another report on page 4

9 NOV 2004

THE STATESMAN

মানবাধিকার কমিশনকে বন্দীমৃত্যু সংখ্যা দিচ্ছে রাজ্য

আজকালের প্রতিবেদন: রাজ্য মানবাধিকার কমিশনের কাছে জেলের বন্দীমৃত্যুর তথ্য জানাচ্ছে রাজ্যের কারা দপ্তর। রাজ্যের কারামন্ত্রী বিশ্বনাথ চৌধুরি মঙ্গলবার বলেন, ৯৭ সাল থেকে ২০০৪ সাল পর্যন্ত রাজ্যে সংশোধনাগারগুলিতে বন্দীর সংখ্যা বেড়েছে। পরিসংখ্যানে দেখা যাচ্ছে, ২০০৩ সালে সেপ্টেম্বর পর্যন্ত মোট মৃত্যুর সংখ্যা ছিল ৫৪। স্বাভাবিক মৃত্যুর ঘটনা ঘটেছে ৪৮। সে তুলনায় ২০০৪ সালে সংশোধনাগারে বন্দী আছে ১৮,৬৯৫। মোট মৃত্যু ৪১, স্বাভাবিক মৃত্যু ৩৬, অস্বাভাবিক মৃত্যু ৫, মৃত্যুর হার ০.২২ শতাংশ। ৯৭ সালে জেলে বন্দী ছিল ১১,৮২৬। মোট মৃত্যু ৪১, স্বাভাবিক মৃত্যু ৩৬, অস্বাভাবিক মৃত্যু ৫, মৃত্যুর হার ০.৩৪। ২০০৩ সালে সংশোধনাগারে

বন্দী ছিল ১৬,৭৫৮। অস্বাভাবিক মৃত্যুর ঘটনা ঘটেছে ৬টি। মৃত্যুর হার ০.৩২ শতাংশ। অস্বাভাবিক মৃত্যুর বিষয়ে কারামন্ত্রী বিশ্বনাথ চৌধুরি বলেন, সম্পদ পালের দেহে আঘাতের চিহ্ন ছিল না। পাকস্থলি, অস্ত্রে অসুখ ছিল। জেলের নিরাপত্তা ব্যবস্থা আরও আটসাঁট করার বিষয়ে কারামন্ত্রী মহাকরণে স্বরাষ্ট্রসচিব অমিতকিরণ দেব, কারাসচিব এ কে আগরওয়াল, আই জি (কারা) জয়দেব চক্রবর্তীর সঙ্গে দীর্ঘ বৈঠক করেন। ঠিক হয়েছে, যাদের আদালতে তোলা হবে তাদের তালিকা ১৫ দিন আগে করতে হবে। তা জানিয়ে দিতে হবে পুলিশ সুপারদের। দ্বিতীয়ত, জেলে কর্মীর সংখ্যা অনেক কম। বাড়তে হবে কর্মিসংখ্যা। বিষয়টি নিয়ে কারামন্ত্রী মুখ্যমন্ত্রী বুদ্ধদেব

ভট্টাচার্য, অর্থমন্ত্রী ড. অসীম দাশগুপ্তের সঙ্গে কথা বলেছেন। এখন সাব জেলগুলোতে এস ডি ও হলেন সুপার, তার পরে কোনও পদ নেই। ডেপুটি সুপার থাকা দরকার। সাব জেলে এখন কর্মীর সংখ্যা আছে ৮ জন। দরকার ১৮ জন। এছাড়া আলিপুর, প্রেসিডেন্সি জেলে বন্দীদের ওপর নজর রাখার জন্য ক্রোজ সার্কিট টিভি বসানো হয়েছে। দমদম এবং মেদিনীপুর জেলে ক্রোজ সার্কিট টিভি বসানো হবে। জোর দেওয়া হয়েছে বন্দীদের নিয়মিত তল্লাশির ওপর। আপত্তিকর কিছু থাকলে সঙ্গে সঙ্গে জানাতে হবে জেল কর্তৃপক্ষকে। তা সঙ্গেও মন্ত্রীর মন্তব্য: আমি আমার দপ্তর নিয়ে সাফাই গাইছি না। নজরদারি চলছে। অফিসার, কর্মীরা তাঁদের দায়িত্ব পালন করছেন।

Human Rights
25/10

Dismal record

47-8

Recurring shame of custody deaths in Bengal

Whatever the explanation for the death of a young undertrial at Dum Dum Central Jail on Monday night, prison officials and the police have a lot to answer for after the custody toll in West Bengal has risen to a staggering 44 this year. Some years ago, the Left Front government had taken strong exception to the human rights commission labelling West Bengal as among the worst offenders in custody deaths. Nothing has changed since then, including the heartlessness with which junior-level thana officials appeared at the house of the latest victim to inform his mother quite tersely that her son was dead. That was more than seven hours after the extraordinary accident — a fall from the toilet staircase — had claimed the undertrial's life. Human rights seldom seem to figure in any of the actions of the police — like informing the family immediately after the accident occurred and when it was considered serious enough by the jail doctor to take the prisoner to hospital. All this is liable to give rise to suspicion, more so when the victim was a prime accused in the murder of Sailen Das, the Dum Dum Municipality chairman in 2001 and the case is due to come up for hearing in November.

The police cannot shake off the stigma. On the one hand, there is evidence of sheer neglect. On the other hand, there are nagging suspicions of a cover-up. The truth in this case will perhaps never be revealed even after the inquiries that have been ordered — like the earlier inquiries that led nowhere. The state human rights commission may come into the picture as it did in the case of the death of another undertrial in the Presidency Jail reportedly due to "old ailments". But the real remedies can begin to be found when erring police and jail officials are brought to book. Till that happens, history could keep repeating itself.

NHRC intervenes in panchayat case

New Delhi: The National Human Rights Commission (NHRC) on Tuesday directed the Haryana government to submit a report on the dramatic case of a village panchayat asking a married couple to treat each other as brother and sister.

NHRC chairperson A S Anand, who received a complaint from the All India Democratic Women's Association (AIDWA), ordered the chief secretary, the DGP, Haryana, as well as the district authorities of Rohtak to look into the panchayat decision. Stating that the reports must be submitted within a week, Anand also directed the

district officials to inform the commission on what steps they had taken to ensure the personal safety of the couple—Sonia and Rampal, who are allegedly under threat from the villagers. The couple, residents of Asandha village in Jhajjar district who have been married for two years and are expecting their first child, had been directed by the panchayat to accept each other as brother and sister as they belonged to the same 'Gotra' (subcaste).

The AIDWA alleged that in spite of repeated representations to the authorities, the guilty had not been arrested. Fearing for their life, Rampal

and Sonia have fled the village. The organisation also asked the NHRC to move the supreme court with a prayer for clear directions to arrest and prosecute "self-styled caste panchayats" operating in several states such as Haryana, Uttar Pradesh, Rajasthan, Punjab and Uttar Pradesh.

AIDWA general secretary Brinda Karat said on Tuesday, after submitting the petition to the NHRC, that Sonia had been forcibly evicted from her house in Assanda village by two persons from the neighbouring Kharar village, one of whom was the sarpanch of an elected Panchayat. Karat alleged these persons misbehaved with So-

nia after which she fell ill and had to be admitted to a hospital in Rohtak. "It was feared for several days that she may have a miscarriage. She is better now but cannot return home because of threat to her life," Karat said. "Acting on a PIL, the Punjab and Haryana high court had directed the panchayat not to interfere in the couple's marital life, but its members are now saying they cannot guarantee her well-being," she added.

Karat said the role of the government in Haryana could be called into question if it could not prevent such "hijacking of the constitution" by caste panchayats. **PTI**

Human Rights

Two die in jail custody

Statesman News Service

KOLKATA, Oct. 26. - Within a span of a fortnight since Sampad Mukherjee's death in prison custody, two prisoners, one of whom was among the prime accused in the murder of Sailen Das, the Dum Dum Municipality chairman, died in jail custody last night.

Babulal Sharma (30), an undertrial prisoner in the Sailen Das murder case at Dum Dum Central Jail, died under mysterious circumstances.

Around the same time, Ravan Murmu (32), a critically ill inmate of Behram-pore Central Jail, who was transferred to Alipore Central Jail for "better treatment", died at Sambhunath Pandit Hospital.

Sharma, an inmate of the jail's ward number 120, received head injuries after "he fell from a staircase when he went to a toilet inside the ward."

Mr Joydeb Chakraborty, IG (prisons), said: "The incident took place at around 11.15 last night. The jail doctor attended him and prescribed hospitalisation. He was taken to RG Kar Medical College and Hospital in an unconscious state where he was pronounced 'brought dead'. That means, he must have died en-route."

Sharma was arrested on 23 August 2001 and had been lodged in Dum Dum Central Correctional Home since 1 September that year. He was charged with plotting the murder of Sailen Das on 13 August 2001. Sharma's body would be sent for autopsy and a magisterial inquest would be held, the IG said. "Both reports would be sent to the state human rights commission." Mr Chakraborty ruled out chances of foul play.

Cardiac arrest was the immediate cause of death of Murmu - a patient of cardiac myopathy, the IG said. "He was brought to Alipore jail on 6 June and was admitted to MR Bangur Hospital on several occasions for his multiple physical ailments."

Photograph, another report on Kolkata Plus I

THE STATESMAN

27 OCT 2004

Prisoners at Guantanamo ^{✓✓} are still being abused ^{human rights}

*9-15
18/10*

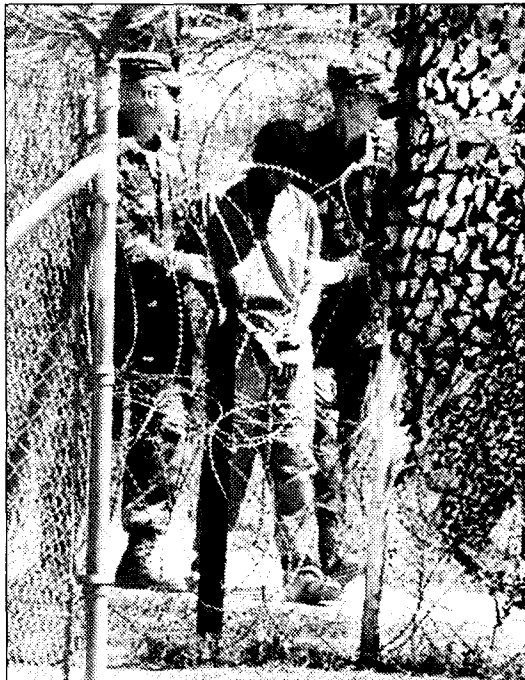
New York: Many detainees at the US military base in Guantanamo Bay were regularly subjected to "harsh and coercive" treatment despite longstanding assertions by military officials that such tactics had not been used except in isolated cases, according to several people who worked there.

Military guards, intelligence agents and others in interviews to the New York Times described some highly-abusive occurring over a long period of time, as well as rewards for prisoners who cooperated with interrogators.

People working at the Camp Delta, prison facility at the naval base in Cuba, said that one regular procedure was stripping uncooperative prisoners to their underwear. They said the prisoners were made to sit in a chair with their hands and feet tied to a bolt on the floor and forced to endure strobe lights and screamingly loud rock and rap music played through two close loudspeakers, while the air-conditioning was turned up to maximum levels.

Such sessions could last up to 14 hours with breaks, a military official told The Times. "It fried them," the official said, adding that anger over the treatment the prisoners endured was the reason for him to speak to the paper.

One intelligence official said most of the intense interrogation was focused on a group of detainees known as the 'Dirty 30' and believed to be the best po-



tential sources of information.

In August, a report commissioned by US defence secretary Donald Rumsfeld found that tough techniques approved by the government were rarely used, but the sources described a broader pattern that went beyond even the permissible aggressive techniques.

The sources portrayed a system of punishment and reward, with cooperative prisoners given the privilege of spending time in a large room nick-

named 'The Love Shack' by the guards, where they were free to relax, had access to books, a TV and a video player and some R-rated movies, along with the use of a water pipe to smoke aromatic tobaccos. They were also occasionally given milkshakes and hamburgers from the McDonald's on the base.

The Pentagon said the information gathered from the detainees "has undoubtedly saved the lives of our soldiers in the field," adding, "that information also saves the lives of innocent civilians at home and abroad. At Guantanamo we are holding and interrogating people who are a clear danger to the US and our allies and they are providing valuable information in the war on terrorism."

Another common procedure, sources said, was to awaken the inmate from sleep, subject him to an interrogation then return him to a different cell. As soon as the guards determined the inmate had fallen into a deep sleep, he was awakened again for interrogation after which he would be returned to a different cell. This could happen five or six times during a night, they said. Much of the harsh treatment described by the sources was said to have occurred as recently as the early months of this year.

After the scandal about mistreatment of prisoners at the Abu Ghraib prison in Iraq became public in April, they were abruptly suspended. PTI

Manipur brutality in pictures

Human Rights

HR-1 99 1

Aloke Banerjee
Kolkata, September 7

ASSAM RIFLES personnel point guns at prostrate Manipuri demonstrators and tell them they would be shot if they don't get up quick (see picture, left). Once they do, they are made to do somersaults for the jawans' amusement (centre). Finally, they are asked to beat each other unless they want to receive the thrashing of their lives at the hands of the jawans (right).

You don't have to be at Iraq's Abu Ghraib prison to see troops humiliate detainees for fun. A series of such pictures is stored in three compact discs with Manoj Bhattacharya, member of the Parliamentary Standing Committee



on Home Affairs from West Bengal.

Armed with such proof of army brutality in Manipur, the RSP member will meet Union Home Minister Shivraj Patil and Defence Minister Pranab Mukherjee to demand withdrawal of the Armed Forces Special Powers Act in the state. The MP, who will be flying to Delhi on

Wednesday, plans to show the CDs to the Prime Minister, too.

During a two-day trip to Manipur, Bhattacharya visited the home of Th Manorama, who was allegedly raped and killed by Assam Rifles jawans, and met leaders of the civil disobedience movement in the state. Bhattacharya said he would place a de-

mand in the Left coordination committee that the UPA government be urged to withdraw AFSPA.

The MP said, "Seven hundred people, mostly students, have been arrested and 500 severely injured by police bullets and canes while taking part in a democratic agitation. The entire state is up against army brutality."

NHRC open to inter-state transfer of riot cases

Our Legal Correspondent

NEW DELHI, Sept. 6. — The National Human Rights Commission told the Supreme Court today that given the “logistics” involved in the transfer of 15-odd major Gujarat riot cases to other states, the Court could if necessary consider transferring them to any other court inside the state.

NHRC counsel Mr Andhyarujina said the “judicial climate” in Gujarat had “improved” owing to the Court’s intervention and the Court could consider intra-state transfer of cases for trial after putting in place certain “protective” mechanisms to further “stre-

ngthen” the process. He urged the Court to appoint a special rapporteur to oversee trial in all cases. He said reinvestigation was needed in most cases. At this juncture, Solicitor General Mr GE Vahanvati assured the Court that the CBI would investigate any case referred to it by the Court.

The court heard a note prepared by amicus curiae Mr Harish Salve, detailing the lacunae in the trials in 15 cases which have been stayed by the Court and directed him to prepare a paper-book outlining the need for a CBI reinvestigation into all these cases, including Godhra, on or before 20 September. The matter will come up for hearing on 27 September.

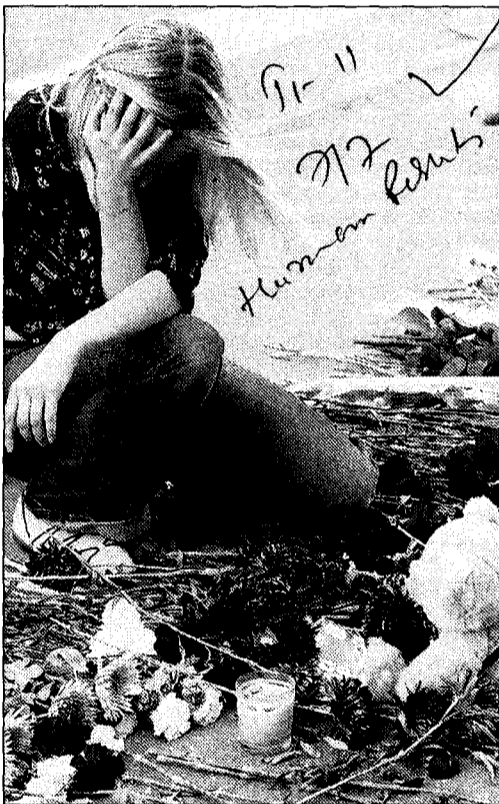
Russia mourns, Putin comes under attack

Troops Tighten Security Over Fears Of Ethnic Tension

Assault was launched by parents

Beslan: Russia on Monday mourned the deaths of hundreds of children and adults in its worst hostage drama as criticism mounted over the way President Vladimir Putin and his security forces handled the crisis.

In the aftermath of the bloody school siege by Chechen rebels, in which at least 335 hostages were killed, troops tightened security over fears that fury over the carnage would stoke smouldering ethnic and religious tensions in the Caucasus region of southern Russia. "If we are talking about political responsibility, there can be no other opinion—the top leadership including the President, the FSB (security service) and the interior ministry are to blame," independent member of the lower house Duma, Vladimir Ryzhkov, wrote in the *Nezavisimaya* daily. "We are absolutely defenceless in the air, in the metro, in our own capital and outside it ... He won the contract (as President) to restore order in the country, to ensure security for people. We see today that the contract has been violated." The siege of more than 1,000 hostages in the North Ossetian town of Beslan, was the latest in



A girl weeps after laying flowers for the victims of the Beslan school tragedy on Monday

a wave of violent attacks in Russia, all blamed on Chechen separatists.

In the cold, damp morning in the main Beslan cemetery, hundreds of people worked to prepare the graves. In the centre of the cemetery, muddy after an overnight downpour, mounds of flowers lay over the graves of the victims buried on Sunday. Relatives, dressed in black, brought more flowers, many hugging each other. Some placed bottles of water by graves, a tribute to victims whose captors refused to let them drink during the 53-hour ordeal.

The authorities have taken over a soccer-field sized plot of wasteland next to the cemetery to accommodate all the bodies. Putin declared two days of national mourning on Monday and Tuesday over the deaths in the siege, which ended in a fierce battle on Friday between the rebels and Russian troops. Television channels cancelled entertainment programmes. It is the second period of national mourning in as many weeks. One was held for the 90 who died in the twin plane crashes.

The latest official figures put the hostage death toll at 335, half of them children. Of the dead, 207 have yet to be identified. Some reports say there are more than 200 missing. Reuters

Moscow: The assault on the seized school building in the Russian town of Beslan was launched by furious parents and relatives even as the Kremlin had no plans to use force to seek the release of over 1000 hostages, local media on Monday reported.

"It seems that personnel of local riot police, flying squads—fathers of hostage children and volunteers manning the security cordon and bystanders launched the assault," a federal security officer was quoted as saying by *Izvestia* daily. Giving details of the bloody end to the 52-hour long siege, an *Izvestia* correspondent, who was on the spot, said no explosion was heard in the beginning. "It all began with firing of few shots turning into intensive firing, only a minute later an explosion was heard," *Izvestia* said. PTI

I swear by Allah, I didn't shoot: suspect

Moscow: One of the suspects arrested after the Beslan school siege in Russia's northern Caucasus is due to be charged with "personal participation" in the attack, Russia's deputy prosecutor general said.

The suspect, whose name and nationality were not revealed, was shown on Russia's state TV channel. His hands handcuffed behind his back, the frightened-looking man was shown being led by two hooded commandoes into a room. Asked by a state TV reporter whether he felt sorry for the child hostages, the man said, "I



swear by Allah, I did feel sorry for them. I have got children too." Asked whether he fired his weapon, he said, "I swear by Allah I did not shoot, I swear I did not shoot," in a strongly-accented Russian. But later, pressed by his interviewer, he became less coherent before saying: "In general, I did not want to die anywhere. I do not want to die anywhere."

The suspect had reportedly shaved off his beard and tried to

escape with the fleeing hostages when the siege collapsed on Friday. "This man personally took part in the attack, he was part of that gang, he took part in shooting. Today he will be charged," Sergei Fridinsky said in comments broadcast by Russia's Channel One television. "They will all be punished for all the crimes they committed, and this man among others," Fridinsky added.

Russian authorities announced on Sunday that three suspects, including a woman, were arrested, without making immediately clear whether the arrested participated personally in the attack that killed at least 335 people. Agencies

অর্ধনগ্ন অবস্থায় দেড় কিমি হাঁটিয়ে সমাজসেবীকে আদালতে তোলা হল

চন্দ্রনাথ মুখোপাধ্যায়: কাটোয়া, ৪ সেপ্টেম্বর— মধ্যযুগীয় বর্বরতার নগ্ন প্রদর্শনী। এক অভিজুক্তকে ঘুম থেকে তুলে থানায় আনা হয় শুক্রবার রাতে। শনিবার সকালে থানা থেকে মহকুমা শহরের বাস স্ট্যান্ড পর্যন্ত বাসে চাপিয়ে এবং বাস স্ট্যান্ড থেকে মহকুমা আদালত প্রায় দেড় কিলোমিটার রাস্তা হাঁটিয়ে নিয়ে যাওয়া হয়। তখন অভিজুক্তের গোটা শরীরে একটা জাঙিয়া ছাড়া আর কোনও পোশাক ছিল না। প্রকাশ্য দিবালোকে এমন ঘটনা ঘটতে দেখে কাতারে কাতারে মানুষ আদালত-চত্বরে ভিড় জমায়। চিত্রসাংবাদিকেরা ছবি তুলতে গেলে পুলিশ বাধা দেয় বলে অভিযোগ। এমন-কি সাংবাদিকের ক্যামেরা কেড়ে তাঁর তোলা ছবির রিল ছিনিয়ে নেওয়ার অভিযোগ উঠেছে পুলিশের বিরুদ্ধে। এই ঘটনাকে কেন্দ্র করে শনিবার সকাল থেকে মস্তেঙ্গের থানার মামুদপুর ও কালনা আদালত-চত্বর তোলপাড় হয়ে ওঠে। ‘পুলিসের এমন বর্বরোচিত আচরণের’ প্রতিবাদ জানিয়ে কালনা মহকুমা আদালতের একদল আইনজীবী এস ডি জে এম হেফাজত আলি চৌধুরি এবং এস ডি ই এম নিতাইচাঁদ দত্তের কাছে দাবী পুলিশকর্মীদের শাস্তির দাবি জানান। কালনা আদালতের আইনজীবী ও তৃণমূল কংগ্রেসের জেলা নেতা স্বপন দেবনাথ বলেন, ‘যেভাবে নগ্ন অবস্থায় মামুদপুরের বাসিন্দা এলাকার বিশিষ্ট সমাজসেবী মধুসূদন শেঠকে মস্তেঙ্গের পুলিশ তাঁর বাড়ি থেকে মস্তেঙ্গের থানা হয়ে কালনা আদালত পর্যন্ত এনেছে, তা সভ্য সমাজে বরদাস্ত করা যায় না। গোটা বিষয়টি বিস্তারিত জানিয়ে রাজ্য মানবাধিকার কমিশনে চিঠি লিখছি দাবী পুলিশকর্মীদের শাস্তি চেয়ে।’ অভিজুক্ত মধুসূদনবাবুরও কালনা আদালতের বিচারপতি নিতাইচাঁদ দত্তের কাছে গোটা ঘটনার

বিবরণ দেওয়ার সময় চোখের জল বাগ মানছিল না। মধুসূদনবাবু বলেন, ‘আমার এলাকায় সমাজসেবী হিসেবে একটা পরিচিতি আছে। পুলিশ আমাকে মাঝরাতে যখন ধরে, তখন আমি ঘুমোচ্ছিলাম। ঘুম থেকে উঠে লুঙ্গিটা পরতে যাব— তাও পরতে দিল না পুলিশ। আমার বাড়ির লোকেরা পোশাক দিতে গেলে সে-পোশাকও পুলিশ দিতে দেয়নি। আমি কোনও কিছু অপরাধ করিনি যে এভাবে আমাকে তুলে আনতে হবে। আমাকে খবর দিলে তো আমি নিজে গিয়েই আদালতে হাজিরা দিতাম। কিন্তু এই বাহান্ন বছর বয়সে যেভাবে শুধুমাত্র একটা জাঙিয়া-পরা অবস্থায় জনসমক্ষে আমাকে পুলিশ নিয়ে এল, তাতে লজ্জায় আমার মাথা কাটা যাচ্ছে।’ উল্লেখ্য যে, নদীয়া জেলার চাপড়া থানা এলাকার একটা কেসে শুক্রবার রাতে মস্তেঙ্গের পুলিশ মধুসূদনবাবুকে গ্রেপ্তার করে। মধুসূদনবাবুর আইনজীবী গৌতম গোস্বামী বিচারপতির কাছে একটা পিটিশন দাখিল করেন। তিনি বলেন, মধুসূদনবাবুর বিরুদ্ধে অভিযোগ খুবই হালকা। জামিনযোগ্য। দাগি অপরাধীদেরও এইভাবে প্রায় নগ্ন অবস্থায় প্রকাশ্যে হাঁটানোর নিয়ম নেই। মধুসূদনবাবুকে যে এইভাবে অর্ধনগ্ন করে থানা থেকে কালনা আদালত পর্যন্ত নিয়ে যাওয়া হয়েছে, তা একরকম স্বীকারই করে নিয়েছে পুলিশ। মস্তেঙ্গের থানার ডিউটি অফিসার অমল সাহা বললেন, ‘থানার তিন পুলিশকর্মীকে দিয়ে ওনাকে কোর্টে পাঠানো হয়। বাড়ির লোক লুঙ্গি-গামছা দিতে যায় ওনাকে। কিন্তু উনি পরতে অস্বীকার করেন। পুলিশ পরতে দেয়নি বলে যা বলা হচ্ছে তা অসত্য।’ এ বিষয়ে জেলা পুলিশ সুপার নীরজকুমার সিংহ বলেন, ‘এমন অভিযোগের কথা শুনলাম। খোঁজখবর নিয়ে দেখছি।’

Putin orders crackdown

RICHARD AYTON & OLIVER BULLOUGH

BESLAN | SEPTEMBER 4

RUSSIAN President Vladimir Putin ordered a clampdown in the Caucasus on Saturday after a hostage seizure at a school by Chechen separatists ended in a bloodbath with 322 people killed, half of them children.

In a visit at dead of night to the hospital in Beslan, Putin warned separatist sympathisers they would be viewed as "accomplices of terrorism". The death toll after Friday's bloody climax to the two-day siege included 155 school children, many of them held inside a gym by their captors, and confirmed the episode as the grimmest hostage-taking of modern times. Officials confirmed for the first time media reports that the separatists had taken more than 1,000 people hostage when they stormed into the school on Wednesday.

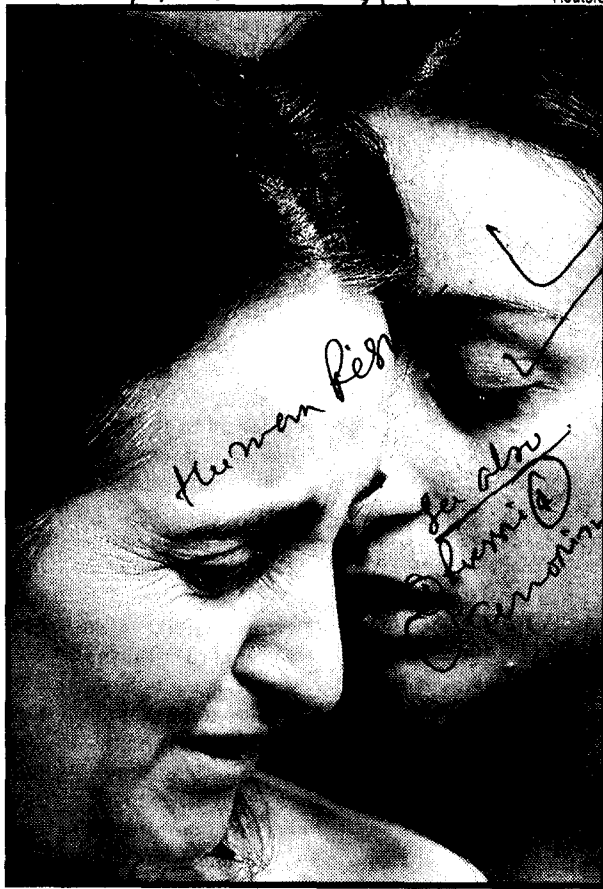
A total of 26 militants, 10 of them Arabs according to Russian officials, had staged the hostage seizure, said Deputy Prosecutor-General Sergei Fridinsky. All had been killed.

"As a result of the terrorist acts, 322 people were killed, 155 of whom were children ... I think the death toll will rise, but probably not very much," Fridinsky said.

Putin said he had ordered Beslan and the surrounding region of North Ossetia to be sealed off in follow-up operations by security forces.

"One of the tasks pursued by the terrorists was to stoke ethnic hatred, to blow up the whole of our North Caucasus," he told security officials.

"Anyone who feels sympathetic towards such provocations will be viewed as accomplices of terrorists and terrorism." Moscow bridled



Women grieve as they wait for information about missing relatives in Beslan on Saturday

quickly at a more querulous statement by the European Union's Dutch presidency demanding an explanation for the bloodshed. It said this was out of keeping with solidarity shown by other countries and denounced it as "blasphemous".

The large number of dead left barely a family untouched in Beslan. Normally a backwater of the Caucasus with a population of 30,000, the town was a swirl of grief, anger and uncertainty.

Some vented their anger against Putin, unusual given his popularity. "Putin came here at four this morning," said Boris, whose neighbour and her family disappeared. "He just wanted to show the world how young and handsome he is but he hasn't helped and he won't help and he can't stop this hap-

pening again."

Putin's harsh tone in his quick visit to Beslan suggested he had no plan to relax his determination to crush mainly Muslim Chechnya's rebellion and keep it within Russia, using tactics criticised by human rights activists.

Putin, who had promised on national television to do everything to keep the hostages from harm, appeared angry as he put down officials who sought to commend the security forces.

"As far as the special forces are concerned, this is a separate story. We will talk about it later," he said.

Freed hostages described Friday's mayhem. "Bombs were strung all over the gym," one teenage girl told state television. "Tape came unstuck on one and it blew up." —Reuters

Russian TV turns away from covering hostage crisis

ERIN E. ARVEDLUND
MOSCOW | SEPTEMBER 4

DURING one of Russia's most searing hostage crises that made news around the world, the country's three largest TV networks hesitated, then flailed, and finally turned away.

Even as pandemonium broke out in Beslan, the state-owned or controlled networks avoided the bloodiest images of an assault that left scores dead, many of them schoolchildren. The two largest and most watched — First Channel and Rossiya — offered brief updates, but continued with their regular afternoon programming.

Ever since he took office, President Vladimir Putin has exerted greater control over the country's most important medium, orchestrating the ouster of opponents who controlled them and tightening restrictions on what the networks broadcast.

For those with satellite or cable service, the only real — and raw — sources of news were CNN and the BBC, which broadcast live images from a nearby rooftop.

Only late Friday did the networks show the images — the dead, parents filing past stretcher after stretcher in search of their children, wailing in grief — that had already beamed around the world for hours. —NYT

The Manipur crisis

By Rajeev Dhavan

Human Rights

110-12 2008

MANIPUR IS inflamed by protest. On July 11, 2004, the body of 32-year-old Thangjam Manorama was found riddled with bullets — within four hours of her being picked up by the Army. Four days later, women in Manipur staged a protest, demanding that they also be raped. The Army says Manorama was a terrorist. The activists, backed by forensic suspicion, say she was interrogated, tortured, raped, murdered and thrown by the wayside. The Army in the North-East has enormous powers. It rules by coercion rather than by eliciting consent.

At the core of Manipur's spiralling protest is the demand to repeal the Armed Forces (Special Powers) Act, 1958 (AFSPA), which gives the Army wide powers to arrest, search and 'shoot to kill.' There is an actual provision in the 1958 Act which permits even a non-commissioned officer to maintain public order, and fire on a populace of more than five persons "... even to the causing of death" (Section 4(a)). Unfortunately, the Supreme Court upheld this legislation in the Naga Peoples Movement case (1998).

What is remarkable is that the National Human Rights Commission opposed this legislation in court amid some informal pressures not to do so. I appeared for the NHRC with clear instructions to argue that this draconian legislation was unconstitutional. Along with the NHRC's opposition to the Terrorist and Disruptive Activities (Prevention) Act (TADA) and the Prevention of Terrorism Act (POTA), and to the Supreme Court case on the infamous Bijbehara incident in Kashmir, the NHRC's discomfiture on the wide-ranging supposedly anti-terrorist legislation should not be ignored.

The Act of 1958 belongs to a species of 'disturbed areas' legislation passed in 1947 to cover Assam, West Bengal, East Punjab and Uttar Pradesh after Partition which were continued by an Act of 1948; and, then, this Act of 1958, as amended from time to time — originally for Assam and Manipur and later the North-East. Supposedly, the Act was passed to "aid the civil power". But it does not "aid the civil power". The Army takes over to effectively impose a kind of "martial law" even if those arrested are eventually handed over for trial. This is really military rule — quite like an 'emer-

Amidst all their trials and tribulations, the people of the North-East do not want military rule. That is enough justification to repeal the Armed Forces (Special Powers) Act.

gency' for an indefinite period but without parliamentary safeguards. If an 'emergency' is declared in a 'disturbed area', at least a nation knows that this is so — to control its ambit and duration. But the Act of 1958 imposes an emergency in continuous sessions without control. During the Emergency (1975-77), the Constitution was amended to enable the Union by Article 257A to send armed forces for quelling violence and restoring law and order.

This provision was re-

pealed in 1979. But its spirit survives. What would happen if the 'shoot to kill' Act of 1958 were not there? Would there be a lacuna leaving a State helpless in a 'disturbed area'? In fact, Section 15 of the Police Act, 1861, empowers a State Government to declare an area 'disturbed' or 'in a dangerous state' and to deploy any police force for a fixed period. If such a police force is not sufficient, Sections 130 and 131 of the Criminal Procedure Code permit the civil authorities to bring in the Army. But the Supreme Court in 1998 felt that these provisions were inadequate "... to deal with situations requiring the continuous use of armed forces."

This ignores a fundamental issue. The Constitution rightly does not permit Army rule. The Army can only aid the civil power. To empower even non-commissioned officers with 'shoot to kill' and other powers in 'disturbed' areas dominates and pre-empts the civil power. This is Army raj which does not become less so if the person picked up is handed over for trial. Equally, the concept of 'continuous use of armed forces' for an unlimited period is disturbing. In fact, there is no statutory limit for the duration for which an area would be declared 'disturbed'.

In the Naga Peoples Movement case (1998), the Government made a concession that all declarations delimiting 'disturbed areas' would be reviewed every year, which the Supreme Court reduced to six months. But six months is precisely the period for which a partial or full

national emergency can be imposed after parliamentary approval under Article 352 of the Constitution for an outside limit of one year. Under the Act of 1958, there is no parliamentary approval and no outside limit. Thus, the Act of 1958 effectively creates a statutory emergency for an indefinite period (inadequately reviewed every six months) without Parliament's oversight — by handing over vast powers to the Army that has been known to use and abuse them at will.

The Army's powers include 'shoot to kill', to destroy suspected places, to arrest without warrant, and entry and search. That the power to "cause death" is in the statute shocks the conscience even if such an extreme power is available in extreme situations to the police. Once given, the Army feels this is a random power it can exercise randomly.

Unfortunately, the Supreme Court did not accept the NHRC's suggestion that even if such a power is permitted, it should be used against armed protest and not against any and every innocent assembly of more than five persons — which is how it is now being used. The power to destroy suspected places is defended on the basis that such places are used for storing weapons and hideouts. But can this justify a general power of blowing up places because a non-commissioned officer thinks it is a good idea?

The arrest and search provisions should belong to the police, not the Army. But in their present form, the accused has to be taken to the nearest police station "with the least possible delay" (Section 4). In Manipur, Manorama died within four hours of her being picked up. This is the reality not the exception. Despite the Supreme Court's view to the contrary, these grossly abused powers are *sui generis* to the Army and not 'in aid of the civil power'. They are over-broad, excessive, without control and without limit. The Union Government defended these powers in the Supreme Court by relying on its huge list of dos and don'ts. The Supreme Court wanted

this list as part of a statutory declaration. But these are followed in their breach. The Army's record in matters of disciplinary action is getting better but remains weak. The NHRC cannot oversee the Army's transgressions. All it can do is ask questions under a "post office" procedure. In the Bijbehara case, the Home Ministry denied the NHRC access to even the record of court martial acquittals.

The power to declare an area 'disturbed' is like declaring a partial emergency. It can be exercised at will. In Manipur, the 'disturbed area' notification was withdrawn in certain areas from August 12, 2004. A few days later, the State Government threatened to withdraw this withdrawal. Much to the amazement of the Congress and the Opposition, Union Home Minister Shivraj Patil stated that the State Government's withdrawal of the 'disturbed areas' notification was, in fact, contrary to the Union Government's instructions. This raises serious federal issues. The power to create a 'disturbed areas' statutory emergency can be used by the Union or State Governments when they like, even if they do not agree on it.

Today, India faces a crisis in respect of its 'emergency' anti-terrorist legislation. Even if the Supreme Court validates legislation it does not mean it is desirable. We know that TADA is enmeshed in a debris of abuse. POTA has suffered a similar fate despite the antics of the Bharatiya Janata Party-led Government to give powers of review to a committee. The criticism of TADA and POTA is not just about their abuse but that India's CrPC with its long pre-trial detentions is sufficiently equipped to deal with terrorist threats.

India cannot fight America's war in either letter or spirit. After 9/11, America wants all countries to enact its laws to fight its wars. India cannot ape American solutions, but must find its own.

The Act of 1958 comes from an imperial past. It sits uneasily in a federal democracy. In fact, the Act is a species of 'martial law'. Indian governance has to learn that amidst all their trials and tribulations, the people of the North-East do not want military rule. That is enough justification to repeal the AFSPA and devise other solutions without imposing President's Rule or Manipur. Continually perpetuatir



অভিজিৎ সিংহের স্ত্রী মানসী সিংহ।—তারা পদ বন্দ্যোপাধ্যায়

অভিজিৎের মৃত্যুর সিবিআই-তদন্ত চান স্ত্রী, নেবেন না টাকা

নিজস্ব সংবাদদাতা: শুষ্ক দফতরের ইনস্পেক্টর অভিজিৎ সিংহের মৃত্যু নিয়ে সি বি আই-তদন্ত চেয়ে সুপ্রিম কোর্টে আবেদন করছেন তাঁর স্ত্রী মানসী সিংহ। কলকাতা হাইকোর্টের ডিভিশন বেঞ্চ তাঁকে এক লক্ষ টাকা দেওয়ার নির্দেশ দিলেও তিনি তা নেবেন না বলে জানিয়েছেন। ডিভিশন বেঞ্চের ওই রায়ের প্রতিলিপির অপেক্ষায় আছেন মানসীদেবী। প্রতিলিপি হাতে পেলেই তিনি সুপ্রিম কোর্টে যাবেন।

বৃহস্পতিবার দমদমের ফ্ল্যাটে বসে মানসীদেবী বলেন, আমি ক্ষতিপূরণ চেয়ে মামলা করিনি। স্বামীর মৃত্যুর কোনও ক্ষতিপূরণ হয় না। আদালতে তাঁর আবেদনে তিনি বলেছিলেন, পুলিশ মিথ্যা অভিযোগে অভিজিৎবাবুকে তুলে নিয়ে গিয়ে দু'দিন ধরে মানসিক অত্যাচার চালিয়েছিল। সেই চাপ থেকে আর বেরোতে পারেননি শুষ্ক দফতরের ওই অফিসার। সেই জন্যই তিনি আত্মহত্যা করেছেন। এই ঘটনার তদন্তের দায়িত্ব সি বি আই-কে দেওয়ার দাবি জানিয়েছিলেন মানসীদেবী। প্রথম বার হাইকোর্টে তাঁর দাবি নাকচ হয়ে গেলে তিনি ডিভিশন বেঞ্চের দ্বারস্থ হন।

ডিভিশন বেঞ্চেও সি বি আই-তদন্তের দাবি নাকচ হয়ে যাওয়ার পরে তাঁর আর সুপ্রিম কোর্টে যাওয়া ছাড়া পথ নেই। ডিভিশন বেঞ্চের বিচারপতি অশোক গঙ্গোপাধ্যায় ও বিচারপতি তপন দত্ত তাঁদের রায়ে পুলিশের বাড়াবাড়ির কথা উল্লেখ করেছেন। এটা তাঁর সি বি আই-তদন্তের দাবিকে আরও জোরালো করেছে বলে মানসীদেবী মনে করছেন। পুলিশ বাড়াবাড়ি করেছিল বলেই ডিভিশন বেঞ্চ মানসিক কারণে মানসীদেবীকে এক লক্ষ টাকা দেওয়ার জন্য রাজ্য সরকারকে নির্দেশ দিয়েছে।

জনযুদ্ধ সন্দেহে ধৃত এক জনের ডায়েরিতে অভিজিৎবাবুর ফোন নম্বর পেয়ে ২০০২ সালের ৫ জুলাই রাতে বিশাল পুলিশবাহিনী তাঁদের দমদমের ফ্ল্যাটে হানা দেয়। মানসীদেবী বলেন, “সেই রাতে পুলিশ যে-আচরণ করেছিল, তা সভ্য সমাজে ঘটে না। দরজা খোলার সঙ্গে সঙ্গে এক জন কমান্ডো আমার মাথায় আধুনিক রাইফেল ধরে দাঁড়িয়ে যায়। তার পরে পুলিশ অভিজিৎকে দু'কুতীদের মতো কলার ধরে টানতে টানতে নিয়ে যায়।” ওই ঘটনার মাত্র দিন দশেক আগে অভিজিৎবাবু আসানসোল থেকে বদলি হয়ে কলকাতার খিদিরপুরের অফিসে যোগ দেন। দু'দিনের টানা জেরায় বিধ্বস্ত হয়ে পড়েন অভিজিৎবাবু। মানসীদেবী বলেন, “মেদিনীপুর থেকে ফিরে অভিজিৎ বলেছিল, ওরা আমাকে ছাড়বে না। আমাকে ধেকতার করবে। আমার চাকরি খাবে। প্রচণ্ড ভয় পেয়েছিল ও।”

ঘটনার দু'বছর পরে নিজের প্রয়াত স্বামীর কথা বলতে গিয়ে কখনও তাঁকে ‘বুক-ওয়ার্ম আবার কখনও ‘ওয়ান্ডারফুল’ বলে উল্লেখ করেছেন মানসীদেবী। সেই স্বামীর মৃত্যুতে তিনি কোনও ক্ষতিপূরণ চান না। তাঁর বক্তব্য, “এটা তো জানতে হবে, কেন তাঁকে অপরাধীর মতো ধরে নিয়ে যাওয়া হল? ঠিক কী কী ঘটেছিল পুলিশের কাছে থাকাকালীন এবং কেনই বা তিনি আত্মহত্যা করলেন? তাঁর মতে, সি বি আই-তদন্ত ছাড়া এ-সব কোনও দিনই জানা যাবে না।

এ-রকম দমবন্ধ করা আরও অনেক প্রশ্ন নিয়ে দমদমের নগেন্দ্রনাথ রোডের ফ্ল্যাটে একা একা রয়েছেন মানসীদেবী। পুলিশের বাড়াবাড়িতে শেষ হয়ে যেতে হবে একটি মানুষকে? শেষ হয়ে যেতে হবে মানসীদেবীকে, বৃদ্ধ বাবা-মাকে? ছ'বছরের নিরাস্তিত্ত জীবনে দু'দু'বার গর্ভেই নষ্ট হয়ে যায় সন্তান। স্বামীর দফতরে চাকরি নিতে পারেননি। এখন সম্বল একটি ইংরেজি মাধ্যমের স্কুলের চাকরি। মানসীদেবীর বক্তব্য, “যাতে আর কারও অভিজিৎের মতো অবস্থা না-হয়, সেই জন্যই আমার এই লড়াই। দোষীদের শাস্তি পেতেই হবে।” শুধু স্মৃতি নিয়ে বাঁচবেন না বলেই তাঁর নিজের এবং অভিজিৎবাবুর প্রিয় সব জিনিস একটি আন্তর্জাতিক স্বেচ্ছাসেবী সংস্থাকে দান করে দিয়েছেন তিনি। খুব সম্প্রতি লেটার বক্সে কালো কালি দিয়ে নিশ্চিহ্ন করে দেওয়া হয়েছে অভিজিৎবাবুর শেষ চিহ্নটিও।

Cycle of violence

Ever since the AFSPA was implemented in Manipur, militancy has only grown. And so has violation of human rights by the armed forces, argues YUMNAM RUPACHANDRA

It was waiting to happen – the alleged custodial killing of 32-year-old Thangjam Manorama. The 17th Assam Rifles troops who picked her up from her house at Bamon Kampu Mayai Leikai, seven km east of Imphal, alleged she was a hardened militant who was responsible for several bomb blasts. Family members, however, say she was just a “normal” girl. But whether Manorama was a militant or an innocent is not the issue; what deserves attention is the manner in which she was killed and the extraordinary powers the troops who shot her enjoy.

Manipur observed “Black Day” on Sunday while the rest of India celebrated the country’s 57th year of Independence. The roads said it all – burning tyres, broken glass and road blocks, women protestors in “human chains” and barb wire barricades as chief minister Okram Ibobi saluted the Indian tricolour, of course, within the safe confines of Manipur Rifles ground and surrounded by hundreds of guards. Ironically, the streets were full of colour – the blue and grey of RAF, the khaki of CRPF and BSF and the olive green of Manipur armed police.

Manipur has been living on the edge ever since the bullet-ridden body of Manorama was found on 11 July, abandoned four km away from her house, three hours after she was picked up. Over 700 people have so far been treated at hospitals for injuries sustained due to police crackdown. One person even died of the injuries. Twelve elderly women shocked the world by protesting naked in front of the historic Kangla Fort, the headquarters of 17 AR, while five youths tried to immolate themselves before the chief minister’s bungalow. There seem to be no sign of the violence ending even though the state government on 12 July partially lifted the Armed Forces Special Powers Act, 1958, from the municipal area of Imphal. However, it is clear that most of Manipur has to bear the brunt of the Act which gives “unrestrained powers to the armed forces to kill without accountability.”

Apprehensions that Manorama and hundreds like her would happen were felt way back in 1980 when the entire state came under the purview of the Armed Forces (Assam-Manipur) Special Powers Act. Originating from the colonial Armed Forces Special Powers Act, 1942 – which aimed at suppressing the Quit India movement, this one enacted by free India on 11 September 1958 is even more draconian. While the former restricted the power to order shooting of suspects to officers not below the rank of captain, the latter gives such powers to even a non-commissioned officer (a *havildar*, for example). According to the Act, “Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area if he is of the opinion that it is necessary to do so for maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or firearms, ammunition or explosive substances.”

Admittedly, Manorama when she was arrested and shot was neither carrying arms nor was part of any group acting in contravention to the law. The Assam Rifles in an arrest memo, issued at 3.30 a.m. to her brother, said no weapons were recovered from her. But the same troops in a seizure memo submitted to the Irilbung police station at the same time – 3.30 a.m. – claimed a hand grenade and a radio set was found from



From Sharmila at demonstration in Imphal. She was allowed to leave the hospital for a few days in July 2002.

her. Signatures of the victim on the two documents were also found to be greatly differing. If they are forensically proved to be forged, it will be a clear case of a shoddy attempt to cover up.

But a more draconian face of the Act is the immunity enjoyed by the forces while using – or misusing – it. The Act says that “No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government against any person in respect of anything done or purported to be done in exercise of powers conferred by this Act.”

Two inquiries were set up to look into the matter, one by the Army court of inquiry and the other by the state government. The first found “some lapses” on the part of AR personnel. It did not, however, elaborate what these “lapses” were or who the *jawans* were who committed the same. As for the second, it was left hamstrung after Army witness failed to turn up. Both parties claim non-cooperation.

Manipur is a story of unfinished inquiries. Since 1979, a year ahead of the Act being fully implemented in all of Manipur, an unspecified number of people have either disappeared or been killed. Human rights groups operating in the state have been able to document only some of the saga. The most horrendous of the incidents are the six mass massacres, the last of which took place at Malom. This drove Irom Sharmila, a budding poet, to launch a fast unto death. Since 5 November 2000, Sharmila has been on forced nose feed in a high security ward

in JN Hospital. Ten innocent civilians were herded into a bus stand by AR troops and shot dead at Malom on 2 November 2000 after the latter were attacked by militants. In 1999, 10 persons including state government employees on election duty were killed in a similar manner at Tonsen Lamkhai in Thoubal district, this time by CRPF, after their convoy was attacked by militants. In 1995, nine civilians including a medical student from Arunachal Pradesh were lined up and shot dead at RIMS in Lamphelpat, again in “retaliation”. Five civilians were killed in Tera Bazar on 25 August 1993, again by CRPF, after militants killed two of their personnel in an ambush. In 1987, 15 villagers of Oinam village in Senapati district were killed by AR after militants ambushed them and decamped with arms and ammunition. In 1984, CRPF personnel fired at a group of people watching a game of volley ball in Heirangoithong and killed 13 persons, again “reacting” to militant attacks.

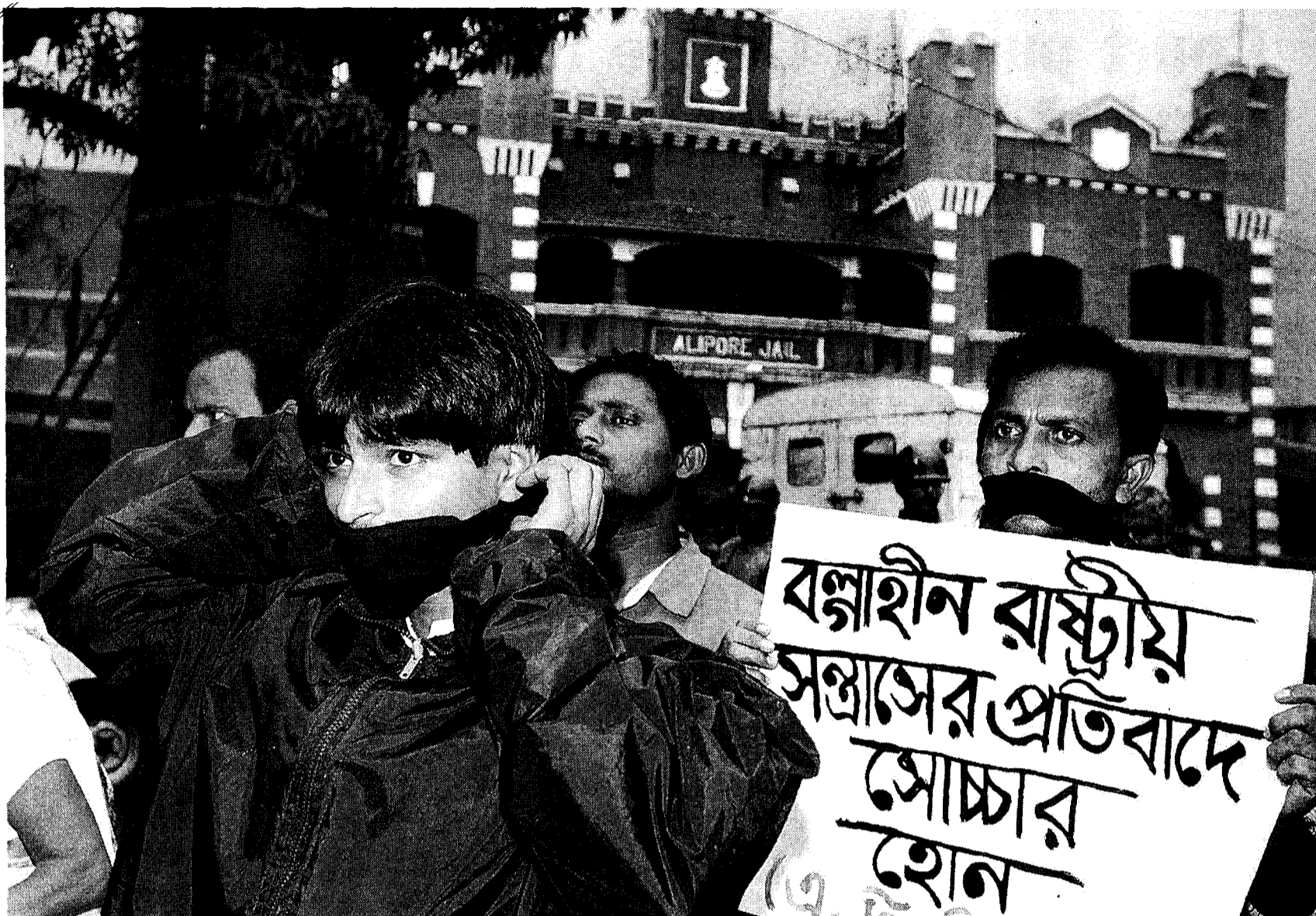
The list is endless. Inquiry recommendations either have no power to punish the guilty or gather dust in officialdom. The inquiry into the death of 15-year-old Nadeibam Sanjita who committed suicide after being allegedly raped by two 12 Grenadier Rifles jawans on 4 October 2003 at Jiribam was conducted by retired justice C Upendra, who is also looking into the Manorama killing. The inquiry was completed and evidence of rape found. But the state government is yet to pick up the file.

The apprehension of misuse of the Act was felt way back in 1980. N Koteswor, an advocate, along with others including Yambem Laba, formed the Manipur Human Rights Forum in New Delhi to move the Supreme Court. On 8 September 1980, entire Manipur was declared disturbed. This was not a sudden development; it began in 1961 with the Act being implemented first in Tamenglong. Next, it was effected on 28 September 1970 in the then Manipur West district. Manipur South district followed with the Act being imposed there on 30 May 1978. Finally, the whole state came under the Act on 8 September 1980.

The Manipur Human Rights Forum moved court on 10 October 1980. The Forum challenged the validity of the Act. The organisation was joined by Naga People’s Movement for Human Rights and People’s Union for Democratic Rights. A petition was filed in the Supreme Court in 1982 and 1983 respectively. But it took the Court 18 years to dispose the case. While the Supreme Court upheld the Act, it also issued a series of dos and don’ts which included issuing an “arrest memo” to the next of kin of the arrestee, mandatory presence of women cops while arresting women suspects and handing over all arrestees to the nearest police station within 24 hours.

Needless to say, these rules are flouted more often than they are followed. Koteswor, who has seen it all from Oinam to Manorama says, “Our fears have come true. It’s time the Supreme Court reviewed this Act. We also need more thorough investigations into all alleged violations to drive home the point.” Human rights defender and Fullbright Fellow Babloo Loitongbam says: “The Act has failed to achieve its objective – of deterring militancy. Militancy if ever has grown stronger since the Act was promulgated. It only adds to the cycle of violence.” Manipur has over 17 armed groups and most of them came into being while the Act has been in force. “The Army’s atrocities have driven more youths to arms than has any other factor,” says Surjit Potsangbam, a concerned citizen.

(The author is the Imphal-based Correspondent of The Statesman.)



Activists of the human rights group, APDR, stage a demonstration in Kolkata on Friday, demanding the commutation of the death sentence awarded to the rape and murder convict, Dhananjoy Chatterjee, and the scrapping of the death sentence as a form of punishment. — PTI

Another plea for Dhananjoy fails ^{Human Rights}

By Our Special Correspondent

KOLKATA, AUG. 13. The stage is set for the execution at 4.30 a.m. tomorrow of Dhananjoy Chatterjee, 42, sentenced to death for the rape and murder of a fourteen-year old girl in Kolkata in March 1990. Security at the Alipore Central Correctional Home, where he is to be hanged, has been strengthened.

A public interest litigation petition for staying the execution of the death sentence was today rejected by a division Bench of the Calcutta High Court comprising the acting Chief Justice, A.N. Ray, and Justice A.K. Mitra. The petitioner

was advocate Sridhar Bagari. Chatterjee is reported to have expressed to his brother the wish that his eyes and kidneys be donated to the Government after his death.

His family members have said that they would not collect the body. In their absence, the jail authorities will arrange for his last rites. Policemen have also been posted outside Chatterjee's home in Kuldihi in Bankura district, an official at Writers' Buildings said.

Krishna Iyer, others appeal to President

By J. Venkatesan

NEW DELHI, AUG. 13. The former

judge of the Supreme Court, V.R. Krishna Iyer, writer Khushwant Singh and eight other prominent personalities have appealed to the President, A.P.J. Abdul Kalam, to stop the execution of Dhananjoy Chatterjee following the dismissal of the petition by the apex court seeking a stay of the execution fixed for tomorrow.

The People's Union for Democratic Rights has urged the National Human Rights Commission to approach the President to stay the execution till he disposed of the petition filed by Justice Krishna Iyer and others.

The signatories include Rajendra Yadav, writer; Mahesh Bhatt, film maker; Sudhir Tai-

lang, cartoonist; Manjula Padmanabhan, writer; Tarun Tejpal, Editor, Tehelka; Prashant Bhushan, advocate; Geeta Chandran, artiste; and Abhijit Sen, economist and Member, Planning Commission.

Global shift

They drew the President's attention to the fact that there had been a general shift worldwide towards total abolition or towards the non-use of death penalty.

They said the International Criminal Court set up in 1998 by 120 countries did not allow itself to hand down death sentence even though it oversees large-scale heinous crimes including rape, murder, crimes

against humanity and genocide. The United Nations Security Council had also disallowed death penalty by the International Criminal Tribunals trying crimes in Rwanda and the former Yugoslavia.

As many as 79 countries had abolished death penalty completely, 15 had abolished for all except wartime crimes and 23 have it in law but not in practice for the last 10 years.

"In the light of the above, we beseech you as the highest constitutional functionary to be generous in the exercise of gentle compassion and commute the sentence of death imposed on Dhananjoy Chatterjee," they said.

Promotion and protection of human rights - I

At the very commencement may I express my sincere thanks to the members of the Sub-Commission for the honour bestowed upon me to chair this session. May I also thank them for their kind words and the generous sentiments they have expressed upon my nomination as chairperson.

The Sub-Commissions' role and activities have vastly expanded in recent years. Its area of concerns has widened substantially. The Sub-Commission at its 55th session adopted 30 resolutions and 17 decisions. Some of the resolutions dealt with subjects like (a) Promotion of the realisation of the right to drinking water and sanitation; (b) Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights; (c) Responsibilities of transnational corporations and other business enterprises with regard to human rights; (d) Prohibition of forced evictions; (e) The rights of non-citizens; (f) Discrimination based on work and descent; (g) Human rights implications, particularly for indigenous people, of disappearance of States for environmental reasons; (h) Human rights and bio-ethics; (i) Terrorism, counter terrorism and human rights; (j) Systematic rape, sexual slavery and slavery-like practices; (k) The universal implementation of international human rights treaties; and (l) Harmful traditional practices affecting the health of women and the girl child.

Economic, social and cultural rights have increasingly and rightly engaged the attention of the Sub-Commission. Several resolutions were passed under Agenda Item 4: Economic, social and cultural rights. The Social Forum which is an initiative of the Sub-Commission addresses themes which are extremely important and wide ranging and include (a) The interaction between civil, political, economic, social and cultural rights; (b) The relationship between poverty,

extreme poverty and human rights in a globalised world; (c) Analysis of the impact of international trade, finance and economic policies on vulnerable groups, especially minorities, indigenous peoples, migrants, refugees and internally displaced persons, women, children, older persons, people living HIV/AIDS, people with disabilities and other social sectors affected by such measures; (d) The impact of public and private, multilateral and bilateral international development cooperation on the realisation of economic, social and cultural rights.

It is well said that the claim to civilisation of a country upon its treatment of the minorities. Minority issues are of deep concern to the Sub-Commission. The Working Group of Minorities under the leadership of its previous chairperson Asbjørn Eide has done commendable work. The commentary on the UN Declaration on Minorities is an invaluable contribution to ju-

The greatest threat to human rights is from indiscriminate and mindless terrorism and from measures adopted purportedly to counter terrorism which in some cases are in total violation of international human rights standards and the basic principle of the Rule of Law

risprudence in this field.

The other working groups are on slavery, indigenous populations and communications. The working groups under the leadership of their chairpersons have made studies and submitted reports, marked by erudition and understanding of the problems and plight of the affected persons.

There can be no rigid hierarchy of human rights. Perceptions may differ about the priorities to be accorded to human rights violations. To my mind at present the greatest threat to human rights is from indiscriminate and mindless terrorism as also from mea-

Opening statement by SOLI J SORABJEE, Chairperson of the 56th session of the UN Sub-Commission on Promotion and Protection of Human Rights

asures adopted purportedly to counter terrorism which in some cases are in total violation of international human rights standards and the basic principle of the Rule of Law. Beheading of innocent hostages is indeed barbaric but how does one describe the fragrant and shameful abuse of the human rights of the detainees in Iraq? The Sub-Commission may well devote its time and energy in making concrete and realistic recommendations to prevent recurrence of such horrific incidents.

Another menace which needs to be eliminated is the virus of intolerance. This stems from an invincible assumption

of the wisdom and infallibility of one's beliefs and policies and the mind set which regards any questioning of these cherished beliefs as pernicious and subversive. Any criticism of the government or opposition to its policies is treated as disloyalty and even as treason. Freedom to dissent and freedom for the thought we hate is an indispensable requirement of democracy. Punishing dissenters for their non-conformist opinion is a serious violation of freedom of speech and expression so essential for the progress of humanity. We must stamp out this intellectual terrorism lest we slide into

the Dark Ages and revive the spirit of the inquisition.

The cancer of corruption is spreading unchecked. The effect of corruption on the social and economic rights of the people, especially in the developing world, has been highlighted in Resolution 2003/2 adopted by the Sub-Commission at its last session. What is imperative is to devise effective mechanisms in coordination with other agencies to stamp out this menace. Legal provisions are necessary but in addition what is necessary is galvanising public opinion and making people realise that corrupt officials are in reality human rights violators and should be regarded and treated as such. The role of value-based education is very important in this respect.

Violations of human rights also take place as a result of the activities of transnational corporations and business enterprises. These violations are not vivid and visible but they are real and all pervasive. Resolution 2003/16 dealing with responsibilities of transnational corporations and other business enterprises with regard to human rights was a much needed step in the right direction and it is my hope that the momentum generated will be maintained.

My purpose in mentioning some of the resolutions and deci-

sions of the Sub-Commission was to point out the constructive work done by the Sub-Commission and to remove the impression that the Sub-Commission is a mere talking shop. True, we cannot by waving a magic wand solve all the problems stemming from human rights violations. We are conscious of the limitations imposed by our mandate. Yet, working within these limitations, we can provide relief by encouraging and assisting a constructive dialogue between the NGOs and officials of international institutions and government representatives. For that purpose it is essential to keep in mind the need to attentively listen to the woes and grievances of the most vul-

nerable groups and their representatives and to ensure meaningful and effective participation because that will make the dialogue meaningful and fruitful. Dialogue is facilitated when allegations which are made and the replies thereto are supported by unimpeachable documents and are made in temperate language avoiding acrimony. Liberal use of adjective and lung power generate heat and do not shed light on the issues under consideration and are not conducive to providing relief to the victims.

To be concluded.

(The author is former Attorney General of India.)

MONEY, BUT JUSTICE?

5x5 The shame of Bhopal 257

THE Rs 1503 crore the Supreme Court (coram, Patil, Srikrishna, JJ) have ordered be disbursed among Bhopal gas tragedy victims was lying for years in the accounts managed by the Welfare Commissioner appointed under the post-disaster Act. The tragedy took place in 1985. Union Carbide paid a somewhat insufficient compensation of \$470 million in 1989. Around 5.5 lakh claims were processed initially and around Rs 1,500 crore was disbursed. From then till March 2002, when some persistent volunteers identified with Bhopal gas victims, obtained the records of accounts managed by the Welfare Commissioner, the rest of Union Carbide's compensation was simply inactive, or rather growing as RBI invested the money, but it did not go to victims. Two years of litigation has prized it out for those entitled to it. But the point is not that. The point is why the administration needed a Supreme Court directive to part with the money. Why weren't victims informed of the balance due? Why was the money forgotten for a decade? That such vital questions remain to be answered is truly shocking. But notice no one, beginning with the bureaucrat who held the post of Welfare Commissioner in the Bhopal case, has been pulled up or apologised. No one will be called to account either. This is how the Indian system works — callousness towards the most unfortunate of victims and enormous forgiveness towards those who are so callous. We should therefore be enormously thankful that some areas of civil society — the higher judiciary and volunteer organisations — still work. They mitigate somewhat general administrative brutishness. All tragedies, though, do not grab headlines like Bhopal's. So at any point of time there are Indians, usually poor and ignorant of their rights, punished for being victims. For the tragedy itself, some may regard the payout of the last paisa from the compensation fund as closure. But that isn't the case. For one, Union Carbide got away with murder by negligence — it paid a pittance of what it would have had to pay had a fraction of the tragedy occurred in the West, no senior company officials were criminally prosecuted and punished, the extradition of Warren Anderson, the then Carbide chief, became a farce and the Indian establishment, despite this country being a functioning democracy, behaved like a banana republic with the multinational. For that reason, Bhopal will always remain a blot on India. For that same reason, we can never be sure another Bhopal will not happen.

JUDICIAL REMEDIES

A New Wind Behind Human Rights Law

By JONATHAN POWER

Just when the cause of human rights seemed becalmed, a new wind has blown up. The Guantanamo case before the US Supreme Court was but one sign. All manner of influences are driving US law to practise what political leaders have preached against — the globalisation of US human rights law.

The Guantanamo case was the easy one. The Administration did not have that much of a leg to stand on. But in another more difficult decision decided the next day, the Supreme Court protected the right of foreigners under the Alien Tort Claims Act to sue in US courts over serious human rights offences committed outside the USA.

UN resolution

Also in the same week, America was forced into an important compromise over the reach of the International Criminal Court, established by statute in 1998 to try those accused of grave war crimes or crimes against humanity when the domestic courts of the accused refuse to act. Despite the latter provision, the US has bitterly fought against the reach of the Court, cajoling and threatening many countries into promising to exempt the USA. But Washington felt compelled last month to withdraw a UN resolution that would have given its troops working in Iraq, Afghanistan and other UN approved peace-keeping operations immunity from possible prosecution.

But all these developments have been creeping up on the Administration, even as it insisted it had taken the high ground against them. Back in 1994, the US Congress passed a law that enabled the Department of Justice to prosecute people who

The author is a well-known writer on contemporary affairs

committed torture anywhere in the world, so long as they were physically living in the USA. According to Amnesty International, there are at least a thousand human rights abusers who have fled to the USA be-

ing the door to more cases brought under the Alien Tort statute. Moreover, we are much less likely to see a repeat of the case when one of Peru's most notorious suspected torturers was freed, after the Department of



lieving they can be lost in the crowd. However, until July 2002 the Department of Justice never successfully prosecuted any of these human rights abusers and then, when it finally did it, did so on the less direct grounds of perjury. The accused, Eriberto Mederos, was convicted of having lied on his citizenship application when he was asked if he had ever participated in the persecution of any person. The jury found that he had administered electro-shock therapy to political opponents of the Castro regime in Cuba.

Diplomatic immunity

The ruling of the Supreme Court will have the effect of giving this rather lethargic legislation an extra push besides open-

ing the door to more cases brought under the Alien Tort statute. Justice decided to prosecute him, when the State Department intervened claiming he had diplomatic immunity.

In recent years, the San Francisco-based Center for Justice and Accountability has had some success in bringing to justice several human rights perpetrators resident in the USA, ranging from a former Bosnian Serb soldier who tortured non-Serbs in detention camps to two retired Salvadoran generals who commanded forces that committed widespread torture. From now on, the Center's director, Sandra Coliver, argues it will be easier to bring more cases to the courts and judges will have little reason to refuse to hear them.

The rulings of Britain's highest court, the House of Lords, are

often perused in landmark cases by the justices of the Supreme Court. One of the most recent was the decision in 1999 to lift the sovereign immunity of General Augusto Pinochet who was wanted for trial in Spain on charges of torture. The law lords decided that since the Thatcher government of the UK had ratified the UN Convention Against Torture (as did the Reagan Administration) there were grounds for lifting a former head of state's traditional immunity. Since then there has been a great deal of legal discussion in the US whether the Supreme Court would make a similar ruling in a similar case and the feeling is it might well. Not unconnectedly, there has been a noticeable drop in human rights abusers, who have held high office in government or the military, visiting both Europe and the US. Since they have often been wealthy enough to seek medical treatment and own property in the West, this is a sacrifice.

War crimes

What will be interesting to watch is if, given the legal wind blowing behind them, some of the activist human rights groups in the USA decide that the Administration has not been thorough enough in its prosecution of alleged US war crimes in Iraq and find a way to bring a case against high military and civilian officials, and how the Supreme Court will eventually rule on that.

Henry Kissinger recently wrote in a disparaging, even despairing, tone in *Foreign Affairs* of how "an unprecedented movement has emerged to submit international politics to judicial procedures [and] has spread with extraordinary speed". Now, praise the politicians, it appears to have arrived in the US too.

Red Cross fears US is hiding more detainees

RC-13 NA/7

Associated Press
Geneva, July 13

THE INTERNATIONAL Red Cross said on Tuesday it fears US officials are holding terror suspects secretly in locations across the world. The Geneva Conventions on the conduct of warfare require the US to give the Red Cross access to prisoners of war and other detainees.

Under the Geneva Conventions on the conduct of warfare the United States is obliged to give the neutral, Swiss-run ICRC access to prisoners of war and other detainees to check on their conditions and allow them to send messages to their families.

"We have access to people detained by the US in Guantanamo Bay, Afghanistan and Iraq, but, in our understanding, there are people detained outside these places for which we haven't received notification or access," said Antonella Notari, a spokeswoman for the International Committee of the Red Cross.

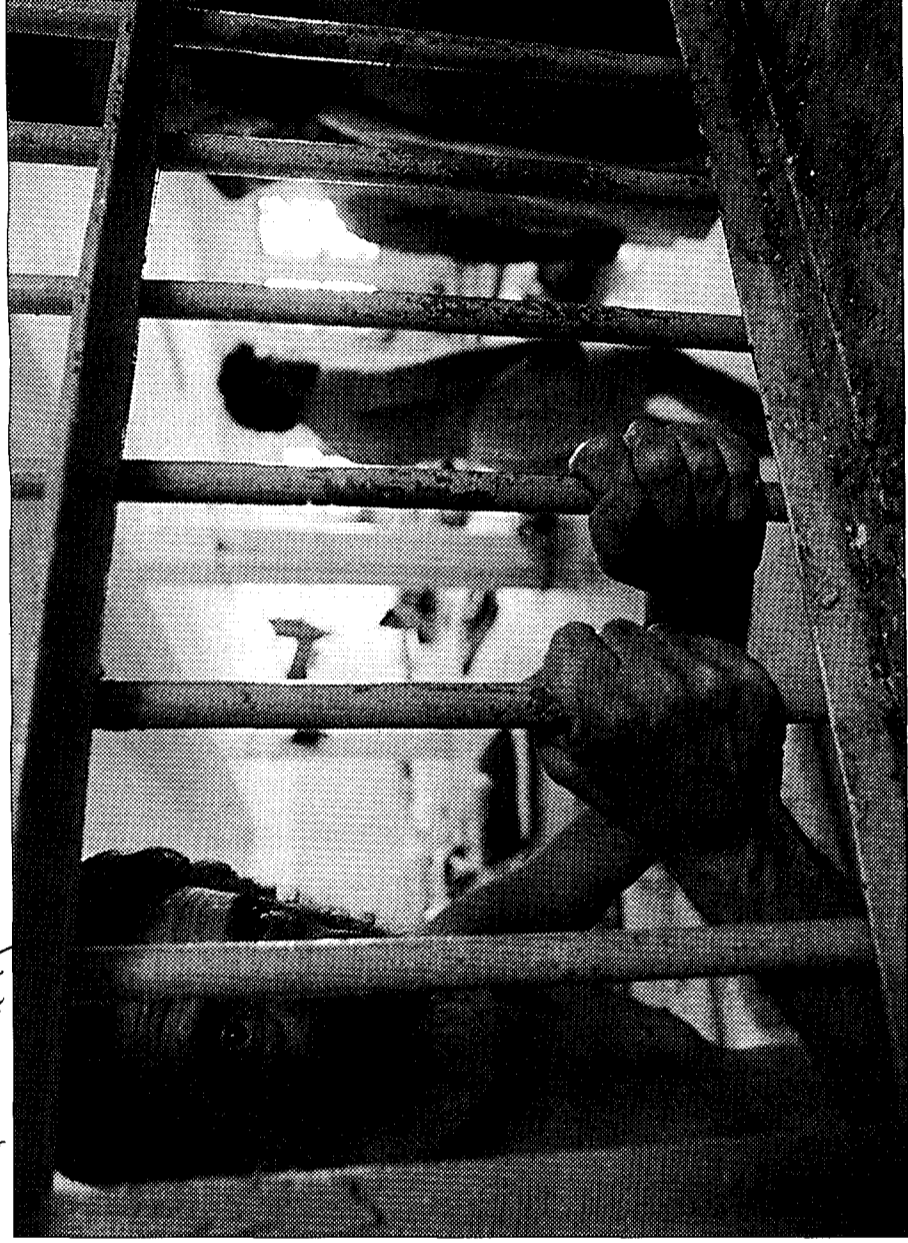
Terror suspects reported by the FBI as captured have never turned up in detention centers, and the United States has failed to reply to demands to provide a list of everyone it's holding, said Notari. "These people are, as far as we can tell, detained in locations that are undisclosed not only to us but also to the rest of the

world", she said.

It is unclear whether terror suspects would be covered by the Geneva Conventions, but Notari said that "for humanitarian reasons" the ICRC should be told about all detainees. ICRC President Jakob Kellenberger made the request in January on a visit to Washington during which he met with Secretary of State Colin Powell, Deputy Defence Secretary Paul Wolfowitz and National Security Adviser Condoleezza Rice.

The US says it is cooperating with the organisation and has allowed Red Cross delegates access to thousands of prisoners, including former Iraqi President Saddam Hussein. But Notari said some suspects reported as arrested by the FBI on its website, or identified in media reports, are unaccounted for.

"Some of these people who've been reported arrested never showed up in any of the places of detention run by the US where we visit", Notari said. She said she had read media reports that some people were being held at Diego Garcia, a British-held island in the Indian Ocean used as a strategic military base by the US, but the ICRC had not been notified of any prisoners there. "We simply have absolutely no confirmation of this in any formal way", she said. The US government has



AP
HOW MANY MORE BEHIND BARS? An Iraqi inmate grasps the bars of his cell at Abu Ghraib on Tuesday.

not officially responded to a Red Cross demand for notification of all detainees, including those held in undisclosed locations, she said. That request was made by

ICRC president Jakob Kellenberger in January during a visit to Washington that featured meetings with Secretary of State Colin Powell, Deputy Defence Sec-

retary Paul Wolfowitz and National Security Adviser Condoleezza Rice. "So far, we haven't had a satisfactory reply", Notari said. An Army report on the

abuses at Baghdad's Abu Ghraib prison found the military police there "routinely held persons brought to them by other government agencies without ac-

'US, Israel behind abduction wave'

IRANIAN SUPREME leader Ayatollah Ali Khamenei has said he suspects US and Israeli "agents" have been behind a wave of kidnappings and beheadings in Iraq, the official news agency IrNA reported on Tuesday. At a meeting with visiting Singaporean Prime Minister Goh Chok Tong, Khamenei lashed out at the West's fight against terrorism and said that, as a result, he preferred to see the Islamic republic do business with Asian countries. "We seriously suspect the agents of the Americans and Israelis are conducting such horrendous terrorist moves", Khamenei alleged, reasoning that he "cannot believe the people who kidnap Filipino nationals, for instance, or behead US nationals are Muslims".

AFP, Tehran

Red Cross delegation, the report by Maj.-Gen. Antonio Taguba said. He described the actions as "deceptive, contrary to army doctrine, and in violation of international law".

In an interview in Tuesday's edition of the German business daily, *Handelsblatt*, Kellenberger defended the Red Cross policy of refusing to comment publicly on the conditions that it finds in places of detention, preferring to negotiate directly with the authorities. The international Red Cross came under criticism for not speaking out about the abuse at Abu Ghraib until it was revealed in the media.

"Certain people had the impression our repeated, confidential approaches to the US authorities were falling flat", Kellenberger said. "But impressions can be wrong. When we visited Abu Ghraib in January 2004, we found improvements compared with October 2003, and when we visited in March it was better than in January".

The ICRC has, however, spoken out on its concerns over the continued detention without trial of prisoners at Guantanamo Naval Base in Cuba. "I made it clear in January we weren't happy with the improvements", Kellenberger said. "The most recent visit has just finished. We must now study the findings".

counting for them, knowing their identities, or even the reason for their detention".

On at least one occasion, they moved these "ghost detainees" around the prison to hide them from a visiting

আমলাশোলের তদন্তে মানবাধিকার কমিশন

স্টাফ রিপোর্টার, নয়াদিল্লি, ৫ জুলাই: আমলাশোলে অনাহারে মৃত্যুর ঘটনার তদন্তে নামল জাতীয় মানবাধিকার কমিশনও। পশ্চিম মেদিনীপুরের গ্রামে অনাহার ও অপুষ্টিতে পাঁচ ব্যক্তির মৃত্যু কেন হল এবং এই পরিস্থিতির মোকাবিলায় কী ব্যবস্থা নেওয়া হয়েছে, তা জানতে রাজ্য সরকারের কাছে রিপোর্ট চেয়েছে কমিশন। রাজ্যের মুখ্যসচিবের কাছে এই সংক্রান্ত একটি চিঠি পাঠানো হয়েছে। জবাব দেওয়ার জন্য রাজ্য সরকার দু'সপ্তাহ সময় পাচ্ছে। পরে প্রয়োজনে দিল্লি থেকে তদন্তকারী দল পাঠাতে পারে কমিশন।

পশ্চিমবঙ্গের মুখ্যসচিব অশোক গুপ্ত অবশ্য আজ কলকাতায় জানিয়েছেন, সন্ধ্যে পর্যন্ত জাতীয় মানবাধিকার কমিশনের কাছে থেকে কোনও চিঠি তাঁরা পাননি। জাতীয় মানবাধিকার কমিশন আমলাশোল নিয়ে তদন্তে নামলেও রাজ্য-স্তরে কোনও তদন্তের কথা এখনও শোনা যায়নি।

আমলাশোলে গত তিন মাসে অনাহার ও অপুষ্টিতে পাঁচ জন মারা যান। রাজ্য

প্রশাসন প্রথমে অনাহারে মৃত্যুর কথা স্বীকার করতে চায়নি। কিন্তু সংবাদপত্রে এই খবর জেনে মানবাধিকার কমিশন তদন্ত শুরু করেছে। রাজ্য সরকারের রিপোর্ট আসার আগে এই নিয়ে বিশদে মুখ খুলছেন না কমিশনের শীর্ষমহল। কিন্তু কমিশনের একটি সূত্রে বলা হয়েছে, “সংবাদমাধ্যমে প্রকাশিত খবরে আমরা যা জেনেছি, তা যদি সত্যি হয়, তবে পশ্চিমবঙ্গের অবস্থা সত্যিই খুব খারাপ।”

এর আগে অল ইন্ডিয়া লিগাল এড ফোরাম কলকাতা হাইকোর্টের অবসরপ্রাপ্ত বিচারপতি সুধেন্দুনাথ মল্লিকের নেতৃত্বে পাঁচ সদস্যের প্রতিনিধিদল পাঠিয়েছিল আমলাশোলে। তাঁরা পরিস্থিতির বিস্তারিত রিপোর্টও তৈরি করেন। ফোরামের তরফে জানানো হয়েছিল, তাঁরা সরাসরি এই নিয়ে জনস্বার্থ মামলা দায়ের করবেন।

প্রথমে স্থানীয় প্রশাসন, তারপর রাজ্য সি পি এমের তরফেও আমলাশোলের ঘটনা চেপে যাওয়ার আশ্রয় চেষ্টা করা হয়েছিল। স্থানীয় প্রশাসকেরা বা মন্ত্রীর

বক্তব্য ছিল, আমলাশোলে অনাহার-মৃত্যুর ঘটনা হতে পারে না। পরে অবশ্য খোদ মুখ্যমন্ত্রী বুদ্ধদেব ভট্টাচার্য নিজেই বলেন, আমলাশোলে অনাহার-মৃত্যুর পরিস্থিতি রয়েছে। অনাহার-মৃত্যুর খবর প্রথম প্রকাশিত হওয়ার পরই ৩০ জন ডাক্তারের দল নিয়ে স্থানীয় প্রশাসন হাজির হয়েছিল ওই গ্রামে। কিন্তু জাতীয় মানবাধিকার কমিশনের একটি সূত্রে প্রকাশ উঠেছে, দীর্ঘদিন ধরে ওখানে অনাহারে মৃত্যুর পরিস্থিতি তৈরি হয়েছিল বলে খবর। তা হলে, মৃত্যুর আগে কেন সরকার প্রয়োজনীয় ব্যবস্থা নেয়নি? রাজ্য সরকার এই সব প্রশ্নের উত্তর কী পাঠায়, তার জন্য এখন অপেক্ষা করছে কমিশন।

খাদ্য-প্রকল্প চালু। কলকাতা থাকা স্টাফ রিপোর্টার জানাচ্ছেন, রাজ্য সরকার বিশেষ ব্যবস্থা হিসাবে আমলাশোলে গরিব মানুষকে খাদ্য দেওয়ার প্রকল্প লাগাতার চালু রাখবে। সোমবার রাজ্য বিধানসভায় অর্থমন্ত্রী অসীম দাশগুপ্ত এই ঘোষণা করেন। তিনি জানান, বনের প্রান্তবাসী ওই

সব মানুষের জঙ্গলে ঢুকে সম্পদ আহরণে কোনও বাধা নেই। রাজ্য সরকার এ ক্ষেত্রে ফেডেদের অনুপ্রবেশের বিরোধী। ওই অঞ্চলে যেটুকু কৃষিজমি রয়েছে, সেখানে ফসল বাড়াতে রাজ্য সরকার সেচের ব্যবস্থা করার পরিকল্পনা করছে। কোথাও কুয়ো খুঁড়ে, কোথাও জোড়বাঁধ দিয়ে সেচের ব্যবস্থা হবে।

অসীমবাবু জানান, শুধু আমলাশোল নয়, পশ্চিম মেদিনীপুর, বাঁকুড়া, পুরুলিয়ার যে সব ব্লকে সমস্যা রয়েছে, রাজ্য সরকার ইতিমধ্যেই তাদের চিহ্নিত করেছে। আমলাশোল নিয়ে জেলা প্রশাসন ইতিমধ্যেই রিপোর্ট পাঠিয়েছে। রিপোর্টে ৬৩টি পরিবারের উল্লেখ করা হয়েছে। তাদের মধ্যে ৪৩টি পরিবারের কিছু জমি রয়েছে, ২০টি পরিবারের নেই। পশ্চিমাঞ্চল ছাড়াও উত্তরবঙ্গ এবং সুন্দরবন এলাকাতেও রাজ্য সরকার বিভিন্ন উন্নয়নমূলক প্রকল্প চালাবে বলে অর্থমন্ত্রী জানান। এর জন্য প্রয়োজনীয় আর্থিক বরাদ্দও থাকবে।

6 JUL 2004

ANAD+BAZAR PATRIKA

ধনঞ্জয়ের মনঃসমীক্ষা চেয়ে সুপ্রিম কোর্টে যাচ্ছেন আইনজীবীরা

স্টাফ রিপোর্টার: তার ফাঁসি নিয়ে জেলের বাইরে বিভিন্ন মহলে যতই চাপান-উতোর চলুক না কেন, আলিপুর সেন্ট্রাল জেলের ৩ নম্বর কনডেমড সেলের ১০ বছরের বাসিন্দা ধনঞ্জয় চট্টোপাধ্যায়ের কিন্তু কোনও হেলদোল নেই।

এমনিভেই অন্যদের সঙ্গে কথা কম বলত সে। গত ছ'মাসে তা আরও কমিয়ে দিয়েছিল। কমিয়ে দিয়েছিল খাওয়াদাওয়াও। ২৫ জুনের তিন দিন আগে সে খাওয়াদাওয়া একেবারেই বন্ধ করে দেয়। দাড়িও রেখেছিল। কারও সঙ্গেই দেখা করতে চায়নি। শেষ মুহূর্তে ফাঁসি স্থগিত হয়ে যাওয়ার পরে ২৫ জুন সকালে দাড়ি কেটে ফেলে ধনঞ্জয়। স্বাভাবিক ভাবে খাওয়াদাওয়াও শুরু করে। এ ছাড়া খুব একটা পরিবর্তন হয়নি তার।

রবিবার কারামন্ত্রী বিশ্বনাথ চৌধুরী আলিপুর সেন্ট্রাল জেলে গিয়েছিলেন। ধনঞ্জয়ের সেলেও যান তিনি। সে তখন এক কোণে বসে ছিল। জেলের সুপার তাকে বলেন, 'আমাদের মন্ত্রী এসেছেন।' উঠে দাঁড়ায় ফাঁসির আসামি। হাত জোড় করে মন্ত্রীকে নমস্কারও করে। তবে মন্ত্রীকে সামনে পেয়ে ফাঁসি নিয়ে একটা কথাও বলেনি ধনঞ্জয়। বিশ্বনাথবাবু বলেন, "আমি ওর সঙ্গে কোনও কথা বলিনি। শুধু সেলে ও কেমন অবস্থায় আছে, তা দেখতে গিয়েছিলাম।" রাষ্ট্রপতির অনুমোদন পেলে ওই আলিপুর সেন্ট্রাল জেলেই ফাঁসি হবে ধনঞ্জয়ের। স্কলছাত্রী হেতাল পারেখকে খুনের দায়ে ২৫ জুন ফাঁসি হওয়ার কথা ছিল ধনঞ্জয়ের। শেষ মুহূর্তে সুপ্রিম কোর্ট ও রাষ্ট্রপতির হস্তক্ষেপে আটকে গিয়েছিল তা। সুপ্রিম কোর্ট ও কেন্দ্রীয় স্বরাষ্ট্র মন্ত্রক উভয়েই চূড়ান্ত সিদ্ধান্তের ভার ছেড়ে দিয়েছে রাষ্ট্রপতির উপরে। কিন্তু ধনঞ্জয়ের ফাঁসি হওয়া উচিত কি না, সেই বিষয়ে বিতর্ক থেমে নেই।

বিষয়টি নিয়ে দু'টি ভাগ পরিষ্কার। এক দল চায়, ফাঁসির সিদ্ধান্ত অবিলম্বে কার্যকর করা হোক। অন্য দল চায়, ফাঁসির দরকার নেই। দু'পক্ষই নিজেদের মত জানিয়েছে সর্বোচ্চ মহলে। যেমন হেতাল যে-স্কুলে পড়ত, সেই ওয়েল্যান্ড অ্যান্ড গোল্ডস্মিথ স্কুলের ছাত্রীরা শনিবার রাষ্ট্রপতির কাছে একটি বার্তা পাঠিয়ে জানিয়ে দিয়েছে, "আমরা চাই ধনঞ্জয়ের ফাঁসি। তিনি যে-অপরাধ করেছেন, তার জন্য ওটাই একমাত্র শাস্তি। আপনি ওঁকে ক্ষমা করবেন না।" পাশাপাশি ধনঞ্জয়ের মানসিক অবস্থা কী, তা দেখতে একটি মেডিক্যাল টিম গঠন করার জন্য কলকাতার এক দল আইনজীবী সুপ্রিম কোর্টের শরণাপন্ন হওয়ার সিদ্ধান্ত নিয়েছেন। ওই দলে আছেন প্রায় ২০ জন আইনজীবী।

ওই সব আইনজীবীর যুক্তি, ১৯৯৪ সালের ২৬ ফেব্রুয়ারি ধনঞ্জয়ের ফাঁসি স্থগিত করার নির্দেশ দিয়েছিল আদালত। কিন্তু সেই নির্দেশের বিরুদ্ধে আপিল করতে ন'বছর লাগিয়ে দিয়েছিল রাজ্য সরকার। সেই টালবাহানার ফলে ধনঞ্জয়কে ১০ বছর জেলের কনডেমড সেল অর্থাৎ চার ফুট বাই ছ'ফুটের একটি ঘরে বন্দি অবস্থায় কাটাতে হচ্ছে। এর ফলে ওই বন্দির মনের উপরে প্রচণ্ড চাপ পড়ছে। এতে মানসিক স্থিরতা নষ্ট হয়ে যাওয়ার কথা। ধনঞ্জয়ের মানসিক অবস্থা কেমন, তা খতিয়ে দেখা দরকার। তাই আইনজীবীরা অবিলম্বে একটি মেডিক্যাল বোর্ড গড়া প্রয়োজন বলে সুপ্রিম কোর্টের আর্জি জানাবেন। সুপ্রিম কোর্ট গত সপ্তাহেই ফাঁসি সংক্রান্ত মামলাটি রাষ্ট্রপতির বিবেচনার জন্য ছেড়ে দিয়েছে। তার পরেও হাল ছাড়েনি কলকাতার ওই আইনজীবীরা। তাঁদের এই প্রক্রিয়ায় সামিল হয়েছেন অ্যামনেস্টি ইন্টারন্যাশনালের আইনজীবীরাও। এক বার ছেড়ে দেওয়া মামলা সুপ্রিম কোর্ট ফের সুনানির জন্য গ্রহণ করে কি না, সেই দিকে তাকিয়ে আছে রাজ্যের স্বরাষ্ট্র দফতরও। সুপ্রিম কোর্টে আর্জি জানানোর পাশাপাশি মানসিক ভারসাম্য হারানো কোনও বন্দি কে ফাঁসি দেওয়া চলে কি না, সেই বিষয়েও জনমত গঠনে উদ্যোগী হয়েছেন ওই আইনজীবীরা।

5 JUL 2004

ANADAR... ..

Handwritten note at the top right of the page.

Home favours death for Dhananjay

Statesman News Service

NEW DELHI, July 2. — The home ministry today recommended rejection of the mercy petition filed by Dhananjay Chatterjee, sentenced to death for the rape and murder of a Kolkata schoolgirl.

Rashtrapati Bhavan, however, had not received the home ministry report till late this evening. A senior home ministry official said it could be in the process of reaching Rashtrapati Bhavan, after which the

President would decide on the fate of Dhananjay in a day or two. In its report to Dr APJ Abdul Kalam, the ministry observed that under the circumstances, the plea may be rejected. The family members of Dhananjay Chatterjee had moved the petition to the President seeking clemency. Rashtrapati Bhavan in turn moved the mercy petition to the home ministry seeking its comments. After much deliberation, the ministry recommended rejection of the plea.

This is the second time Dhananjay is seeking clemency from the

President. His first plea was rejected on 23 June 1994. He was sentenced to death by a Calcutta Sessions Court on 12 August 1991. The order was later confirmed by Calcutta High Court. The Supreme Court also upheld the conviction and sentence in January 1994. The Supreme Court had earlier this month declined to entertain Chatterjee's plea against the West Bengal Governor's order rejecting his mercy petition on the ground that the President "is seized of the matter under Article 72 of Constitution".

THE STATESMAN

3 JUL 1994

Hang on, India still makes noose news

By Chirdeep S Bagga
& Samiran Chakraverti
TIMES INSIGHT GROUP

New Delhi: Well over half the countries in the world have either abolished the death penalty or stopped using it in practice. India doesn't rank among those which have scrapped the death penalty, but the Dhananjay Chatterjee sentence has sparked a debate on capital punishment. The last execution took place in India in West Bengal in August 1991 when Sukumar Burman and Kartik Seal were executed for murdering four members of a family.

There have been death sentences since then, including in the Rajiv Gandhi assassination case, but none of them has been carried out.

Global opinion has been clearly moving against capital punishment. Eighty countries have abolished the death penalty for all crimes, while 15 have retained it

for use only in crimes of an exceptional nature such as wartime abuses. Then there are 23 countries that have retained the death penalty in law, but have not actually used it in the last decade or more.

They are believed to have a policy or established practice of not carrying out executions. This makes a total of 118 countries that have abolished the death penalty in law or in practice.

On the other hand, 78 countries retain and use the death penalty, but the number of those which actually execute prisoners in any one year is much smaller. During 2003, for instance, 1,146 people were executed in 28 countries. These are official figures but the real figures, according

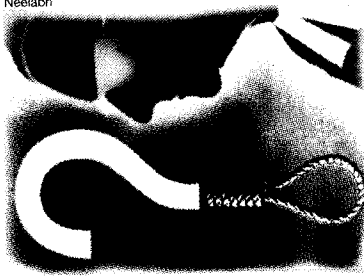
to Amnesty International, are almost certainly likely to be higher. In 2003, 84% of all known executions took place in China, Iran, the US and Vietnam, suggesting that neither ideology nor the religious profile of a country determines its attitude towards capital punishment. The highest per capita use of the death penalty is Singapore, with a population of about 4 million and an average of about 70 executions per year, mostly for drug offences.

Since 1985, more than 50 countries have abolished the death penalty in law or, having previously abolished it for ordinary crimes, have gone on to abolish it for all crimes. During the same period only four abolitionist countries reintroduced the death

penalty. One of them—Nepal—has since abolished the death penalty again, while the Philippines resumed executions but has since suspended them. There have been no executions in the other two (Gambia and Papua New Guinea).

The US is an interesting departure from this global trend. In 1972, the US supreme court ruled the death penalty unconstitutional, but a 1976 ruling by the supreme court overturned the earlier position, giving states the freedom to bring back capital punishment. Today, 38 of 50 states in the US have capital statutes.

Texas alone accounted for 24 out of a total of 65 executions in the US in 2003. Incidentally, during his tenure as Governor of Texas, George Bush oversaw as many as 152 executions. The US also has the dubious distinction of having executed 19 people under the age of 18 since 1990, more than any other country.



Neelabh

3 JUL 2004

110-13
112

ISRAEL / 'HUMAN RIGHTS VIOLATION'

Court orders barrier shift

JERUSALEM, JUNE 30. In a precedent-setting decision, Israel's Supreme Court ordered the Government on Wednesday to change a large section of its West Bank barrier, saying the route violates the basic human rights of the local Palestinian population.

The court said the changes must be made, even at the risk of reducing Israeli security. Israel said it would honour the ruling.

In the Gaza Strip, Israeli troops encircled the northern town of Beit Hanoun, tearing up roads in an ongoing offensive aimed at halting Palestinian rocket attacks.

A Palestinian teenager was killed, Palestinian sources said.

The court decision — the first major ruling on the barrier — is expected to affect other sections of the contentious separation barrier.

It signalled the court would reject other parts of the barrier

that separate Palestinians from their lands, cut villages off from each other or prevent people from reaching population centres.

"Only a separation route based on the path of law will lead the State to the security so yearned for," the court said in its ruling.

"The route ... injures the local inhabitants in a severe and acute way while violating their rights under humanitarian and international law," it said.

Israel says the barrier is needed to prevent suicide bombers and other attackers from reaching Israeli towns and cities. But the complex of fences, concrete walls, trenches and razor wire has severely disrupted the lives of thousands of Palestinians by separating them from jobs, schools and farmland.

About a quarter of the 680 km. barrier, which dips deep into the West Bank in some sec-

tions, has been completed.

Israel's Defence Ministry, which is responsible for overseeing construction of the barrier, said it would reroute the disputed sections of the barrier "based on the principles set by the Supreme Court, namely the proper balance between security and humanitarian considerations".

Wednesday's case focused on a 40-km stretch of the barrier northwest of Jerusalem, where 35,000 persons live in eight villages.

The fence would separate the villagers from 7,500 acres, most of it cultivated, including tens of thousands of olive trees, fruit trees and other crops.

"To have the Chief Justice of the Supreme Court say you can't put the Palestinians in prison ... in the name of the security of Israel, that is really important. That is the least I can say," said Mohammed Dahla, a lawyer for the petitioners. — AP

THE HINER

10 2004

Death comes as the end

AS Dhananjay Chatterjee waits in his solitary cell with the sword of Damocles dangling above his head, a close look at the institution of death penalty would perhaps be in the fitness of things.

Capital punishment is a form of punishment imposed on an offender as a measure of social policy by the governing authority of a community. Many developed countries have done away with it. Among them are Portugal (1867), The Netherlands (1870), Sweden (1921), Switzerland (1942), Italy (1944), West Germany (1949), New Zealand (1961) and Great Britain (1969.) The US Supreme Court pronounced a moratorium on executions in 1967. On 11 December 1977, the International Conference on the Abolition of Death Penalty convened by Amnesty International drew to a conclusion by unanimously adopting the Stockholm Declaration. This incorporated the main findings and recommendations of the two-day conference of 200 delegates from Asia, Africa, West Asia, North and South America and the Caribbean regions.

Capital punishment was first recorded in England around 450 BC, when it was the practice to drown a condemned person to death by throwing him into a quagmire. The Anglo-Saxons were in favour of hanging, but often resorted to beheading, burning and stoning. Around the Middle Ages, the number of capital crimes expanded to include manslaughter, arson, highway robbery, burglary and larceny. In 1823, a statute was passed in England reducing the number of capital offences to 100. In 1840, the first resolution to abolish capital punishment was raised in Parliament. Public execution was banned in 1868.

Methods of execution were characterised by the ethos of the country in question. For instance, while the English preferred hanging, the French gained notoriety with the guillotine. The Spanish used garroting, otherwise known as a form of strangulation, and the Americans

SHOMA A CHATTERJI traces the history of the movement against the death penalty in the backdrop of the Dhananjay Chatterjee case and concludes that all arguments against it disintegrate if you put yourself in Hetal Parekh's parents' place

experimented with innovative technology in executions like the electric chair and the gas chamber.

The French Revolution speeded the pace of the abolition of the death penalty all over Europe except England where the movement suffered a setback till 1832 when horse and sheep stealing ceased to be offences punishable with death.

This shift of emphasis from the retributive and barbaric to the corrective and humanitarian was inspired by an intellectual renaissance. An important event of the times was the French Declaration of the Rights of Man which stated that "the right to punish is limited by the law of necessity". This principle acts as the controlling factor in modern penological theory and practice.

Evidence shows the crime rate in countries that have done away with the death sentence has not increased. Nor has there been any rise in the rate of homicide. Expert on criminal justice Norval Morris said, "Available data suggests that if the murder rate is increasing, abolition doesn't appear to hasten the increase; where the rate is stable, the presence or absence of capital punishment does not appear to affect it."

In November 2000, more than 1,000 demonstrators gathered in San Francisco to devise strategies for fighting the institution of death penalty in the country. Public opinion, the conference felt, was begin-



At a meeting in Kolkata to discuss the relevance of capital punishment. — AFP

ning to doubt the wisdom of combating crime with execution.

In countries that have not abolished capital punishment, only a small percentage of murder convicts condemned to death are finally executed. However, an error of judgement may creep in, thus leading to the execution of the wrong person. The George Brandon case of North America is an example of this. Brandon was executed on submission of irrefutable evidence against him. His innocence was proved later through the tested confession of another man. By then, however, Brandon was dead.

Capital punishment in India has often been accused of being discriminatory. Defending oneself against the death penalty is an

expensive business that the poor, ignorant and uneducated often cannot afford. A tragic example of this is the case of Jangam Bhoomiah and Kista Gowd (1975). The two were convicted for the murder of a landlord in Adilabad district, Andhra Pradesh. The appeal that the murder was political was overruled. One of them was a farmer and the other a part-time tailor. In other words, the fact that they lacked the glamour of the more common political revolutionary who comes from a privileged intellectual background worked against them.

Many executions in India have been the result of public outcry against the crimes and murders committed or extensive media coverage. A few examples are the executions of Pheroze Rustom Daruwala (1975), the four hired killers in the Manwat murders (1979), Billa and Ranga and the four killers of the Joshi and Abhyankar families of Pune (1983). Daruwala was denied presidential clemency on grounds that he had consented to donate his kidneys to a leader suffering from kidney failure. The Manwat case involved a series of ritual killings. The real culprits, Uttamrao Barhate and his mistress Rukmani, went scot-free "for want of evidence". Billa and Ranga were caught and hanged for the gruesome murders of Geeta and Sanjay Chopra in Delhi. The motive of the Pune murders was to prove that such crime can be committed with-

out getting caught.

All said and done, is it justified to punish a person with the crime he/she has committed? Can the family he/she belongs to, the society he/she lives in, the system that controls his/her economic and political life absolve themselves of the responsibility of breeding a killer?

In March-April 2002, the Supreme Court gave its approval for "death sentences for people involved in the killings of innocent persons belonging to any community, religion or class. By a 2:1 verdict, it has upheld death sentences to four Maoist Communist Centre men who killed 35 upper caste members in Bihar a decade ago."

The death penalty, then, wears a strong "knot of uncertainty" in a country where an ex-Prime Minister and a chief minister are answerable for a crime as heinous as the Gujarat pogrom. If Narendra Modi is allowed to rule the roost despite everything, then isn't the measure as meaningless as the paper it is printed on?

It is always better to replace retributive justice with a system that seeks to correct and rehabilitate criminals. It may also be reasonable to believe that the abolition of the death penalty would lead to a greater respect for human life. Many argue that a life-sentence complemented with reconstructive psychological and educational treatment would help reduce the rate of crime.

A pertinent question often asked is whether the State should lead or follow public opinion on an issue in which an essential value is at stake. Should retaliation, revenge and retribution form a part of the State's lexicon?

Cases like that of Dara Singh, who burnt to death Graham Staines and his two sons, and Dhananjay Chatterjee perhaps make all arguments against death penalty seem futile. Imagine for one minute that you are Hetal Parekh's parents, and the answer will be only too clear.

(The writer is an author and freelance contributor.)

Iraqis tortured by British troops: Report

Press Trust of India
London, June 21

SEVERAL IRAQIS were "tortured" and their bodies "mutilated" by British troops after a firefight at al-Majar al-Kebir in the south of the country last month even as the military police was investigating the claims, a media report said on Monday.

The allegations were based on the 22 death certificates issued by hospital director Dr Adel Salid Majid which stated seven bodies reported signs of "mutilation" and "torture", it alleged.

"The military police were looking at the evidence. They had yet to commence a formal investigation," a spokesman for the Ministry of Defence was quoted by the British daily as saying.

The fierce fighting, which took place on May 14, killed some 20 Iraqi militia and six British soldiers.

"On May 15, we were asked to send ambulances to the British base to collect some bodies. When they brought the 22 bodies, it was a surprise to us to see some of these bodies mutilated and tortured," the *Guardian* said quoting Majid.

"There was an angry crowd of relatives outside the hospital gates, so we examined the bodies at once and organised the death certificates," it added.

A doctor at nearby Amara hospital, who was the first to see and examine the bodies, cast doubt on the claims, however, and a British army spokesman in Basra called the torture allegations "absurd", the *Guardian* report said.

"Such claims were an insult to the whole British army and an attempt to stain the image of men who are putting their lives at risk every day to secure Iraq for the Iraqis," the army spokesman was quoted by the paper as saying.

THE HINDUSTAN

Bring Bush to the stand over abuse: Lawyer

✓ HFI 22/6

Reuters
Baghdad, June 21

A LAWYER defending a US soldier charged with abusing prisoners in Iraq says he will seek to put US President George W. Bush and Secretary of Defence Donald Rumsfeld on the witness stand.

Bush and Rumsfeld side-stepped the Geneva Convention in their "war on terror", civilian defence counsel Paul Bergrin said on Monday.

His client, Sergeant Javal Davis, was instructed on a daily basis to soften up Iraqi prisoners to obtain intelligence, Bergrin said. "Bush gave a speech declaring his war on terror and said the Geneva Convention no longer applied," he told reporters after an impassioned address in the courtroom.

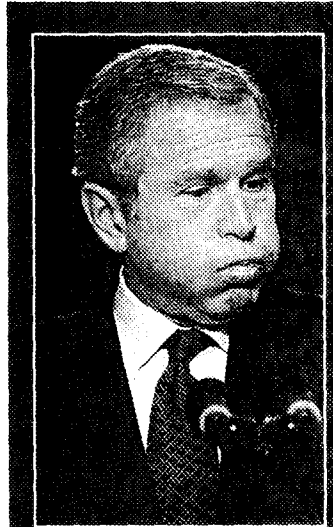
He accused Rumsfeld and other top US officials of trying to re-define the definitions of abuse and torture in a campaign aimed at influencing lawyers at the Department of Justice.

Pretrial hearings are being held in Baghdad this week for Davis, Specialist Charles Graner and Staff Sergeant Ivan Frederick, reviving notorious images of sexual and physical humiliation that sparked worldwide outrage.

The photographs of smirking American soldiers tormenting naked detainees at Baghdad's Abu Ghraib prison rocked the US military when they emerged in April, prompting accusations that policies adopted in Bush's "war on terror" had encouraged the cruelty.

Davis is accused of abuses including jumping on a pile of prisoners and stamping on their hands. "My client was not even instructed for five minutes on the meaning of the Geneva Convention, nor was he trained to work in a prison. He was instructed on a daily basis by military intelligence and civilian contractors to soften up and loosen up detainees so he could save American soldiers from getting slaughtered," Bergrin said.

During Monday's hearing, the US military judge handling the case agreed to Bergrin's request to question top American generals. Bergrin said he wanted to take members of the jury to the jail so they could experience the



George Bush
More trouble

Military judge snubs Prez

A MILITARY JUDGE on Monday declared the Abu Ghraib prison a crime scene and said it cannot be demolished as President Bush had offered. The judge, Col. James Pohl, also refused to move the trials of three soldiers — Spc. Charles A. Graner Jr., Sgt. Javal S. Davis and Staff Sgt. Ivan L. "Chip" Frederick II — to somewhere outside Iraq. The three are among seven soldiers accused of abusing prisoners. One of them, Spc. Jeremy C. Sivits, was sentenced to a year in prison.

AP, Baghdad

conditions US soldiers were working under.

"We want the court members to smell the faecal matter and the urine that service members who worked inside that prison and who are accused in this case had to live with," he said.

The hearing on Monday, at a convention centre built by Saddam Hussein, aims to resolve any outstanding legal issues ahead of the start of the court martial. The trio have yet to plead.

Ishrat's mother seeks CBI inquiry

By Manas Dasgupta

AHMEDABAD, JUNE 18. Shamima Raza, mother of Ishrat Jahan Shamim Raza, who was killed in a police shoot-out in Ahmedabad, has demanded a CBI inquiry into the incident.

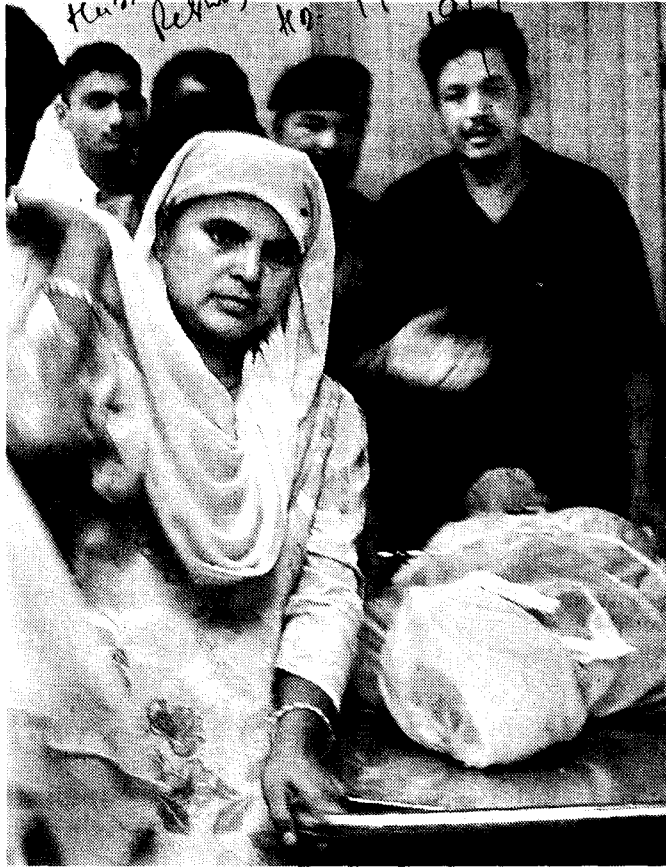
Ms. Shamima, accompanied by some family friends from Mumbra in Maharashtra's Thane district, and the local Samajwadi Party president, Shakib Khan, came in an ambulance from Mumbai this morning to claim Ishrat's body.

Ms. Shamima was questioned for about three hours by an Ahmedabad crime branch police team led by the additional commissioner, D. G. Vanjhara before handing over the body. She told them that her daughter was innocent and never had any links with any terrorist or terror organisations.

Mr. Vanjhara later said the police were convinced that Ishrat had some links with terrorists.

At the civil hospital morgue, Ms. Shamima initially refused to accept the body till she was given the post-mortem report, but later agreed after being told by the police that it would take time to receive the report.

Answering questions by mediapersons, Ms. Shamima denied reports in a section of the Mumbai press that Ishrat



The mother of Ishrat Jahan, who was killed in an encounter on Tuesday, takes her daughter's body from a hospital morgue in Ahmedabad on Friday. — Reuters

had twice left her house without the knowledge of the family members. She also

contradicted her earlier statement that the family members were unaware of her

whereabouts when she left home on June 12 morning. She claimed that Ishrat had left Thane to go to Mumbai to appear in an "interview."

Asked why she did not file a police complaint when Ishrat failed to return by evening, she said she thought it would be unwise to involve the police immediately because the girl's "future was involved." She and other family members had searched for her before she came to know of the killing.

Ms. Shamima disagreed that she suspected her daughter's involvement with Javed, driver of the car carrying the four from Mumbai to Ahmedabad. Neither Javed nor the two other alleged terrorists who the police claimed hailed from Pakistan, had ever come to her place. She denied that Javed and Ishrat were ever trailed by the intelligence personnel in the past as reported in a section of the press.

A Jamiat-e-Islami leader from Mumbra, Abdul Rauf Lala, who accompanied Ms. Shamima, claimed that the Gujarat police was in Mumbra on the day Ishrat left her house.

He, however, did not disclose the basis of his information but said they did not feel anything amiss about Ishrat leaving the house because they thought she was going in search of some job.

'Gujarat police abducted Ishrat'

By Our Special Correspondent

MUMBAI, JUNE 18. "Facts reveal that Ishrat Jahan Shamim Raza was abducted by the Gujarat police from Mumbra and killed later," the Samajwadi Party MP, Abu Asim Azmi, has alleged. A complaint would be sent to the National Human Rights Commission (NHRC) in this regard, he said.

Talking to presspersons today, Mr. Azmi demanded a judicial inquiry into the incident in which Ishrat and three men were shot dead by the Gujarat police, on the grounds that they were militants plotting to kill the Chief Minister, Narendra Modi.

"Ishrat is from a poor and dignified family and the Samajwadi Party has decided to support her fully. We have already arranged for the mother to collect her daughter's body

from Gujarat and have paid them Rs. 25,000. We demand that the Maharashtra Government file a case against the Gujarat Government for this murder, and offer the family a monthly compensation, as it has lost one of its main earning members," Mr. Azmi said.

'Left home on her own'

However, the Deputy Commissioner of Police (Zone-1) Thane, S.G. Suryawanshi, said that Ishrat left home on Saturday on her own, and her sister had verified this. He denied that police had picked her up in Mumbra. "There is nothing till now to link Ishrat Raza with the Lashkar-e-Taiba," Mr. Suryawanshi added.

Meanwhile, human rights organisations have protested the killings and are planning to hold demonstrations on June 21.

Suma Josson, convener, Coalition for Secular Democracy, which comprises 30 groups in Mumbai, said: "We demand a CBI inquiry into the incident since it involves both Gujarat and Maharashtra police."

The Committee for Protection of Democratic Rights (CPDR) will soon constitute a fact-finding committee to probe into the incident. The secretary of the CPDR, P A Sebastian, told *The Hindu* that the incident, coming soon after Mr. Vajpayee's statement on Mr. Modi, was probably planned to attract people's sympathy. "How do police know that the two other men in the car were Pakistanis? How is it that terrorists come with full identification, right from their village of origin? Is it so easy to kill Modi? Does it only take a car and four people?" Mr. Sebastian asked.

Probe Ahmedabad shootout, NHRC tells Gujarat police

NEW DELHI, JUNE 18. With the Ahmedabad encounter killings snowballing into a major controversy, the National Human Rights Commission today asked the Gujarat police to investigate the shootout that claimed four lives, including that of a Thane girl, and submit its report within six weeks.

The Commission wrote to the Director-General of Police, Gujarat, and the Senior Superintendent of Police, Ahmedabad to "take appropriate action with regard to the investigation of the case as per the guidelines laid down by the Commission."

According to the NHRC guidelines issued to all Chief Ministers earlier, death caused in an encounter would amount to culpable homicide unless it was established that the action was taken in self-defence or to arrest a person accused of an offence punishable with death or life imprisonment.

The direction to the Gujarat police was issued taking *suo motu* cognizance of media reports about the Thane district police finding that 18-year-old Ishrat, a college student from the district in Maharashtra who was killed in the encounter on June 15, had no criminal record.

Referring to the media reports, the NHRC Chairperson, Justice A.S. Anand, said that if their contents were true, "it raises serious issues of violation of human rights." The action taken according to the guidelines and the final outcome would have to be reported to the Commission within six weeks.

The Ahmedabad Crime Branch Police, who had shot dead Ishrat and three others, who claimed that they were terrorists belonging to the Pakistan-based Lashker-e-Taiba outfit and were on a mission to assassinate the Gujarat Chief Minister, Narendra Modi. — PTI

More reports on Page 11

সংশয় ঘূচাইতে তদন্ত চাই

নরেন্দ্র মোদীকে হত্যার ষড়যন্ত্রে বা চেষ্টায় লিপ্ত থাকিবার অভিযোগে আরও চার জন সন্ত্রাসবাদীকে পুলিশ 'সংঘর্ষে' হত্যা করিয়াছে। গুজরাত দাঁঙ্গার পর, রাজ্য সরকারের মতে, মোদীকে হত্যার ইহা চতুর্থ ষড়যন্ত্র। প্রতিটি ক্ষেত্রেই রাজ্য প্রশাসন বলিয়াছে, সংঘর্ষে নিহত জঙ্গিরা লক্ষ্মর-ই-ভইবা কিংবা ওই ধরনের কোনও কাশ্মীরি তথা মুসলিম সন্ত্রাসবাদী গোষ্ঠীর সদস্য। প্রতিটি ক্ষেত্রেই নাকি অত্যাধুনিক স্বয়ংক্রিয় আগ্নেয়াস্ত্র ও বিস্ফোরকে সজ্জিত জঙ্গিরা নির্বিচারে পুলিশকে লক্ষ্য করিয়া গুলি চালাইয়াছে, যদিও মা ষ্ট্রীর কুপায় এক জন পুলিশ কর্মীর গায়েও এ যাবৎ আঁচড় পর্যন্ত লাগে নাই, তবে আত্মরক্ষার্থে পুলিশের প্রতি-আক্রমণে সব জঙ্গিই নিহত হইয়াছে। প্রতিটি ক্ষেত্রেই পুলিশ কর্তাদের ভাষাই সত্য বলিয়া গ্রাহ্য হইয়াছে। এ বারেও তেমনই হইতেছিল। কেবল নিহত 'জঙ্গি'দের অন্যতম ইশরাত জাহান মহারাজের খালসা কলেজের ছাত্রী হওয়ার এবং তাঁহার জঙ্গি হওয়ার সন্ত্রাসবনা মহারাষ্ট্র পুলিশ নাকচ করিয়া সমগ্র ঘটনাক্রমের সি বি আই তদন্ত দাবি করার সংঘর্ষে মৃত্যু বিষয়ক 'পুলিশি সত্য'র সত্যতা লইয়া সংশয় উপস্থিত হইয়াছে। রাজনীতিকরা এই সংশয় খোলাখুলিই ব্যক্ত করিয়াছেন। গুজরাতের কংগ্রেস নেতা ও প্রাক্তন মুখ্যমন্ত্রী অমরসিংহ চৌধুরীর অভিযোগ, মোদী আপন দলে কোণঠাসা হইয়া পড়ায় তাঁহার মুখ্যমন্ত্রিত্বের গদি বাঁচাইতে এই সংঘর্ষ সাজানো হইয়াছে, এবং অতীতে অন্তত তিন-তিন বার অনুরূপ ঘটনা ঘটে। মোদী হিন্দুত্বের প্রবক্তা হওয়ার হিন্দুত্ববিরোধীরা তাঁহাকে খতম করিতে চায়, এই বিদ্রম ছড়াইয়া তাঁহার অনুকূলে সমগ্র হিন্দুত্ব শিবির তথা সংঘ পরিবারকে সমাবেশিত করাই এই পুলিশি সংঘর্ষের গল্পের লক্ষ্য। তাঁহার আরও অভিযোগ, তথাকথিত এই জঙ্গিরা রাজ্য পুলিশের অপরাধ দমন বিভাগের হেফাজতেই ছিল, তাহারাই জঙ্গি সাজাইয়া এই নিরীহ লোকগুলিকে হত্যা করিয়াছে।

রাজনীতিকরা রাজনীতির কথা বলুন। সাধারণের মনে প্রশ্ন জাগিয়াছে সংঘর্ষগুলির স্থান-কাল লইয়া। প্রতিটি সংঘর্ষ যেমন কালগত ভাবে মোদীর রাজনৈতিক সংকটের সহিত যুক্ত, তেমনি প্রতিটি সংঘটিত হইয়াছে নির্জন স্থানে, গভীর রাত্রে, যখন সংঘর্ষে লিপ্ত পুলিশ ছাড়া ঘটনার আর কোনও সাক্ষী ছিল না। কোনও সংঘর্ষেই নিহত জঙ্গিদের তরফে কোনও সন্ত্রাসবাদী গোষ্ঠী দায়িত্ব লয় নাই, যাহা অতিশয় অস্বাভাবিক। যে কোনও হামলার কৃতিত্ব দাবি করা জঙ্গি গোষ্ঠীগুলির প্রচলিত কার্যধারা। অথচ মোদীর 'প্রাণনাশের ষড়যন্ত্রে' লিপ্তদের এ কে

৫৬ ও গ্রেনেড-বিস্ফোরক লইয়া পুলিশকে আক্রমণের দায়িত্ব কোনও গোষ্ঠীকেই লইতে দেখা গেল না। সর্বশেষ যে প্রাণনাশের ষড়যন্ত্র বানচাল করার তত্ত্ব মোদীর পুলিশ বাহিনী চালাইতে চাহিতেছে, সেখানে গোয়েন্দা ব্যুরোকে উদ্ধৃত করিয়া নিহতদের সন্ত্রাসবাদী হওয়ার 'তথ্য'টি কিন্তু ব্যুরো নিজেই অস্বীকার করায় তীব্র সংশয় সৃষ্টি হইয়াছে। সংঘর্ষে মৃত্যুর পুলিশি তত্ত্ব যে প্রায়শ পুলিশি দমননীতির আড়াল মাত্র, তাহা মানবাধিকার রক্ষা সংগঠনগুলি বহু বার দেখাইয়াছে। পঞ্জাবে ও কাশ্মীরে এ ধরনের সংঘর্ষ প্রায়শ পুলিশ ও সামরিক বাহিনীর হাতে নিরীহ, নিরস্ত্র মানুষের প্রাণহানির কারণ হইয়াছে। গত শতাব্দীর ষাট ও সত্তরের দশকে এই রাজ্যে সন্ত্রাস দমনের অধিলায় এ ধরনের অনেক সংঘর্ষে মৃত্যুর ঘটনা ঘটে, যেখানে আসলে ঠাণ্ডা মাথায় নকশাল সমর্থক যুবকদের, এমনকী নকশাল সন্দেহে ধৃত তরুণদেরও খুন করা হয়। মোদী-শাসিত গুজরাতেও যদি পুলিশি দমন নীতির সেই ছকই পুনরাবৃত্ত হইতে থাকে, তাহা যোর উদ্বেগের বিষয়।

সংশয় ঘূচাইবার জন্য অবিলম্বে তাই নিরপেক্ষ তদন্ত শুরু হওয়া প্রয়োজন। যে রাজ্যের পুলিশ ইতিমধ্যেই সংখ্যালঘু-গণহত্যায় সোৎসাহে অংশগ্রহণের এবং সেই সংক্রান্ত প্রমাণ লোপের দায়ে সুপ্রিম কোর্ট কর্তৃক তীব্র ভাবে ভৎসিত হইয়াছে, তাহার ভাষ্যকে সত্য বলিয়া গ্রহণ করা বিপজ্জনক। পারিপার্শ্বিক সাক্ষ্যপ্রমাণও নির্দেশ করিতেছে, পুলিশের ভাষ্যটির আপাত-বিশ্বাসযোগ্যতাও নাই। এই অবস্থায় সত্য উদ্ঘাটনের জন্যই নিরপেক্ষ তদন্ত অত্যাব্যশ্যক। মহারাষ্ট্রের পুলিশ গুজরাতের পুলিশি কাণ্ডের সি বি আই তদন্ত চাহিতে পারে কি না, এই চাওয়ার পিছনে গুজরাতের বিজেপি সরকারকে বিরত ও হেয় করার কংগ্রেসি চক্রান্ত আছে কি না, সে সব কুট প্রলম্ব তোলা যায় না, এমন নয়। কিন্তু তাহাতে নিরপেক্ষ তদন্তের দাবিটি আদৌ দুর্বল হয় না। কারণ সংঘর্ষে নিহতরা যদি সন্ত্রাসবাদী না হইয়া নিরীহ সাধারণ নাগরিক হন এবং তাঁহাদের হত্যা করিয়া যদি কোণঠাসা কোনও নেতার রাজনৈতিক উদ্দেশ্য সিদ্ধ করার অপচেষ্টা হইয়া থাকে, তবে ন্যায়বিচার ওই পাষাণদের মৃত্যুদণ্ড এবং রাজনীতিকের নির্বাসন দাবি করিয়া নিরপেক্ষ তদন্ত ছাড়া সে সম্ভাবনা নাই। মোদী যদি গোটা কাণ্ডটিতে নির্দোষ ও অপাপবিদ্ধ হন, তাঁহার পুলিশ যদি হয় কর্তব্যপরায়ণ, তবে মিথ্যা অপবাদ ঘূচাইয়া জনচক্ষে তাঁহাদের পুনর্বাসনও আবশ্যক। নরেন্দ্র মোদী এবং তাঁহার পুলিশের ডিজিরই কি উচিত নয় সমগ্র বিতর্কিত অপকাণ্ডটির নিরপেক্ষ, সি বি আই তদন্ত দাবি করা?

হতরা কি জঙ্গি, গুজরাত-মহারাষ্ট্র পুলিশ চাপানউত্তোর

নিজস্ব সংবাদদাতা, মুম্বই, ১৭ জুন: লঙ্কর জঙ্গি সন্দেহে যে চার জনকে আমদাবাদ পুলিশ গুলি করে মেরেছিল তারা আদৌ স্বাভাবিক কি না, তা নিয়ে মুম্বই পুলিশের একাংশের মধ্যে সংশয় দেখা দিয়েছে। জঙ্গি সন্দেহে নিহত মহিলা ইসরাত জাহান শেখের সঙ্গে কোনও জঙ্গি সংগঠনের যোগ ছিল কি না, সেই বিষয়ে নিশ্চিত নয় ঠান্ডে পুলিশের অপরাধ শাখা। এই নিয়ে মহারাষ্ট্র এবং গুজরাত, দুই রাজ্য পুলিশের মধ্যে চাপান-উত্তোর শুরু হয়েছে। ইসরাতকে লঙ্কর সদস্য বলে মহারাষ্ট্রের স্বরাষ্ট্র মন্ত্রকও এখনই মানতে নারাজ। স্বরাষ্ট্রমন্ত্রী আর আর পাতিল আজ বলেন, “ঠান্ডে পুলিশকে এ ব্যাপারে শৌজখবর নিয়ে তিন দিনের মধ্যে রিপোর্ট পেশ করতে বলা হয়েছে। সেই রিপোর্ট না-আসা পর্যন্ত কোনও সিদ্ধান্তে পৌঁছানো সম্ভব নয়।”

ঠান্ডে পুলিশের এ সি পি অমর যাদব জানিয়েছেন, “আমরা এখনও কোনও প্রমাণ পাইনি, যাতে প্রমাণ হয় যে, ওই মহিলা জঙ্গিদের সঙ্গে যুক্ত ছিলেন।” কিন্তু ১৫ জুন ওই চার জনকে হত্যা করার পর গুজরাত পুলিশের যুগ্ম কমিশনার সি পি পাণ্ডে জানিয়েছিলেন, ওই চার জনই লঙ্কর জঙ্গি এবং তারা নরেন্দ্র মোদীকে হত্যার চক্রান্ত করছিল। গোয়েন্দাদের কাছ থেকে আগাম খবর পেয়েই আমদাবাদ বিমানবন্দরের কাছে কোটারপুর্নে তাদের গাড়ি থামানো হয়। পুলিশের গুলিতে নিহত চার জন লঙ্কর জঙ্গি বলেই পুলিশ জানিয়েছিল। কিন্তু পুলিশের সেই বক্তব্য সত্যি হলে নিহত ইসরাতের সঙ্গে আদৌ কোনও জঙ্গি সংগঠনের যোগ রয়েছে কি না, সেই নিয়ে প্রশ্ন ওঠার কথা নয়। কিন্তু ইসরাতের জঙ্গি যোগাযোগ নিয়ে পুলিশের সংশয় থেকে ইস্রিত, বাকি তিন জনও লঙ্কর জঙ্গি কি না, তা নিয়েও প্রশ্ন আছে। ঠান্ডে পুলিশ প্রশ্ন তুললেও স্বরাষ্ট্রমন্ত্রী রিপোর্টের জন্য অপেক্ষা করতে বলার পর তারাও এখন মুখে কুলুপ এঁটেছে।



জঙ্গি সন্দেহে পুলিশের গুলিতে নিহত ছাত্রী ইসরাত জাহান। — ফাইল চিত্র

ইসরাত জাহান শেখের মুম্বরার বাড়িতে এবং খালসা কলেজে তদন্ত চালিয়ে ঠান্ডে পুলিশ যে সব তথ্য পেয়েছে, তা থেকে ইসরাতের জঙ্গি-সংযোগের কোনও প্রমাণ মেলে না। কলেজ কর্তৃপক্ষ জানিয়েছে, ইসরাত কলেজে নিয়মিত ছাত্রী ছিল, অক্ষ এবং পরিসংখ্যান নিয়ে স্নাতক দ্বিতীয় বর্ষে ভর্তি হয়েছিল। পাড়া-পড়শীদেরও মত হল, ইসরাতের আচরণে কোথাও সন্দেহজনক কিছু ছিল না। কিন্তু স্বরাষ্ট্র মন্ত্রকের বক্তব্য শোনার পর ঠান্ডে পুলিশের সন্দেহের ভিত্তিতে স্পষ্ট করে মুখ খুলতে নারাজ গুজরাত পুলিশ।

আমদাবাদের পুলিশ কমিশনার কে আর কৌশিক শুধু জানিয়েছেন, “ঠান্ডে পুলিশের বক্তব্যের ভিত্তিতে এখনই কিছু বলতে পারব না। ঠিক সময়ে সব জানানো হবে।” তবে মুম্বই পুলিশের যুগ্ম কমিশনার (অপরাধ শাখা) আজ বলেছেন, “ইসরাত জাহান সংগঠনের সঙ্গে যুক্ত থাকতে পারে না। আমরা তদন্ত করছি।” এই প্রসঙ্গে তিনি সি পি পাণ্ডের উল্লেখ করে বলেন, কলেজের ছাত্রছাত্রীরা জঙ্গি কার্যকলাপের সঙ্গে যুক্ত, এমন দৃষ্টান্ত বিরল নয়।

রাজনৈতিক মহলেও এই ঘটনা নিয়ে উত্তপ্ত। কেন্দ্রীয় স্বরাষ্ট্র শঙ্করসিন বাগেলা জানিয়ে দিয়েছেন, পুরোটাই একটা ‘নাটক’। মানুষের মন অন্য দিকে ফেরাতে চাইছে গুজরাত সরকার। গুজরাত বিধানসভায় বিরোধীরা ঘটনায় সি বি আই উদ্বুদ্ধের দাবি জানান। বিরোধী দলনেতা অমর সিংহ চৌধুরী বলেছেন, “মোদী গুজরাত কাণ্ড নিয়ে নিজের দলেই সমালোচিত হওয়ার পরে এই ধরনের নাটক তৈরি করে সাধারণের মন অন্য দিকে ঘুরিয়ে দেওয়ার চেষ্টা চলছে।”

The New York Times

Editorials/Op-Ed

e-m

NYTimes: [Home](#) - [Site Index](#) - [Archive](#) - [Help](#)

Welcome, kanika4 - Memb

Go to a Section Go

Site Search:

NYTimes.com > [Opinion](#)

human rights

America's Abu Ghraibs

By **BOB HERBERT**

Published: May 31, 2004

Most Americans were shocked by the sadistic treatment of Iraqi detainees at the Abu Ghraib prison. But we shouldn't have been. Not only are inmates at prisons in the U.S. frequently subjected to similarly grotesque treatment, but Congress passed a law in 1996 to ensure that in most cases they were barred from receiving any financial compensation for the abuse.

We routinely treat prisoners in the United States like animals. We brutalize and degrade them, both men and women. And we have a lousy record when it comes to protecting well-behaved, weak and mentally ill prisoners from the predators surrounding them.

Very few Americans have raised their voices in opposition to our shameful prison policies. And I'm convinced that's primarily because the inmates are viewed as less than human.

Stephen Bright, director of the Southern Center for Human Rights, represented several prisoners in Georgia who sought compensation in the late-1990's for treatment that was remarkably similar to the abuses at Abu Ghraib. An undertaker named Wayne Garner was in charge of the prison system at the time, having been appointed in 1995 by the governor, Zell Miller, who is now a U.S. senator.

Mr. Garner considered himself a tough guy. In a federal lawsuit brought on behalf of the prisoners by the center, he was quoted as saying that while there were some inmates who "truly want to do better . . . there's another 30 to 35 per cent that ain't fit to kill. And I'm going to be there to accommodate them."

On Oct. 23, 1996, officers from the Tactical Squad of the Georgia Department of Corrections raided the inmates' living quarters at Dooly State Prison, a medium-security facility in Unadilla, Ga. This was part of a series of brutal shakedowns at prisons around the state designed to show the prisoners that a new and tougher regime was in charge.

What followed, according to the lawsuit, was simply sick. Officers opened cell doors and ordered the inmates to run outside and strip. With female prison staff members looking on, and at times laughing, some were subjected to extensive and wholly unnecessary body cavity searches. The inmates were ordered to expose their genitals, to squat, to bend over and display themselves, etc.

ARTICLE TOOLS

- [E-Mail This Article](#)
- [Printer-Friendly](#)
- [Most E-Mailed](#)

Columnist
Page: Bob
Herbert

Forum: [Discuss This Column](#)

E-mail: bobherb@nytimes.com

TIMES NEWS TOPICS

[Freedom and Human Rights](#)
[Prisons and Prison](#)

[Create Your Own Most Popular Alerts](#)

[CLICK HERE TO SIGN UP](#)

One inmate who was suspected of being gay was told that if he ever said anything about the way he was treated, he would be locked up and beaten until he wouldn't "want to be gay anymore." An officer who at another naked inmate said, "I bet you can tap dance." The inmate was forced to dance, and then had his cavities searched.

An inmate in a dormitory identified as J-2 was slapped in the face and ordered to bend over and show his cellmate. The raiding party apparently found that to be hilarious.

According to the lawsuit, Mr. Garner himself, the commissioner of the Department of Corrections, was the Dooly Prison raid.

None of the prisoners named in the lawsuit were accused of any improper behavior during the course of the suit. The suit charged that the inmates' constitutional rights had been violated and sought compensation for the suffering, humiliation and degradation they had been subjected to.

Fat chance.

The Prison Litigation Reform Act, designed in part to limit "frivolous" lawsuits by inmates, was passed and signed into law by Bill Clinton in 1996. It specifically prohibits the awarding of financial compensation to prisoners "for mental or emotional injury while in custody without a prior showing of physical injury."

Without any evidence that they had been seriously physically harmed, the inmates in the Georgia case were out of luck. The courts ruled against them.

This is the policy of the United States of America.

Said Mr. Bright: "Today we are talking about compensating prisoners in Iraq for degrading treatment, and we should. But we do not allow compensation for prisoners in the United States who suffer the same kind of degradation and humiliation."

The message with regard to the treatment of prisoners in the U.S. has been clear for years: Treat them as you'd like. They're just animals.

The treatment of the detainees in Iraq was far from an aberration. They, too, were treated like animals, and simply a logical extension of the way we treat prisoners here at home.

E-mail: bobherb@nytimes.com

[Home Delivery of The Times from \\$2.90/week - Act Now!](#)

RELATED ARTICLES

[Equating Long Hair and Freedom, Prisoner Makes a Stand \(April 9, 2004\)](#)

[Rights Group Exposes Conditions in North Korean Prison Camps \(October 22, 2003\)](#)

[AFTEREFFECTS: BRUTALITY: Iraqis Confront Memories in a Place of Torture \(April 21, 2003\)](#)

[World Briefing | Africa: Kenya: New Government To Tackle Prisons \(March 14, 2003\)](#)

[Find more results for Freedom and Human Rights and Prisons and Prisoners](#)

TOP OPINION ARTICLES

100-26/11

BANISH CORPORAL PUNISHMENT

THE STATE HUMAN Rights Commission's recommendation to the Tamil Nadu Government to retain corporal punishment in the statute book is a retrograde move that contravenes its own mandate under the 1993 Act. Corporal punishment — prevalent in families, schools and juvenile homes — is a violation of the principle of respect for the dignity and integrity of children set forth in the 1989 United Nations Convention on the Rights of the Child. The Convention, which India has ratified, advocates the abandonment of force as a means of disciplining children in favour of non-violent methods of coercion. Paying scant regard to these norms, the State Human Rights Commission recently upheld corporal punishment and disposed of nine petitions calling for its abolition in Tamil Nadu. The petitions were a result of the outrage felt by human rights groups over the rampant resort to caning by teachers. The situation took a tragic turn when two students of a Chennai school committed suicide last year after persistent and open harassment and humiliation by teachers. But in a knee-jerk response, the Commission has suggested that errant pupils should be reprimanded in private rather than be punished before an assembly. The failure of a statutory body on human rights to recognise that corporal punishment is plain coercion and unacceptable in any form is shocking. In a welcome display of sensitivity, the High Courts of Calcutta and Delhi have prohibited caning and other forms of violence against children. Andhra Pradesh and Goa, among other States, have initiated similar restraints. At the global level, nearly 20 countries have enacted legislation banning corporal punishment.

The Tamil Nadu Education Rules define delinquent conduct as "deliberate lying, obscenity

of word or act or flagrant insubordination." These offences attract punishment entailing six 'cuts' on the hand to be administered in the presence of the headmaster. The rules also require school authorities to maintain records on the nature of the offence and the extent of punishment inflicted. The reality on the ground is far worse than what these indefensible rules permit. It is ironic that a premier rights body should accord implied endorsement to claims about the usefulness of corporal punishment in disciplining children. The most common response to spanking is resentment, fear, humiliation, and an impulse to retaliation. Research also suggests a high proneness among those who experience physical violence during childhood to commit child abuse during their adult lives. Despite these well-known ill effects, the practice continues to be endorsed overtly and otherwise.

Corporal punishment is a disturbing facet of the propensity to violence in society and children are especially vulnerable in view of their dependence on family and the community. In effect, there is a close correlation between the prevalence of domestic violence and the safety and well-being of children within homes. Therefore, there is a good deal at stake for the rights of children in a law aimed at preventing domestic violence. While the prevention of domestic violence Bill has been pending with Parliament for over two years, the National Democratic Alliance Government did contemplate the prohibition of corporal punishment nationally. The latter was to be included in the enabling legislation on the fundamental right to free and compulsory education for children. The United Progressive Alliance Government should move quickly and progressively on this issue and centre-stage the rights of children in society.

NHRC talks tough on AP farmers' suicides

Asks Govt to explain why last year's proposals weren't followed

AASHA KHOSA
NEW DELHI, JUNE 1

GIVEN its track record in Gujarat, where NHRC acted to subvert the situation when the Narendra Modi government seemed to be getting away with the responsibility of ensuring justice to Godhra victims, the Andhra government should

take its warning seriously. The NHRC today warned the Andhra government against sitting on the desperation of the debt-ridden farmers in the state, many of whom have committed suicide. Its chairman Justice A.S. Anand, taking note of the recent deaths, issued fresh notices to the state and asked it to give reasons within four weeks for not complying with the directions so far.

"Death due to starvation is the greatest violation of human rights and state governments can not escape from the responsibility," said Anand about the recent incidents in Andhra

'Death due to starvation is the greatest violation of human rights and state govts cannot escape the responsibility'

and Kerala. He added the states should realise that it is their job to ensure the right to food to all citizens. "It's lack of sensitivity on part of state government and they cannot always get away with it."

The NHRC also asked the government to expedite its reply on the recommendations made last April by Commission's special rapporteur K.R. Venugopal, whose report hinted at what could happen if the Andhra government kept looking the other way. The NHRC report had said: "The AP government's failure to go to the rescue of the families of suicide victims has a definite potential of being classified as negligence leading to the violation of human rights from now on. Continued inaction could attract 12(1) of the Protection of Human Rights Act, 1993."

Sources said the report had even suggested preventive measures, but it elicited no response from the government. It had recommended the launch of massive developmental projects in drought-prone districts to provide jobs and also launch a social security scheme for the unemployed.

It had even asked the government to wave off debts of the farmers who had ended their lives and ensure the rehabilitation of their families.

The NHRC pointed out that the state had failed to respond to any recommendation despite several reminders.

INDIAN EXPRESS 2 JUN 2002

Top US military man was witness to abuse

Washington: In a shocking revelation, a US soldier has testified that the highest-ranking American military official in Iraq was present during interrogations at the Abu Ghraib prison, thus weakening the administration's claim that the abuses were carried out by a handful of rogue individuals.

A military lawyer for the soldier charged with abuses at the prison testified that a captain at the Abu Ghraib prison said General Ricardo Sanchez was present during some "interrogations and/or allegations of the prisoner abuse," a report citing the recording of a military hearing said on Sunday.

The lawyer said he was told that Gen Sanchez and other senior military officials were aware what was taking place in the prison, he was quoted as saying. The lawyer, Captain Robert Shuck, also said a sergeant at the prison was prepared to testify that intelligence officers told him the abuse of detainees was "the right thing to do".

He said the company commander, Captain Donald Reese, was prepared to testify in exchange for immunity, the Washington Post reported. Shuck is defending staff Sgt Ivan 'Chip'

Frederick of the 372nd military police company, who is facing court martial in the abuse case.

No clear evidence has emerged so far proving that high-level officers condoned or promoted the abusive practices. Officers at

the prison have blamed the abuse on a handful of rogue, low-level military police officers from the 372nd company of US army reservists.

Meanwhile, a defense department spokesman warned that statements by defense lawyers or their clients should be treated with "appropriate caution". At



the April 2 hearing, Shuck also said Capt Reese would testify that Capt Carolyn Wood, who supervised the military intelligence operation at Abu Ghraib, was "involved in intensive interrogations of detainees, condoned some of the activities and stressed that what the accused was doing was standard procedure," the report said.

The hearing was held at Camp Victory in Baghdad. In the transcript, obtained by the Post, Shuck said Capt Reese was disturbed by the military intelligence techniques. Shuck said the abusive tactics deployed in the prison were not a secret. Agencies

Immunity for coalition troops

London: American and British troops will continue to enjoy immunity from prosecution in Iraq even after the country's sovereignty is handed back to its people on June 30, a report has said.

Coalition troops will be protected against any legal action despite widespread allegations of torture and abuse of Iraqi prisoners by the occupying forces, the Observer said on Sunday, citing unnamed military sources. The concession was agreed due to fears that the legal situation in Iraq could become complicated following the handover of sovereignty, according to the report. Agencies

Abuse was not only for grilling

SCOTT HIGHAM
AND JOE STEPHENS

Washington, May 22: Prisoners who posed in three of the most infamous photographs of abuse to come out of the Abu Ghraib prison in Iraq were not being softened up for interrogation by intelligence officers but instead were being punished for criminal acts or the amusement of their jailers, according to previously secret documents obtained by *The Washington Post*.

Several of the photographs taken by military police on the cellblock have become iconic, among them the naked human pyramid, the hooded man standing on a box hooked up to wires, and the three naked prisoners handcuffed together on the prison floor.

The documents show that military policemen staged the photographs as a form of entertainment or to discipline the prisoners for acts ranging from rioting to an alleged rape of a teenage boy in the prison.

The documents include statements by four of the seven military police officers now charged in the abuse scandal: Specialist Sabrina Harman, Specialist Jeremy Sivits, Sergeant Javal S. Davis and private First Class Lynndie England. Their statements provide new insights into the unfolding case.

For instance, they contain tantalising hints about the role of military intelligence officers who operated in the shadows of Tier 1A at the prison. One military police officer said in a sworn statement that civilian and military intelligence officers frequently visited Tier 1A at night, spiriting detainees away for questioning out of sight of the policemen inside a "wood hut" behind the prison building.

The documents also offer the first detailed account of how the abuse scandal unravelled.

Specialist Joseph M. Darby told investigators that he returned to Abu Ghraib from leave in November and heard about a shooting at the prison's "hard

site," which contains Tier 1A. He said that he asked the military policeman in charge of the tier's night shift, Specialist Charles A. Graner Jr., if he had any photographs of the cell where the shooting took place.

Darby said Graner handed him two CDs of photographs. "I thought the discs just had pictures of Iraq, the cell where the shooting occurred," Darby told investigators. Instead, Darby viewed hundreds of photographs showing naked detainees being abused by US soldiers. "It was just wrong," Darby said. "I knew I had to do something."

He said that he asked Graner, a Pennsylvania prison guard in civilian life, about the photographs. Graner replied: "The Christian in me says it's wrong, but the corrections officer in me says: 'I love to make a grown man piss himself.'"

In the newly obtained documents, the policemen who gave statements describe Graner and Staff Sergeant Ivan L. "Chip" Frederick II as the leaders and

organisers of the abuse. Frederick was the enlisted man in charge of Tier 1A and worked as a prison guard in Virginia.

Graner, Frederick and Specialist Megan Ambuhl requested lawyers and declined to provide investigators with sworn statements. Attorneys for several of the charged MPs said their clients were acting at the behest of military intelligence officers at the prison to soften up the detainees for interrogation sessions.

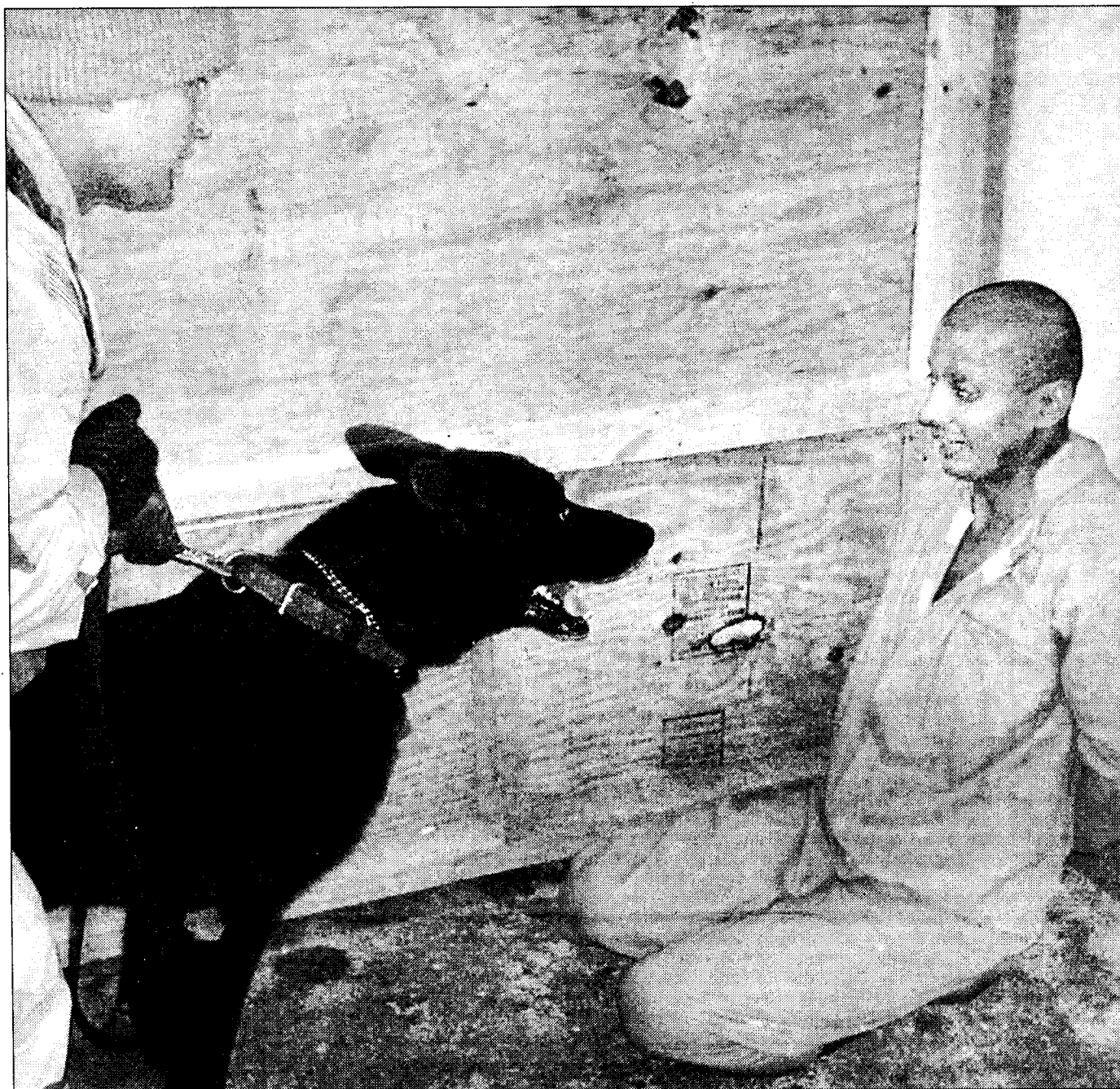
Brigadier General Janis L. Karpinski has said that military intelligence officers were in charge of the cellblock at the time. Representatives of the International Committee of the Red Cross who visited the prison in mid-October complained that detainees were being stripped and humiliated. "The military intelligence officer in charge of the interrogation explained that this practice was 'part of the process,'" the Red Cross said.

LOS ANGELES TIMES-
WASHINGTON POST NEWS SERVICE

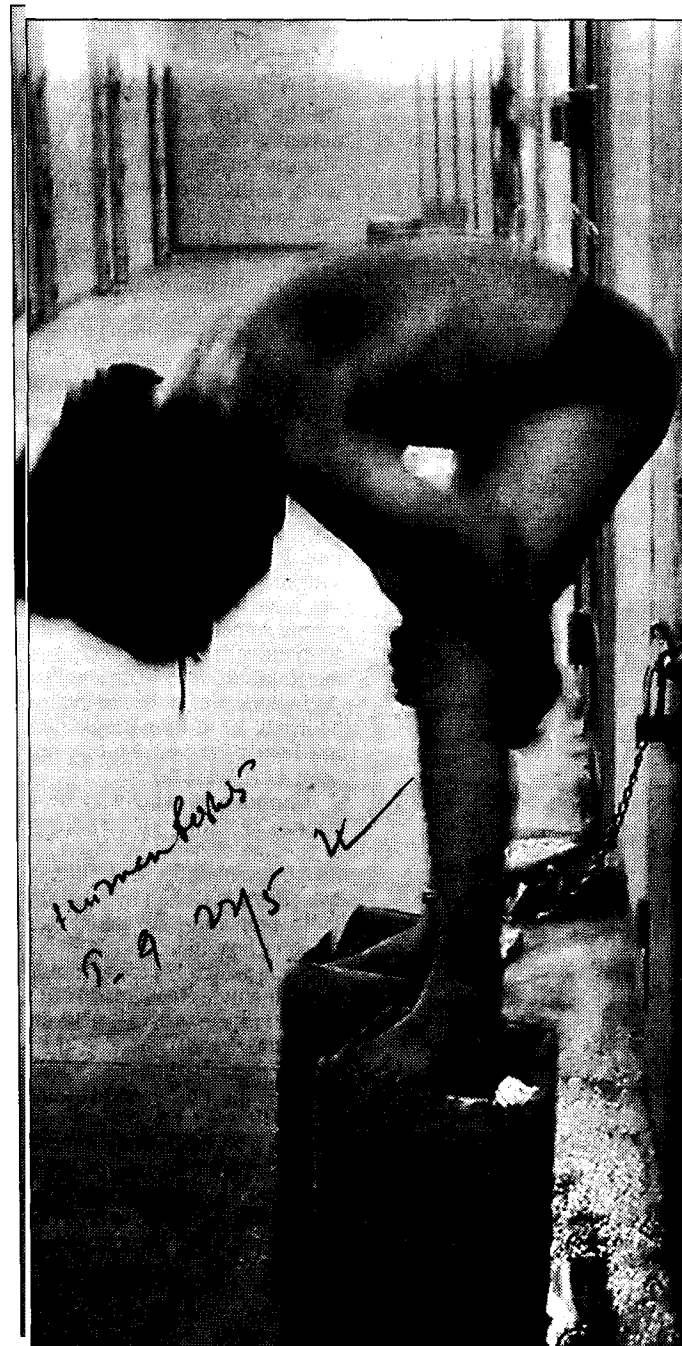


An unidentified US soldier punches a detainee at Abu Ghraib prison near Baghdad. (AP)

New images amplify Iraq prison



(Left) A US soldier tries to restrain a dog from a frightened Iraqi detainee at the Abu Ghraib prison near Baghdad while a hooded prisoner is handcuffed in an awkward position atop two boxes. The detainee's right ankle is chained to the door behind him. (AFP)



US pounds Shia militia targets in Karbala

Baghdad, May 21 (Reuters): Fresh images including graphic video of American soldiers beating and humiliating Iraqis rocked the US mission in Iraq again today, days before President George W. Bush lays out his plan to hand back power to Iraqis.

US aircraft with devastating firepower pounded Shia militia in the holy city of Karbala, killing an unknown number, in a bid to crush insurgents whose demands for Americans to go are gaining support among Iraqis frustrated with the occupation.

Marking a growing rift between Washington and its closest Iraqi allies, the Iraq governing council roundly condemned the US authority that appointed them for a raid by US troops and Iraqi police on the offices of council member Ahmad Chalabi.

Bush, who is campaigning for re-election in November, will spell out in a speech on Monday a "clear strategy" for the process under which Washington will hand over power, with some limitations, to what it hopes will be a pro-American Iraqi government on June 30. Elections are due in the new year.

The US army said it was investigating accounts that an air strike on a desert hamlet on Wednesday killed not 40 or so foreign guerrillas, as US officers say, but a wedding party.

Brigadier General Mark Kimmitt, a military spokesman, said four to six women may have died in the incident.

The top UN human rights official, Bertrand Ramcharan, condemned the attack, however, whatever the reasons for it.

"The acting UN High Commissioner for Human Rights has expressed shock over the deaths of some 40 civilians at a wedding party in Iraq near the Syrian border," his office said in a statement.

"Even if there are security-related concerns, there can be no licence to commit carnage."

Despite pressure on his Mehdi Army fighters in Karbala that included the use of a devastating AC-130 airborne gunship, militant Shia cleric Moqtada al-Sadr slipped from his refuge among the shrines of nearby Najaf to deliver a defiant sermon.

"Don't let my death end your resistance. Continue and God will give you victory," Sadr told worshippers at Kufa mosque, as his fighters skirmished with American soldiers nearby.

Among those killed during hours of heavy fighting in Karbala was an Iraqi working for Arab television channel al Jazeera.

LOS ANGELES TIMES-
WASHINGTON POST NEWS SERVICE

SCOTT HIGHAM
AND JOE STEPHENS

Washington, May 21: Previously secret sworn statements by detainees at the Abu Ghraib prison in Iraq describe in raw detail abuse that goes well beyond what has been made public, adding allegations of prisoners being ridden like animals, sexually fondled by female soldiers and forced to retrieve their food from toilets.

The fresh allegations of prison abuse are contained in statements taken from 13 detainees shortly after a soldier reported the incidents to military investigators in mid-January. The detainees said they were savagely beaten and repeatedly humiliated sexually by American soldiers working on the night shift at Tier 1A in Abu Ghraib during the holy month of Ramadan, according to copies of the statements obtained by *The Washington Post*.

The statements provide the most detailed picture yet of what took place on the cellblock. Some of the detainees described being

abused as punishment or discipline after they were caught fighting or with a prohibited item. Some said they were pressed to denounce Islam or were force-fed pork and liquor.

Many provided graphic details of how they were sexually humiliated and assaulted, threatened with rape, and forced to masturbate.

"They forced us to walk like dogs on our hands and knees," said Hiadar Sabar Abed Miktub al-Aboodi, detainee number 13077. "We had to bark like a dog, and if we didn't do that they started hitting us hard on our face and chest with no mercy. After that, they took us to our cells, took the mattresses out and dropped water on the floor and they made us sleep on our stomachs on the floor with the bags on our head and they took pictures of everything."

The prisoners also provided accounts of how some of the now-famous photographs were staged, including the pyramid of hooded, naked prisoners. Eight of the detainees identified by name one particular soldier at

Detainees were treated like dogs

the centre of the abuse investigation, Specialist Charles Graner, a member of the 372nd Military Police Company from Cresap-town, Maryland. Five others described abuse at the hands of a soldier who matches Graner's description.

"They said we will make you wish to die and it will not happen," said Ameen Saeed Al-Sheik, detainee number 151362. "The stripped me naked. One of them told me he would rape me. He drew a picture of a woman to my back and makes me stand in shameful position holding my buttocks."

The disclosures come from a new cache of documents, photographs and videos obtained by *The Post* that are part of evidence assembled by army inves-

tigators putting together criminal cases against soldiers at Abu Ghraib. So far, seven MPs have been charged with brutalising detainees at the prison, and one pleaded guilty on Wednesday.

The sworn statements, taken in Baghdad between January 16 and January 21, span 65 pages. Each statement begins with a handwritten account in Arabic that is signed by the detainee, followed by a typewritten translation by US military contractors. The shortest statement is a single paragraph; the longest exceeds two pages.

While military investigators interviewed the detainees separately, many of them recalled the same event or pattern of events and procedures in Tier 1A — a block reserved for prisoners who

were thought to possess intelligence that could help thwart the insurgency in Iraq, find Saddam Hussein or locate weapons of mass destruction.

Military intelligence officers took over the cellblock last October and were using military police to help "set the conditions" for interrogations, according to an investigative report compiled by Major General Antonio Taguba. Several MPs have since said in statements and through their attorneys that they were roughing up detainees at the direction of US military intelligence officers.

Most of the detainees said in the statements that they were stripped upon their arrival to Tier 1A, forced to wear women's underwear, and repeatedly humiliated in front of one another and American soldiers. They also described beatings and threats of death and sexual assault if they did not cooperate with US interrogators.

Kasim Mehaddi Hilas, detainee number 151108, told investigators that when he first arrived at Abu Ghraib last year, he

was forced to strip, put on a hood and wear rose-coloured panties with flowers on them.

Hilas also said he witnessed an army translator having sex with a boy at the prison. He said the boy was between 15 and 18-years-old. Someone hung sheets to block the view, but Hilas said he heard the boy's screams and climbed a door to get a better look. Hilas said he watched the assault and told investigators that it was documented by a female soldier taking pictures.

Hilas, like other detainees interviewed by the military, said he could not identify some of the soldiers because they either covered their name patches or did not wear uniforms. But he and other detainees did know the names of three, including Graner and Sergeant Javal Davis, both of whom have been charged and now face court-martial. Some of the detainees described a short female soldier with dark hair and a blonde female soldier who took part in some of the abuses.

Human Rights
4/2/14

'Some Abu Ghraib prisoners were ridden like animals'

WASHINGTON, MAY 21. Some prisoners at Iraq's Abu Ghraib prison were ridden like animals, fondled by female soldiers, forced to curse their religion and required to retrieve their food from toilets, according to a published report on Friday.

The *Washington Post*, in its Friday editions, also published new photographs and shots from a video of the alleged abuse and sexual humiliation of Iraq prisoners by U.S. soldiers. The newspaper said the material, including secret sworn statements from prisoners, came from evidence being assembled from investigations into possible criminal charges against U.S. soldiers.

The photographs depict a U.S. soldier apparently preparing to strike a shackled detenu, a hooded inmate collapsed with his wrists handcuffed to the railing and a baton-wielding soldier appearing to order a naked detenu covered in a brown substance to walk a straight line, though his ankles are shackled.

The *Post* said it obtained hundreds more pictures and several digital videos of the abuse.

In one photo, a cornered inmate is cowering as a soldier tries to restrain a large black dog with both hands. In another, a soldier appears to be kneeling on naked detenus.

In secret testimony to military investigators in mid-January, detenus said they were beaten and humiliated by American soldiers working the night shift at Tier 1A in Abu Ghraib during the Muslim holy month of Ramadan, according to the *Post*.

It also said detenus told investigators they were forced to denounce Islam or force-fed pork or liquor, required to masturbate in front of female soldiers, threatened with rape, and made to walk on all their hands



SHOCKING ABUSE: In this undated photo published by *The Washington Post* on Friday, an Iraqi prisoner is cuffed at both wrists and has collapsed over railings at the Abu Ghraib prison outside Baghdad. — AFP

and knees and bark like dogs. "They said we will make you wish to die and it will not happen," the newspaper quoted one detenu, identified as Ameen Saeed Al-Sheik, as saying.

Brig. Gen. Janis Karpinski, who oversaw the prison, said on

Friday that the new photos were shocking but reiterated that she had seen no abuses of prisoners during the time she oversaw the facility.

She said she had limited access to the cellblocks where the abuses occurred because military intelligence personnel

oversaw interrogation of prisoners and had panels installed over the doors and windows.

"If anybody had briefed me on those procedures and said 'This is what we're planning to do,' I would have said, 'Not in one of my facilities,'" she told CBS television. — AP

Permissible pain and torture

IS torture always wrong? International law is unambiguous on this point. Every human rights agreement bans torture. The trouble is, none defines it clearly.

The 1984 Convention Against Torture, for instance, bans the direct infliction of physical pain. But it also states that torture "does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions".

What does that mean? It is wrong to inflict pain, but it is okay to inflict it in the course of "lawful sanctions"? At what point does pain "inherent in lawful sanctions" shade into torture?

As *The Economist* noted in January last year, it is possible to argue that the "stress involved in some physical restraints, as well as bright lights, prolonged interrogations, mild sleep deprivation and the withholding of some creature comforts" are all permissible forms of pain.

Indeed, the European Court of Human Rights said as much in 1978 in a case concerning the British government's treatment of Irish Republican Army suspects. Making them stand spread-eagled against a wall for hours, hooding them, depriving them of sleep, subjecting them to continuous loud noise or keeping them on short rations was not torture, the court ruled. It nevertheless held that these practices were "inhuman and degrading" and therefore contravened the European Convention on Human Rights.

This suggests physical abuse must cause extraordinary pain to qualify as torture, but inflicting any pain is "inhuman and degrading". By this logic, torture can be defined narrowly, even as what is "inhuman" is defined broadly.

Depending on emphasis, it is possible to excuse a number of harsh practices on the grounds that they do not quite constitute torture, or condemn a number of practices accepted even in democracies on the grounds that they are "inhuman and degrading". Either way, there seems to be considerable room for hypocrisy, among both law enforcement agencies out to break suspects and their human rights critics.

Consider what has recently come to light

At what point does pain 'inherent in lawful sanctions' become torture? JANADAS DEVAN on coercive interrogation techniques



about US interrogation methods of terrorist suspects. According to the *New York Times* and the *Washington Post*, US authorities approved the use of a number of "coercive" interrogation methods after 11 September 2001. These included a technique known as "water boarding", "in which a prisoner is strapped down, forcibly pushed under water and made to believe he might drown".

This and other "harsh" techniques did not constitute torture and did not violate US anti-torture laws, officials were reported to have said. The methods only "simulated torture", they argued, and stopped short of causing "serious injury".

They couldn't possibly have believed their own argument, for they went to extraordinary lengths to construct legal dodges for

themselves.

High-level Al-Qaida suspects, for example, were transferred to the custody of countries known to practise torture. Officials were advised by lawyers that if they were contemplating procedures that might violate US statutes prohibiting torture or the Geneva Convention, "they will not be responsible if it can be argued that the detainees are formally in the custody of another country."

In other words, torture was fine so long as it was outsourced, though it was the USA that benefited from information gained from this offshore "simulated torture".

In retrospect, it is clear such dodges helped establish a culture that led to Abu Gharib. There is no evidence the Bush administration authorised the humiliation of

Iraqi prisoners, but a convincing case can be made that a number of its decisions – from denying Geneva Convention rights to so-called "non-combatant enemies", to secretly approving "coercive" interrogation techniques – did establish a culture of "anything goes". The breakdown of military discipline at Abu Gharib was preceded by a breakdown of legal discipline in Washington.

However, there's another failing here – one that preceded all the others, one that political correctness will hardly acknowledge – and that is the hypocrisy of civilised societies.

Consider again that example of "simulated torture", the water-boarding technique. US officials admit they used it on Khalid Sheikh Mohammad, the mastermind behind 9/11. When he was captured in Pakistan last year, he was carrying a letter written by Osama bin Laden to a family member. Unlike the Abu Gharib prisoners 70 to 90 per cent of whom were innocent of any crime, according to the Red Cross – Khalid was in all probability guilty of horrendous crimes and possessed useful information about Al-Qaida. What moral logic would find water-boarding him as outrageous as sexually humiliating the Abu Gharib prisoners?

By calling both "inhuman and degrading", we protect the inhuman and degrade the innocent. By making "torture", nebulously defined, illegal under any circumstance, we force law enforcement agencies to invent lying euphemisms – "simulated torture", "stress and duress", "coercive techniques", "psychological pressure" – for their methods, some of which obviously work. By holding fast to the hypocrisy that civilised societies never do some things, we give up our right to examine and police what they in fact do in extremis.

Abu Gharib was horrifying because it was the gratuitous and random infliction of pain and humiliation for no purpose other than sadistic pleasure. How many people will object if water-boarding a specific terror suspect produces information that prevents a "dirty bomb" from exploding in downtown Manhattan – or Singapore, for that matter?

— *The Straits Times/Asia News Network*

MICHAEL BLOOMBERG, the Mayor of New York, and its Governor, George Pataki, will discover, over a breakfast of cinnamon rolls and coffee at the Bryant Park Grill, whether the city has been put on the shortlist of cities to host the 2012 Olympic Games.

Nine cities are in the running and the International Olympic Committee's executive board is expected to eliminate as many as five.

If their city's bid succeeds then New Yorkers, still suffering deep trauma from the terrorist attacks of 11 September 2001, believe it is the least the world can do to try to help restore their confidence.

But if the bid fails, Americans will take it as a snub and ask themselves the question that has dogged them ever since the attacks: Why do they hate us?

Until the attack on the World Trade Centre and the Pentagon, the USA enjoyed more than two centuries of defensive isolation, believing itself well beyond the reach of foreign invaders. Since then the country has been obliged to accept that it is vulnerable to outside attack.

Americans believe that Al-Qaida's attack and the subsequent resistance of many of its old allies to the invasion of Iraq proves that foreigners hold a grudge against them. Rather than trying to understand why so many have turned their backs, they prefer to shelter behind the cultural gulf that divides them from the rest of the world. Except for the few descendants

of Indian tribes, Americans are a nation of immigrants, yet they show little curiosity about the countries they left behind. Last Thursday, for example, the top international story was that India had unexpectedly thrown out its government and voted for the fourth Nehru/Gandhi Prime Minister.

Although the USA is now home to two million Indians, the news went unreported by the rolling television news stations. Those interested had to rely on the BBC's World Service.

Indifference to foreigners even extends to the USA's huge Latino population. Their arrival has been so swift, and they are culturally so self-sufficient, that their role as an invisible underclass in big cities such as New York and Los Angeles is rarely acknowledged.

The film *A Day Without Mexicans*, released recently in southern California, attempts to shame Americans into paying more attention to those who do the daily donkey work. The film shows the mayhem that would engulf Los Angeles if Hispanics, who make up a third of California's population, 57 per cent of its building workers, 58 per cent of its cooks and 53 per cent of its caretakers, were to vanish.

Mexicans are undervalued because they are considered to be foreign. As a result, few overseas news stories from Mexico, Canada

Why has a country of immigrants from every nation of the world turned its back on the rest of the planet?
NICHOLAS WAPSHOTT seeks an answer to America's isolation

or anywhere else reach US papers.

As far as British news is concerned, there are two stories: an insatiable appetite for royal scandal – above all the question "Was Diana, Princess of Wales murdered?" – and a passing interest in whether Tony Blair has been damaged by supporting George Bush.

Even the events in Iraq, currently home to 1,50,000 US troops, are presented oddly, not as an occupation but as a story about how Americans cope when things go wrong abroad.

US reporters who rode shotgun on the road to Baghdad show little

interest in the liberated Iraqis and a great deal of concern about whether GIs are being fed enough Coca-Cola.

The daily and weekly US death toll in Iraq is played big every night, with sonorous music underscoring the Pentagon's list of casualties. Very few news programmes routinely attempt to estimate the numbers of Iraqi soldiers and civilians killed or injured.

This lack of interest in ordinary Iraqis must have given the torturers of Abu Gharib confidence that, so long as they kept mum, few back home would concern themselves with the ill treatment of prisoners.

The chilling words of General William C Westmoreland at the height of the Vietnam conflict – "the Vietnamese just don't value human life the way we do" – has been recast for the Iraqis.

Why has a country of immigrants from every nation of the world turned its back on the rest of the planet? All those who arrived in the USA, even toffs awarded land by royal charter, were escaping their roots. They turned their backs on the old country and set their clocks at Year Zero.

The thousands who escaped pogroms and vendettas stayed suspicious and often hostile towards those they left behind.

The American reluctance to look back over their shoulder has

fuelled a strong sense of isolation. Even after winning foreign wars, US politicians have found it difficult to commit themselves to utopian institutions of world government.

Woodrow Wilson, often cited as an inspiration by the Republican neo-conservatives, dreamt of a powerful League of Nations to prevent a World War II. "We are participants, whether we would or not, in the life of the world," he declared. Yet, his hopes were dashed by isolationists who prevented the USA joining the League, thereby ensuring its demise.

While the United Nations was largely an invention of Franklin Roosevelt, established in San Francisco and built in New York, it has rarely been used by presidents, who dismiss it as an interfering talking shop.

Similar fears of outside meddling in US affairs partly explain the Bush administration's *la carte* view of the Geneva Conventions.

The sole international organisation Americans unequivocally admire is the Olympics, a contest where sovereignty is never compromised.

Once, as the philosopher Carl von Clausewitz observed, diplomacy was war by other means. Now that patient diplomacy has gone out of fashion, sport has become the war surrogate, which is another reason why Americans will be disappointed if they are not invited to host the 2012 Games.

— *The Times, London*.

Rumsfeld approved of torture, says report

By Sridhar Krishnaswami

WASHINGTON, MAY 16. In a development that is bound to perk up the debate here and overseas on the gross abuses of Iraqi prisoners especially as it related to who in the Pentagon was in the know of things, it is now being said the U.S. Defence Secretary, Donald Rumsfeld, and one of his top aides approved of the tactics.

According to a forthcoming article in *The New Yorker*, author Seymour Hersh says Mr. Rumsfeld and the Under Secretary of Defence for Intelligence, Stephen Cambone, approved tougher interrogation techniques in Iraq in 2003 to get better information from prisoners against the backdrop of a growing and intensive insurgency threat. Mr. Hersh makes the point that the "special access programme" was expanded to allow authorities at Abu Ghraib to engage in degrading and hu-

miliating the prisoners "in an effort to generate more intelligence about the growing insurgency in Iraq."

The original programme started with growing frustrations in Afghanistan in the weeks after the start of American air operations. The plan apparently authorised by Mr. Rumsfeld with approval from the National Security Adviser Condoleezza Rice gave blanket authorisation to kill or capture and interrogate "high value" targets in the war on terror. The U.S. President, George Bush, was informed of the plan.

American commandos carried out the programme and were conducting instant interrogations at many of the CIA's detention centres around the world with information gleaned passed on to the Commanders at the Pentagon. Mr. Hersh says that last year Mr. Rumsfeld and Mr. Cambone expanded the scope of the programme and

brought its methods to Abu Ghraib.

Mr. Rumsfeld has apologised for what has taken place in Abu Ghraib saying lower level officials were involved and without the knowledge or approval of such tactics from senior military commanders. The essence of what Mr. Hersh is saying could mean that Mr. Rumsfeld is trying to shift the blame to lower level military officers. Seven soldiers are facing military charges related to the prisoner abuse but much of the focus has been on whether the soldiers were acting on their own or on instructions from senior military officials.

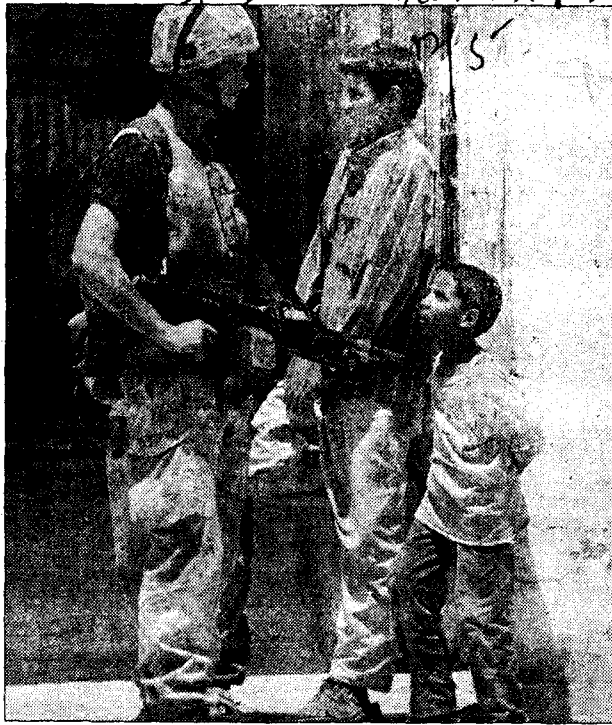
The Pentagon's chief spokesman, Lawrence Di Rita, has called the claims of Mr. Hersh "outlandish, conspiratorial and filled with error and anonymous conjecture" and has denied that Mr. Cambone was in any way involved in directing any covert programme.

[Handwritten scribbles]

Human Rights

*APD-4
17/5*

Red Cross warned of abuse 14 months ago



An Iraqi boy stares at a British soldier patrolling the southern city of Amara in Iraq, on Tuesday. — AFP

The Times, London

WASHINGTON, May 11. — The Red Cross issued repeated and detailed complaints to the US officials about the widespread abuse of Iraqi prisoners more than 14 months ago, but most were ignored, according to the leaked report.

As long ago as last October the Red Cross complained about interrogations at the Abu Ghraib prison in

Baghdad. The frequent complaints, made to military officials in Iraq, included details of beatings and humiliation, some of which resulted in death. The report says despite warnings, about Abu Ghraib and other jails, the abuse was so persistent that it "might be considered as a practice tolerated by Coalition Forces":

The release cites several unnamed military Intelligence officials who confirmed to the Red Cross

Saddam in Iraqi hands by July

KUWAIT CITY, May 11. — The head of Iraq's war-crimes tribunal said today that the U-S-A has pledged to hand over Saddam Hussein and about 100 other suspects to Iraqi authorities before 1 July, when Iraq assumes sovereignty from its US-led occupiers.

Mr Salem Chalabi said, trials would begin early next year, and that judges would receive "files" on the suspects at the end of this year. "We will put 100 people ... including Saddam Hussein, on trial," he said. The suspects, he added, "will be delivered to us by the coalition before the transfer of power." Tariq Aziz, Saddam's former Deputy Prime Minister, also will be handed over, he said. — AP

that physical and psychological abuse at Abu Ghraib was "standard operating procedure". The report lists at least five official complaints made after March 2003 about ill-treating prisoners in Iraq, and talks of oral complaints lodged with Coalition Forces in 2003.

A video posted today on an Islamic ultra website appeared to show an Al-Qaida-affiliated group beheading a US contractor in Iraq, saying the death was revenge for the treatment of Iraqi prisoners by US forces.

THE STATESMAN 12 MAY 2004

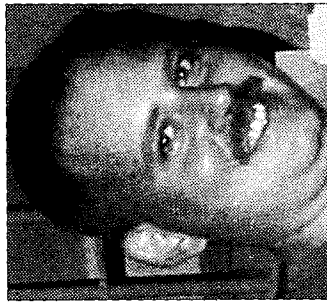
Bush praises Rumsfeld for 'job well done'

Hummer-Repels 59-11 1115

Associated Press

WASHINGTON, May 10. — Mr George W Bush issued a strong endorsement of embattled Secretary of Defence Mr Donald H Rumsfeld on today, telling him after a meeting at the Pentagon: "You are doing a superb job."

On Capitol Hill, meanwhile, Senators scheduled another hearing on the abuse of Iraqi prisoners by American soldiers that has prompted calls for Mr Rumsfeld's resignation. Witnesses at tomorrow's hearing include Maj. Gen. Antonio Taguba, author of



Two of the accused in the Abu Gharib abuse scandal: Spec. Charles Graner (left) and Spec. Sabrina D Harman. — AFP

the report that found numerous "sadistic, blatant and wanton criminal abuses" at the prison near Baghdad.

Mr Bush's comments at the Pentagon appeared

The Pentagon agreed to send as-yet unreleased photos and at least one videotape to the Senate Armed Services Committee tomorrow.

No cameras: No TV cameras or tape recorders will be allowed in the courtroom at next week's court-martial of a US soldier charged in the Abu Gharib prison abuse scandal, a US officer said today. The streamlined trial, to begin on 19 May is expected to last just one or two days — including the sentencing phase, if Spc. Jeremy C Sivits found guilty, the officer said.

Blair says sorry

LONDON, May 9. — Mr Tony Blair has apologised for British soldiers' mistreatment of prisoners in Iraq as Britain admitted it had known for "several months" of allegations Iraqi prisoners had been abused. "We apologise deeply to anyone who has been mistreated by our soldiers. This is totally unacceptable," he said yesterday in the first official admission of abuse by British forces. "Those responsible will be punished according to the army disciplinary rules," the Prime Minister added. — AFP

Press Trust of India

NEW YORK, May 10. — US interrogators were not necessarily "going to stick with the Geneva Convention" when dealing with prisoners in Iraq, some senior Congress members were told in highly-classified briefings.

The briefings also indicated to the lawmakers that interrogators would use more stressful techniques, apparently including some measure of physical discomfort, *Newsweek* magazine reported quoting intelligence officials.

A mounting body of evidence around the world suggests that abuses at the Abu Gharib prison did not stop there or even in Iraq, and the Geneva Conventions

were being routinely flouted in an environment where almost no one is held accountable.

"The US government and military capitalises on the dubious status as sovereign states Afghanistan, Diego Garcia, Guantanamo Bay, Iraq and aircraft carriers, to avoid certain legal questions about rough interrogations," the magazine quoted a US intelligence official as saying. "Whatever humanitarian pronouncements a state such as ours may make about torture, states don't perform interrogations, individual people do. What's going to stop an impatient soldier, in a suprallegal location, from whacking one nameless, dehumanised shopkeeper among many?"

US army announces Abu Gharib trial

Associated Press

BAGHDAD, May 9. — A 24-year-old US military policeman will be the first soldier to face a court-martial in connection with the abuse of Iraqi prisoners at Abu Gharib prison, the military said today.

Spc. Jeremy C. Sivits, a member of the 372nd Military Police Company, will stand trial in Baghdad on 19 May, Brig. Gen. Mark Kimmitt said. The proceedings will be open to media coverage.

Spc. Sivits has been charged with conspiracy to maltreat subordinates and detainees, dereliction of duty for negligently failing to protect detainees from abuse and cruelty and maltreatment of detainees.

If convicted of all charges, the accused could face one year in prison, reduction in rank to private, forfeiture of two-thirds of his pay for a year, a fine or a bad conduct discharge, military officials said. Penalties could include only one, all or any combination of those punishments.

Seven soldiers, including Spc. Sivits, face criminal charges for alleged abuse of Iraqi prisoners. Sivits is the first soldier whose trial date has been set.

Spc. Sivits is believed to have taken some of the photos that

Baghdad bombing

BAGHDAD, May 9. — Six people were killed and nine wounded today when a bomb ripped through a crowded Baghdad marketplace, Iraqi police and witnesses said.

"Four people were killed and nine wounded when a bomb that had been hidden in a box of bananas exploded in the Baya market" in the west of the capital, a police officer said. But several witnesses said two more people — both of them policemen — had also been killed in the blast. — AFP

triggered the worldwide scandal over America's treatment of Iraqi prisoners. His father, Mr Daniel Sivits, said last month that his son "was told to take a picture and he did what he was told".

By trying him first, the military may be seeking to lay the legal foundation for future prosecutions. President George W Bush vowed yesterday: "We will learn all the facts and determine the full extent of these abuses. Those involved will be identified. They will answer for their actions."

US officials have insisted that the abuses at Abu Gharib were carried out by a handful of soldiers who failed to follow procedures and were not part of a systematic programme of brutality.



CHAMBER OF HORRORS: A picture obtained by the New York Times from an undisclosed source shows a US soldier sitting on an Iraqi detainee at the Abu Gharib prison. — PTI

THE STATESMAN

10 MAY 2004

বন্দিদের উপর অত্যাচার বিচ্ছিন্ন ঘটনা, বললেন বুশ ভিন্ন মত রেড ক্রসের

ওয়াশিংটন, ৮ মে— ইরাকের কারাবন্দিদের উপর মার্কিন সেনার অত্যাচারের জন্য গতকাল প্রকাশ্যে ক্ষমা চাইলেও প্রেসিডেন্ট বুশ তাকে বিচ্ছিন্ন ঘটনা এবং সেনাবাহিনীর ছোট্ট এক অংশের কীর্তি বলে হালকা করার চেষ্টা করছেন। কিন্তু আন্তর্জাতিক রেড ক্রস জানিয়েছে, গত বছরের মার্চ ও নভেম্বরের মধ্যে একাধিক বার মার্কিন বন্দিশালা পরিদর্শন করে তাঁদের অন্য কথাই মনে আসে। বন্দিশালায় ইরাকিদের উপর ধারাবাহিকভাবে অত্যাচার চালানো হচ্ছে। বুশের মতে অবশ্য, বাগদাদের আবু গাইবের কারাগারে ইরাকি যুদ্ধবন্দিদের উপরে পাশবিক অত্যাচার অল্প সংখ্যক মার্কিন সেনার কুকীর্তি। বিশ্বব্যাপী সমালোচনার আঁচ যাতে নভেম্বরের প্রেসিডেন্ট নির্বাচনে না-পড়ে সে জন্যই ইরাকে মোতামেন সেনাবাহিনীর একাংশের উপরে গোটা ঘটনার দায় চাপাতে চাইছেন বুশ, এমনটাই মনে করছে রাজনৈতিক মহল। কিন্তু পরিস্থিতি যে আদৌ বুশ প্রশাসনের নিয়ন্ত্রণে নেই তার ইঙ্গিত মিলেছে মার্কিন কংগ্রেসের তদন্ত কমিটির সামনে প্রতিরক্ষাসচিব ডোনাল্ড রামসফেল্ডের দেওয়া সাক্ষ্য। রামসফেল্ড বলেছেন, যুদ্ধবন্দি ইরাকিদের উপরে মার্কিন বাহিনীর অত্যাচারের আরও ছবি শীঘ্রই প্রকাশিত হতে পারে। তিনি নিজে সেই ছবি দেখেছেন জানিয়ে রামসফেল্ডের মন্তব্য, সেই ছবি আরও জঘন্য।

আবু গাইব বন্দিশালায় ইরাকি বন্দিদের উপরে মার্কিন সেনার অত্যাচারের খবর প্রকাশিত হওয়ার পরে পরিস্থিতি সামাল দিতে আসরে নামেন প্রেসিডেন্ট বুশ। আরব দুনিয়ার ক্ষোভ কমাতে বুধবার দুটি আরবি টি ভি চ্যানেলে সাক্ষাৎকার দেন তিনি। সেখানে বুশ অত্যাচারের ঘটনাকে নিন্দনীয় বললেও এর জন্য ক্ষমা চাননি। কিন্তু ক্রমবর্ধমান চাপের সামনে নতি স্বীকার করে কাল জর্ডনের রাজা ছসেনের সঙ্গে যৌথ সাংবাদিক সম্মেলনে মার্জনা ভিক্ষা করেন মার্কিন প্রেসিডেন্ট। আজ অবশ্য অত্যাচারের ঘটনাকে লঘু করে দেখানোর তাগিদে মার্কিন সেনাবাহিনীর একাংশের উপরে দোষ চাপিয়েছেন বুশ। সাপ্তাহিক রেডিও সম্প্রচারে তিনি বলেছেন, “ইরাকের বন্দিশালায় যা ঘটেছে, তা খুব সামান্য সংখ্যক সেনার অপকীর্তি। এদের উপরে যুদ্ধবন্দিদের দেখভালের দায়িত্ব ছিল। মার্কিন আইন এবং জেনিভা চুক্তি মেনেই কাজ করাতে বলা হয়েছিল তাদের। কিন্তু তার বদলে আমরা লজ্জাকর, অমানবিক অত্যাচারের ছবি দেখলাম। এটা আমাদের মনোভাবের প্রতিফলন নয়। যে ২ লক্ষ মার্কিন সেনা ইরাকে স্বাধীনতা যুদ্ধ শুরুর দিন থেকে

সেখানে কাজ করেছেন, তাঁদের অধিকাংশেরই মনোভাব এর বিপরীত।” এই কুকীর্তি আমেরিকার সম্মানের উপরে কলঙ্ক লেপে দিয়েছে মন্তব্য করে বুশ আরও একবার জানিয়ে দিয়েছেন, দোষীদের চিহ্নিত করে শাস্তি দেওয়া হবে।

‘সামান্য কয়েক জন সেনার অপকীর্তি’, বলে গোটা ঘটনার দায় বুশ নিজের কাঁধ থেকে ঝেড়ে ফেলতে চাইলেও আবু গাইবের ভূত যে আপাতত তাঁকে তাড়া করে ফিরবে, আজই সেই ইঙ্গিত মিলেছে। ইরাকে যুদ্ধবন্দিদের উপরে অত্যাচারের ঘটনা আগেই তাদের নজরে এসেছিল বলে জানিয়ে দিয়েছে আন্তর্জাতিক রেড ক্রস। সংস্থার ডিরেক্টর পিয়ের কারেচেনবুয়েল জেনিভায় বলেছেন, গত বছর মার্চ থেকে নভেম্বর পর্যন্ত রেড ক্রসের প্রতিনিধিরা ইরাকের বিভিন্ন জিজ্ঞাসাবাদ কেন্দ্র ঘুরে দেখেন। এমন কিছু কিছু ঘটনা তাঁদের নজরে আসে, যেগুলিকে যুদ্ধবন্দিদের উপরে অত্যাচার বলা যেতেই পারে। এই সব ঘটনা বিচ্ছিন্ন নয়, একটা বৃহৎ চলতি ব্যবস্থার অঙ্গ, মন্তব্য করেছেন কারেচেনবুয়েল।

মার্কিন কংগ্রেসের তদন্ত কমিটির জেরার সামনে কীল প্রতিরক্ষাসচিব ডোনাল্ড রামসফেল্ড জানিয়েছেন, নয় যুদ্ধবন্দিদের উপরে অত্যাচারের যে ছবি প্রকাশিত হয়েছে, সেগুলি ছাড়াও আরও বেশ কিছু ছবি তিনি দেখেছেন। একটি ভিডিও টেপও দেখেছেন তিনি। এই সব ফটোগ্রাফ ও ভিডিও টেপে আরও নারকীয় অত্যাচারের ছবি ধরা আছে বলে তদন্ত কমিটিকে জানিয়ে দিয়েছেন রামসফেল্ড। আর কিছু দিনের মধ্যেই মার্কিন সেনাবাহিনীর ঘণ্য কাজের আরও কিছু দলিল দেখতে পাবে গোটা বিশ্ব। সেই তথ্য প্রমাণ ভোটারের বছরে তাঁকে আরও খানিকটা কোণঠাসা করে দিতে পারে আশঙ্কা করলেও মার্কিন কংগ্রেসের তদন্ত কমিটির সামনে দেওয়া সাক্ষ্যের জন্য বুশ রামসফেল্ডের প্রশংসাই করেছেন বলে হোয়াইট হাউসের খবর।

নিজের দল এবং বিরোধী ডেমোক্র্যাটদের দাবি অগ্রাহ্য করে বুশ কালই জানিয়ে দেন, রামসফেল্ডকে প্রতিরক্ষা সচিবের পদ থেকে সরাবেন না তিনি। যদিও রামসফেল্ড নিজে তদন্ত কমিটির সামনে স্বীকার করেছেন যে তাঁর ইস্তফা বুশ প্রশাসনের নষ্ট ভাবমূর্তি পুনরুদ্ধার করতে পারে। এরই পাশাপাশি মার্কিন প্রতিরক্ষাসচিবের অবশ্য এ-ও জানিয়েছেন যে, পদত্যাগের কোনও পরিকল্পনাই আপাতত তাঁর নেই। কিন্তু রামসফেল্ডের ইস্তফার জন্য যে ভার্সে রাজনৈতিক মহল থেকে চাপ বাড়ছে, তা এড়ানো তাঁর পক্ষে অসম্ভব বলেই মনে করা হচ্ছে।

— রয়টার্স

Iraq torture routine, say experts

Post-9/11, US 'Outsourced' Violence Against Captives

By Siddharth Varadarajan/TNN

New Delhi: President George W Bush declared on Wednesday that the evidence of torture at the Abu Ghraib prison in US-occupied Iraq is "abhorrent" and "does not represent the America that I know". The reality, say US-based human rights groups and legal scholars, is that the Bush administration's 'war on terror' has spawned a set of aggressive detention and interrogation practices that have broken down the time-honoured taboo against torture and exposed prisoners to the depredations of interrogators and guards who know the usual rules no longer apply.

From the notorious black hole of Guantanamo to the numerous detention centres run offshore by the CIA so as to exclude the oversight of US courts, it is routine for prisoners to be humiliated or subjected to physical abuse and violence. "Many of the detainees at Guantanamo Bay and the US mainland have also been victims of torture and other cruel, inhuman or degrading treatment by the US government", says Marjorie Cohn, professor of international law at the Thomas Jefferson School of Law in San Diego.

One of cornerstones of the Bush administration's new approach towards suspects is the policy of "rendition", where the US outsources the job of interrogating individuals believed to have terrorist links to countries where torture

is routine—like Syria, Egypt or Morocco. "We don't kick the %&@# out of them", an unnamed US official told the 'Washington Post' in December 2002. "We send them to other countries so they can kick the %\$#@# out of them". Asked what exactly was meant by "opera-

counter-terrorism.

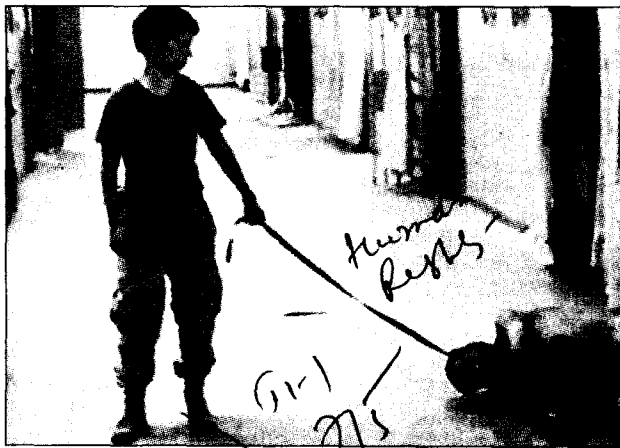
In Iraq, the general remit to use force while interrogating anti-American captives has fused with the violent logic of military occupation to produce a deadly cocktail of humiliating prison rituals, sexual sadism and torture. Far from being aberrations, the US soldiers shown smiling next to their stripped trophies are the logical product of the "gloves" coming off.

A review of the changing US policy towards torture and other forms of unlawful interrogation by the Center for Cooperative Research has produced literally scores of documented examples of violence against US-held prisoners—in Iraq, Afghanistan, Guantanamo—as well as against those the US 'rendered' over to its allies.

One of the most notorious case of US-sponsored torture to have emerged yet is that of Maher Arar, a Syrian-Canadian dual national who was taken off a plane at JFK airport in New York in September 2002, questioned for a few days, and then handed over to Syria for the full treatment. After 10

months of brutal torture, he was eventually released. Today, he is reportedly considering suing the US for \$400 million in damages.

The internal US army report into the Abu Ghraib abuses authored by Maj Gen Antonio Taguba makes it clear that much of the torture was linked to interrogations and was therefore the product of an official writ rather than individual perversity.



One of several new pictures of torture by US soldiers in Iraq published in The Washington Post on Thursday

tional flexibility" in the interrogation of terrorist suspects, J Cofer Black, then head of the CIA Counterterrorist Center, told a Senate intelligence committee in 2002: "This is a very highly classified area but I have to say that all you need to know: There was a before 9/11, and there was an after 9/11. After 9/11 the gloves come off". Black is now the Bush administration's ambassador-at-large on

SC lambasts Modi govt again

Times News Network

Hummer
Best
6-1
New Delhi: Outraged at the Gujarat government's plea for a review of its judgment transferring the Best Bakery murder case trial to Maharashtra, the supreme court on Thursday termed it as "arrogance on the part of the state".

Reserving its order on the maintainability of the state government's plea seeking a review of its judgment which had also allowed reinvestigation in the cases in which all the accused who had killed 21 persons in Vadodara were acquitted, a bench of Justices Doraiswamy Raju and Arijit Pasayat asked state's counsel Mukul Rohtagi as to who has filed the affidavit with its application.

The bench took a serious view of the state's averment that the court did not give it proper opportunity. The bench wanted to know whether the official concerned was present during the hearing of the Best Bakery case



key witness Zahira Shaikh's appeal.

Giving a new dimension to the criminal justice system, the bench had on April 12 compared the Gujarat government officials to "modern day Neros"

who looked the other way during the trial of the case in which innocent people were burnt to death.

On Thursday, the bench said, "We never tried to identify the persons. It is after the judgment that they are trying to identify themselves with the act. This is a case of arrogance on the part of the state."

When Rohtagi apologised for "hurting the sentiments" of the court, the bench said: "If at all you have hurt something, it is this institution and the profession."

Warning the Gujarat government

that it cannot "browbeat the supreme court like this", the bench said, "If this happens to the supreme court, we shudder to think what will happen to the high court or the subordinate courts. You are giving us an impression that every judgment we write, we should take you into confidence before we pronounce it."

Rohtagi continued to argue that the court did not have "suo motu" power to transfer the case outside the state as this could only be done under provisions of Section 406 of the Criminal Procedure Code.

The state has sought expungement of certain observations made by the bench in its April 12 judgment, which accused's counsel K T S Tulsi said had been passed without providing the safeguards therein. Tulsi also said that the apex court had violated the principle of natural justice as no opportunity was given to the accused before their trial was transferred to Maharashtra.

THE TIMES OF INDIA

7 MAY 2011

বন্দীদের ওপর অত্যাচারের ঘটনা ব্যতিক্রম, দুনিয়াকে বোঝাচ্ছেন পাওয়েল

আরবি চ্যানেলে বুশ : আমেরিকারই মান ডুবেছে

ওয়াশিংটন, ৫ মে (পি টি আই)— ইরাকি বন্দীদের ওপর বুশ বাহিনীর অত্যাচারের দৃশ্য আন্তর্জাতিক সংবাদ মাধ্যমে ফাঁস হওয়ায় যারপরনাই কোণঠাসা হয়ে পড়েছে মার্কিন প্রশাসন। মার্কিন প্রেসিডেন্ট জর্জ বুশ ও ব্রিটেনের প্রধানমন্ত্রী টনি ব্ল্যার ওই ঘটনাকে প্রকাশ্যে লজ্জাজনক আখ্যা দিয়ে তদন্তের নির্দেশ দিয়েছেন। সি এন এন-কে দেওয়া সাক্ষাৎকারে বুশের বিদেশ সচিব কলিন পাওয়েল বলেছেন, আবু ঘরাইব কারাগারে যা ঘটেছে তা বিরল ব্যতিক্রম। গোটা দুনিয়া এর নিন্দা করছে, করাই উচিত। তবে আমাদের তরফে এটাই বলতে পারি যে, দোষীদের কড়া শাস্তি হবে। ভবিষ্যতে যাতে এমন ঘটনার পুনরাবৃত্তি না ঘটে, সেদিকে নজর রাখবে মার্কিন প্রশাসন। আবু ঘরাইবে ইরাকি বন্দীদের ওপর মার্কিন সেনার অকথ্য অত্যাচার দেখে এ বিষয়ে স্বাভাবিকভাবেই আরেকটি গুরুত্বপূর্ণ প্রশ্নের মুখোমুখি হয়েছে গোটা বিশ্ব। তা হল, আমেরিকার হাতে বন্দী সাদ্দাম হুসেন কেমন আছেন? সাদ্দামকে গ্রেপ্তার করে বহু টালবাহানার পর তাঁকে যুদ্ধবন্দীর স্বীকৃতি দিয়েছে মার্কিন

যুক্তরাষ্ট্র। তবে তিনি এখন কোথায়, কীভাবে তাঁকে জেরা করা হচ্ছে, সে-সবই গোপন রাখা হয়েছে। এ প্রসঙ্গে পাওয়েল বলেছেন, সাদ্দামকে যুদ্ধবন্দীর মর্যাদা দিচ্ছে আমেরিকা। আবু ঘরাইবে মার্কিন সেনার কীর্তিকলাপ দেখে গোটা আরব দুনিয়া প্রচণ্ড ক্ষুব্ধ। তাদের আশ্বস্ত করতে একাধিক আরবি টিভি চ্যানেলে নিজেদের সাফাই গাইতে বাধ্য হচ্ছেন খেদ মার্কিন প্রেসিডেন্ট বুশ ও আমেরিকার জাতীয় নিরাপত্তা উপদেষ্টা কডেলিজা রাইস। আল আরবিয়া ও আল ছরা টিভি চ্যানেলকে দেওয়া সাক্ষাৎকারে বুশ বলেছেন, বন্দী ইরাকিদের ওপর অত্যাচার কোনওভাবেই মেনে নেওয়া যায় না। আবু ঘরাইবের ঘটনা মার্কিন বাহিনীর ভাবমূর্তিতে কালিমা লেপন করেছে। আল জাজিরা টিভি চ্যানেলে কডেলিজা রাইস বলেছেন, অপরাধীদের সনাক্ত করে তাদের চরম শাস্তি দেওয়ার প্রতিজ্ঞা করেছেন প্রেসিডেন্ট। আবু ঘরাইব জেলে ইরাকি বন্দীদের সংখ্যা কমানোর পরিকল্পনা করেছে মার্কিন প্রশাসন। পাল্টানো হবে জেরার ধাঁচও। দক্ষিণ ইরাকের কারবাল্লা ও দিওয়ানিয়া শহরে রাতভর বিচ্ছিন্ন সম্মর্ষে প্রাণ হারিয়েছে ১২ জন।

AAJKAL 1 6 MAY 2004

Jail torture despite warnings

Press Trust of India
New York, May 3

AS DETAILS surface about the alleged abuse of Iraqi detainees by US forces, an American army general, who oversaw guards at the detention facilities in the war-ravaged country has said she warned her superiors right from the beginning about the ill-treatment of Iraqi prisoners.

The trouble was, she didn't have enough troops or resources to do the job right, and the men at the top ignored her complaints, Brigadier General Janis Karpinski told a weekly.

"They just wanted it to go away," she told *Newsweek*. In the end, several of her soldiers apparently went out of control. The CBS News show *60 Minutes II* released snapshots last week of grinning guards at Abu Ghraib prison forcing naked prisoners to pose in degrading positions.

"There's no excuse for what these people did," said Karpinski. "They're just bad people. But the guys involved in this were new to Abu Ghraib. It got way out of hand."

Karpinski said the scandal was just waiting to happen. "The entire detainee system ... is broken," she told the news magazine.

The US army has promised to punish the perpetrators. US Joint Chief of Staff Richard Myers said on Sunday the American army intelligence was looking into allegations that intelligence personnel may have encouraged, or pressurised, soldiers to abuse prisoners to help with interrogations.

Practically everyone involved in the Abu Ghraib investigation, *Newsweek* said, insists that what happened there was an aberration, the work of what coalition spokesman Brig. Gen. Mark Kimmitt calls "a very small minority of the hundreds and hundreds of guards".

Nevertheless, the magazine pointed out that Amnesty International reported as early as last July that former detainees in Iraq said they suffered beat-



A US soldier from the 2nd Armed Cavalry Regiment takes aim as another looks out for insurgents in Najaf on Monday. AP

ings, prolonged sleep deprivation or deafening noise while in US custody.

Others have told similar stories to *Newsweek*. Akeel Hassan, 31, was detained last June and later moved to Abu Ghraib, where criminals freely walked from cell to cell, threatening other inmates, he told the magazine. One day a gang from Nasiriya tried to rape a detainee, and a fight erupted. US guards punished them by making them sit naked, motionless, for six hours.

When Hassan, wracked with diarrhea, tried to remove the sack covering his face, "a female soldier grabbed my head and smashed it against a wall". Detainees rioted in December to protest prison conditions. Hassan says, "The Americans opened fire on us. One person was shot dead."

Hassan was freed on April 7 without ever being questioned. The pattern of abuse, the magazine said, goes beyond Iraq.

A recent report by Human Rights Watch described similar treatment of prisoners at Bagram and other US-run detention centres in Afghanistan.

Six US officers reprimanded

Agencies
Baghdad, May 3

SIX US army officers have received the highest letter of reprimand over the prison scandal in Iraq, clearing the way for proceedings to throw them out of the military, a coalition official said on condition of anonymity.

The six were slapped with the General Office Memorandum Reprimandum (GOMR), an effective career killer, which blocks any promotion and could see them expelled if the military decides to take further action, the official said. The US official refused to release the names or ranks of those punished but said a seventh person received a "letter of admonishment", a punishment one grade below the GOMR.

All seven are now appealing the rulings.

The officers, whose reprimands were issued in the last month during one of

Court martial

➤ Six US army officers were slapped with the General Office Memorandum Reprimandum

➤ GOMR is an effective career killer, which blocks any promotion and could see them expelled if the military decides to take further action

➤ This clears the way for proceedings to throw them out of the military

three investigations into the abuse of detainees at Abu Ghraib prison, include Brigadier General Janis Karpinski, who oversaw the prison system in Iraq. The official refused to say if Karpinski, a reserve officer, received a GOMR or the lesser reprimand.

The investigation kicked

off last January when a soldier stepped forward with lurid tales of abuse by prison guards at Abu Ghraib, once the most dreaded prisons under Saddam Hussein. Besides, six US prison guards have been charged with criminal conduct for abusing detainees at Abu Ghraib and four more guards are still under investigation.

A third inquiry has also been opened into interrogation procedures at Abu Ghraib that could lead to criminal indictment or administrative punishment of intelligence officers, both military and CIA, and civilian contractors involved in questioning detainees.

The six senior commissioned and non-commissioned officers at the Abu Ghraib prison had undergone an administrative investigation ordered by Lieutenant General Ricardo Sanchez, the commander of US forces in Iraq, reports Xinhua.

Criminal abuses, says American magazine

By Sridhar Krishnaswami

WASHINGTON, MAY 2. Even as the outrage over the treatment of Iraqi prisoners by American soldiers has hardly subsided, the *New Yorker* magazine is coming out with a story on Monday saying the prisoners faced numerous "sadistic, blatant and wanton" criminal abuses that included beatings and sodomy.

The *New Yorker Magazine*, according to a report, has obtained an internal U.S. military report that gets into the alleged abuses at the Abu Ghraib prison near Baghdad. The report had been authorised by Lt. Gen. Ricardo Sanchez, the top Pentagon brass in Iraq, and completed in February.

The U.S. Army report has listed various gruesome abuses.

The report was written by Maj. Gen. Antonio Taguba and is said to include some "detailed witness statements" along with discovery of "extremely graphic photographic evidence."

The Pentagon has not officially commented on the piece other than saying the Department takes "all reports of detainee abuse seriously and all allegations are thoroughly investigated."

The *Washington Post* has said in its Sunday editions the prisoner abuse probe is being widened. According to this report, a

top Pentagon intelligence officer is heading the probe after allegations have surfaced that military guards abused detainees on instructions from military intelligence operatives.

A soldier who has been accused of abusing prisoners at Abu Ghraib facility had written to his family last December that military intelligence officers had encouraged the mistreatment.

Staff Sgt. Ivan 'Chip' Frederick had written home that he had questioned some of these steps "...and the answer I got was: This is how military intelligence wants it done."

The army Reserve Commander was in charge of the prison has said that it was the Military Intelligence, not the Military Police, that dictated the treatment of prisoners at Abu Ghraib.

"The prison and that particular cell block where the events took place were under the control of the MI command," Brigadier General Janis Karpinski has told the paper over phone from her home in Hilton Head, South Carolina.

The CIA has been quoted in *The Post* as saying its Inspector General is working with the Pentagon to see if the CIA is involved in the abuses.

A spokesman has said that the agency is opposed to abusing prisoners in Iraq.

THE HINDU

MAY 2004

2 MAY 2004

UK to probe prisoners abuse, Arabs see thee

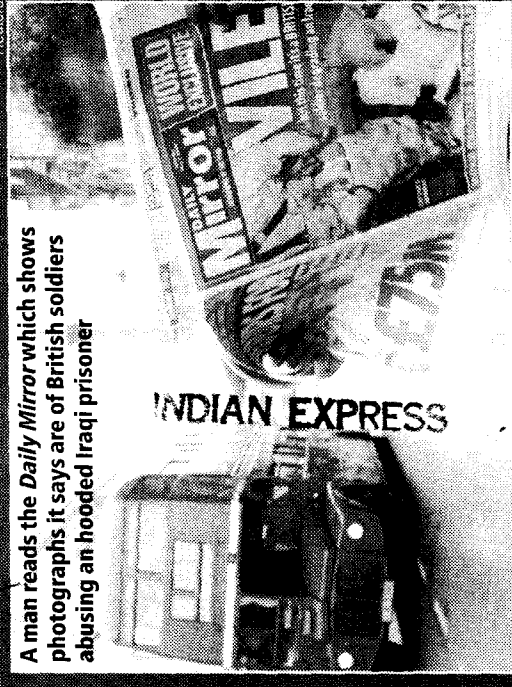
JASON HOPPS
LONDON | MAY 1

BRITAIN launched an inquiry on Saturday into allegations its soldiers beat and urinated on a shackled Iraqi prisoner of war, claims Prime Minister Tony Blair said must be treated seriously and investigated quickly.

Saturday's *Daily Mirror* newspaper published five black and white photographs of British troops apparently kicking, stamping and urinating on a hooded Iraqi in Basra, where Britain has around 7,500 soldiers.

The images drew immediate condemnation from Britain's Army chief and Defence Minister and were published only days after pictures of US troops abusing Iraqi prisoners provoked anger and dis-

A man reads the *Daily Mirror* which shows photographs it says are of British soldiers abusing an hooded Iraqi prisoner



Photos 'beyond disgust': Arab League

CAIRO: The Arab League said on Saturday photos showing US soldiers abusing Iraqi prisoners were "beyond disgust" and that such acts might have been expected from Saddam Hussein, but not those claiming to bring freedom. Hossam Zaki, spokesman for the Cairo-based body, said the League had complained of abuses by US-led forces after a mission to Iraq in December. The League feared more cases of ill-treatment were going unnoticed, he said. "It is beyond the words of despicable acts and disgust that we feel at watching such photographs," Zaki said.

"The irony of it is that Saddam Hussein never really held a banner of spreading freedom... He was an autocratic ruler, a dictator, a repressive ruler, whatever you want to call him. It was expected to witness such atrocities under his rule," he said.

"But to have the American soldiers supposedly bringing freedom and democracy and the American way of life to this part of the world, spreading this kind of shameful misconduct, that is an irony that to my taste is very sickening," he said. —Reuters

may around the world. Army's high standards," said Britain's top general Sir Mike Jackson, who ordered an inquiry into the allegations.

"If proven, not only is such appalling conduct clearly unlawful, it clearly contravenes the British good name of the Army and it's honour," he said. The newspaper said the photographs were obtained from two unnamed soldiers in the Queen's Lancashire Regiment. The

soldiers said the Iraqi man in the pictures was detained on suspicion of stealing. Blair, who is considering sending more troops to plug the hole left by the withdrawal of 2,000 Spanish soldiers, gave his full backing to the Army probe.

"The PM agrees the allegations of this nature are treated most seriously, but they should not be taken as a reflection of the general behaviour of coalition forces and the work they are doing with the Iraqi people." If the pictures are proved authentic, they will do little to help UK troops win Iraqi hearts before the transfer of power.

Human rights group Amnesty International said it had warned US and British authorities in Iraq that captives were being abused. The US Army has brought criminal charges against six soldiers relating to abuses. —Reuters

US wants troops from Muslim nations'

WASHINGTON: US Central Command chief Gen John Abizaid on Friday appealed to Pakistan, Morocco and Tunisia to send troops to join US-led forces in Iraq, saying "this needs to be less of an American occupation".

2 US sailors killed near Falluja

BAGHDAD: Two US Navy sailors have been killed in Anbar province, which includes Falluja, a Marine statement said on Saturday. It said the sailors, assigned to the Marine Expeditionary Force, were killed in operations against anti-US forces on Friday. The Marines have offered to repair mosques damaged by them during the siege. — Agencies

Wg
58

Neglected jails ✓

Human Rights

Will Rights Panel be taken seriously? 21/4

That jails in West Bengal are in miserable shape is an established fact. The damaging revelations in annual reports of the West Bengal Human Rights Commission do not come as a surprise. The state holds the dubious record of being one of the worst offenders in the matter of custody deaths about which concern has again been expressed. What goes unsaid is that the victims in these cases come mostly from poorer classes whose cause Marxists claim to defend the most. Incidents of torture arise out of excesses indulged in out of vengeance or sheer incompetence. The fact that Commission still speaks of jails being unable to provide basic medical aid and staff being hand in glove with criminals serving life terms to produce an atmosphere of terror within the jail premises and all kinds of irregularities taking place within what are protected zones shows that nothing has changed. Escape from the Dum Dum Central Jail last year was proof of the rot that has set in, the vested interests that have developed and the rank indiscipline to which there is yet no answer. Dum Dum is particularly infected but the Commission which prepared the report on the basis of a series of inspections reveals that the situation is pretty much the same elsewhere.

It makes no sense for the Commission to go through the ritual of preparing annual reports if the state government has no intention of acting on them. The report is to be tabled in the assembly and the least the public can expect is a statement by the minister on why the jails have come to such a pass. Obviously malpractices compiled by the Commission amount to a massive burden of guilt in which primary culprits are protected by the Left-backed jail unions. It may be far-fetched to talk of summary reforms. It will be good enough if the government, for the sake of public safety, is seen to take the report seriously — and decides to act.

US court hears case of Guantanamo inmates

CHARLIE SAVAGE
WASHINGTON, APRIL 21

GUANTANAMO Bay Naval Base is not a "no-law zone" where US President George W. Bush can hold accused terrorists without trial forever, a lawyer for the detainees argued before the US Supreme Court on Tuesday.

The counsel argued that a doctrine enshrined in US law in 1789 allows judges to review the President's reasons for imprisoning each of some 650 prisoners held there.

But because the base is technically on Cuban soil and the detainees are not US citizens, federal courts have no jurisdiction to hear such cases, Solicitor General Theodore Olson countered.

He urged the court not to interfere with a crucial wartime tool of the Commander-in-Chief: the power to detain people captured on the battlefield.

"The United States is at war," Olson declared, raising the stakes at the beginning of his 30-minute statement.

Tuesday's hearing — the most important test till date of the limits on Bush's power to wage war on terrorism — played out before a packed courtroom. Olson faced sceptical questions from six of the nine justices over the administration's position that courts can

have no role in overseeing the offshore prison where alleged Al Qaeda and Taliban have been held for two years.

While the Guantanamo Bay cases will turn on relatively narrow questions of US law, they mean much more for the rest of the world — whether the only superpower, that has embarked on a war against terrorists who may be found in any country, will decide it can imprison non-citizens without a hearing.

Correspondents from Europe and Asia joined the regular Supreme Court press corps to cover the arguments, which are being watched intensely in the roughly 40 countries that have citizens imprisoned at Guantanamo Bay.

The Bush administration calls the Guantanamo detainees "enemy combatants" and asserts that they broke the laws of war, so they are not entitled to Prisoner of War status.

Human rights groups have criticised that policy, saying that under the Geneva Conventions, each detainee is entitled to a hearing, which none has gotten. Next week, the court will take up the case of US citizens who have been held as "enemy combatants" in the US, raising a different set of legal questions.

—NYT

INDIAN EXPRESS

27 APR 2004

CBI moves to file ^{murder cases} Bilkis chargesheet

■ PROBE | Most suspects under arrest to be named as accused; focus on state, police roles

RITU SARIN
NEW DELHI, APRIL 18

95 11

Godhra riot cases being probed by the CBI — the plight of Bilkis, gangraped when she was five months pregnant while 14 of her relatives were killed, was highlighted by *The Indian Express* — the case chargesheet is expected to be a severe indictment of the Gujarat police and the state administration.

THIS may be a coincidence but around the time Gujarat goes to Lok Sabha polls, the Central Bureau of Investigation (CBI) will file its chargesheet in the Bilkis Yakub Rasool case before the 90 day deadline ends on Tuesday. The first of the post-

The Gujarat police shut the Bilkis case file and the Supreme Court ordered the CBI to probe afresh.

deadline runs out, jailed suspects will be eligible for bail.

CBI officials say majority of the 14 persons under arrest, including two police officials, will be listed as accused in the case. The CBI recently re-



The CBI chargesheet will be filed in a Dahod court. The agency has time only till Tuesday. Once the

covered one of the two Jeeps, carrying the suspects at the time of the incident.

The CBI is also likely to recommend departmental action against a clutch of other government officials and doctors whose negligence came to light when the CBI investigated the March 2002 massacre.

As the CBI moves, forensic experts of the All India Institute of Medical Sciences (AIIMS) are trying to match DNA samples isolated from the exhumed

CONTINUED ON PAGE 2

WEDNESDAY, APRIL 14, 2004

Human Rights

40-10
14/4

WHERE INDIA DOES NOT SHINE

THE SUPREME COURT judgment ordering fresh investigation and trial in the Best Bakery case and shifting the trial to Maharashtra is the finest example of the apex court's restatement of the importance of citizenship, human rights, the rule of law, the sanctity of the criminal justice system, and the role and responsibility of the executive. The Best Bakery case, where the lower courts and the Gujarat High Court acquitted 21 persons accused of killing 14, including two small children, in the genocidal 'riots' that followed the Godhra carnage, has come to represent for all of civilised India what Justices Doraiswamy Raju and Arijit Pasayat characterised as the "travesty of truth and a fraud on the legal process." In an unprecedented move, the Supreme Court also ordered the Gujarat Government to consult the victims and witnesses before appointing a public prosecutor. This ought to be viewed as the severest indictment of the insolence of the Narendra Modi regime in dispensing justice to the victims of the 2002 carnage. As significant is the Court's criticism and expunction of the remarks made by the Gujarat High Court against social activist Teesta Setalvad and the National Human Rights Commission. The trial court fared even worse: it stood as a "silent spectator, mute to the manipulations and preferred to be indifferent to sacrilege being committed to justice." The re-trial ordered could mark the beginning of a determined effort by the highest court in the land to insulate the judicial process from political interference. It could also turn out to be a new benchmark for trial of criminal cases against members of the ruling establishment, where there is no independent investigation or prosecution and the rule of law is subverted.

Despite the damning judgment, political reactions from the ruling camp have been predict-

able. While Law Minister Arun Jaitley does not perceive the judgment as a comment on either Chief Minister Modi or the Gujarat Government, Finance Minister Jaswant Singh views it as an indictment of the Gujarat Government but not of the BJP. This insouciance comes in the face of the characterisation of the State administration by the judges as "modern day Neros" — choosing to look the other way while women and children were being burnt with a premeditated purpose and systematically targeted. Given the fact that the BJP's top leadership has recently sought to relegate the post-Godhra violence to the category of the "unfortunate," it is unlikely that the Supreme Court's indictment will produce any real expression of remorse or contrition.

While the Supreme Court's judgment in the Best Bakery case exemplifies the restoration of the primacy of citizens' rights against the indifference and arbitrariness of state apparatuses, justice still waits to be done on an extensive scale in Gujarat. Consider these statistics of the post-Godhra riots: Naroda Patiya — 91-200 killed, women raped; Chamanpura, Gulberg Society — 40-65 killed, including ex-M.P. Ehsan Jaffrey; Odh Village — 29 burnt alive in one incident; Radhikpur Village — 20 known dead, several women raped and killed; Fatehpura — women raped and forced to walk naked to the police station; Sardarpura Village — 33 dead, 29 in one house; Anjanwa Village — 11 known dead, women and children thrown into a well; and finally Geetaben, whose only crime was to have tried to save a Muslim. These are just a few examples. As long as justice is not done in all such cases, the events of February-March 2002 in Mahatma Gandhi's home State will weigh on the conscience of every responsible Indian citizen. Until then, there is no question of India shining.

THE HINDU

14 APR 2004

14 APR 2004

Stalkers hound bakery retrial spearhead

OUR BUREAU

WHAT THE COURT SAID

Ahmedabad/Mumbai, April 12: Within hours of the Supreme Court ruling for retrial in the Best Bakery case, there was high drama at a Jesuit institution in Memnagar, where activist Teesta Setalvad — whose organisation was the driving force behind the retrial demand — was present for a meeting.

Two men, moving around the meeting venue suspiciously, approached Father Cedric Prakash at Prashant, the Jesuit-run institution, around 12.30 pm. They told him they wanted to meet Teesta. "Luckily, Teesta's colleague Rais Khan Pathan identified them as Atul Vaidya and Bharat Teli, two accused in another riot case (at Gulbarg Society) and we alerted the police," Father Cedric said.

A first information report was immediately filed with the Satellite police, stating that the two men, along with 15 more, had snooped into the meeting venue separately and were probably there to create trouble and harm Teesta and fellow activists of the NGO, Citizens for Justice and Peace.

When Father Cedric asked the duo why they wanted to meet the social activist, they said they wanted to "ask her why she was so dead against Hindus and was maligning the state of Gujarat", the Jesuit priest added.

Teesta, who was not given the usual security during her visit to Gujarat, spoke to director-general of police A. K. Bhargav. Later, a batch of policemen arrived on the spot, but the men lingered till the cops came. They left, but not before threatening the priest that they would "see him later".

Speaking later on the Supreme Court judgment for the bakery case retrial in Maharashtra,



Zahira Sheikh

Stinging slap

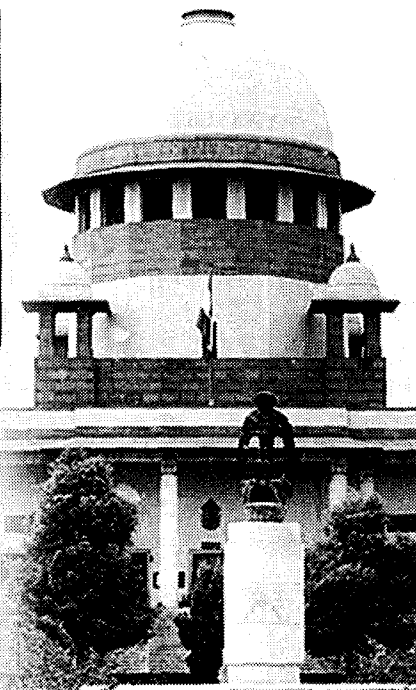
- The government, like modern-day Neros, was looking elsewhere when Best Bakery, innocent children and helpless women were burning, and was probably deliberating how the perpetrators of the crime can be protected
- The justice delivery system was taken for a ride and allowed to be abused, misused and mutilated
- The public prosecutor acted more like counsel for accused
- The high court appears to have miserably failed to maintain required judicial balance (referring to comments made against activist Teesta Setalvad and the NHRC)

Action to be taken

- Retrial of the case in a court under Bombay High Court
- New public prosecutor to be appointed by Maharashtra government in consultation with victims and witnesses
- Reinvestigation under the supervision of the Gujarat director-general of police
- Retrial on a day-to-day basis
- Both Gujarat and Maharashtra to provide protection to victims and witnesses
- Gujarat government to immediately transfer all trial court records to Bombay High Court



Teesta Setalvad



Justice taken for a ride: Court

R. VENKATARAMAN

New Delhi, April 12: The Supreme Court took to task the investigation and prosecution of the Best Bakery case in the retrial order it passed today and regretted the riot-related massacre.

"If one even cursorily glances through the records of the case, one gets a feeling that the justice delivery system was being taken for a ride and literally allowed to be abused, misused and mutilated by subterfuge," the bench of Justices Doraiswamy Raju and Arijit Passayat said.

Picking out Gujarat High Court for specific disapproval, the bench said: "The court, in turn, appeared to be a silent spectator, mute to the manipulations, and preferred to be indifferent to sacrilege being committed to justice."

"Courts have to take a participatory role in a trial. They are not expected to be tape recorders to record whatever is being stated by the witnesses."

Upbraiding the high court for "hurriedly" dismissing an appeal against the trial court's acquittal order, the bench said "the course adopted was not permissible".

The high court had said it would explain the reasons for the dismissal later as it was "closing for (the) winter holidays".

The bench pointed out that it had "in several cases deprecated (such) practice adopted by the high court in the present case".

"There are several infirmities (in the case) which are tell-tale even to the naked eye of even an ordinary common man," the apex court said.

"The high court has come to a definite conclusion that the investigation carried out by the po-

No arrest order

Vadodara police have not received any oral or written order from court to arrest the Best Bakery massacre suspects. However, as a precautionary measure, they have picked up four of the 12 persons who were in custody when the case was heard in the fast-track court.

A hunt is on for the remaining eight. Vadodara police commissioner Sudhir Sinha said the four were taken into custody following reports of a Supreme Court order that all the 12 persons be taken into judicial custody again.

Advocate Rajendra Trivedi, who had defended the accused, called today's Supreme Court ruling an assault on the Indian federal structure. If at all the court wanted to order retrial, it should not have transferred the case to Maharashtra, he said.

lice was dishonest and faulty. That was and should have been per se sufficient justification to direct a retrial of the case."

Putting the prosecutor in the line of fire, the bench said: "The public prosecutor appears to have acted more as a defence counsel than one whose duty was to present the truth before the court."

"Even if the prosecutor is remiss in some ways, it (court) can control the proceedings effectively so that the ultimate objective of truth is arrived at. This becomes more necessary where the court has reasons to believe that the prosecuting agency or the prosecutor is not acting in the requisite manner," the apex court emphasised.

The Gujarat government was not spared either, with the court saying its role left much to be desired. "One gets a feeling that there was really no seriousness in the state's approach in assailing the trial court's judgment."

"The little drops of humanity, which jointly make humanity a cherished desire of mankind, had seemingly dried up when the perpetrators of the

tra, Teesta said she was "very happy and satisfied".

"This is the rarest of rare occasions when a riot case has been transferred outside the state. It is a moral victory for us as the apex court has set aside the Gujarat High Court strictures against activists, including me." Terming the judgment "historic", Teesta said it has given her organisation "tremendous hope".

She said she was now hopeful that the apex court may decide in favour of transferring 11 other Gujarat riot cases for which the Citizens for Justice and Peace has filed petitions.

Activist Javed Anand, a member of Teesta's NGO, said the judgment could set a prece-

dent in the other riot cases. The Supreme Court hearing on the cases, including those involving the riots at Gulbarg Society and Naroda-Patia, is on April 21.

Briefing reporters on the judgment, Teesta said the ruling was apparently a long one. "From what I have learnt from our lawyers in Delhi, it is a speaking judgment, powerfully worded on the state of affairs in Gujarat."

She, however, declined to go into the judgment details, saying she was yet to see a copy of it. "We have to wait to see how the transfer of cases takes effect. We had sought the transfer under provisions 173 (8) of the CrPC. Now, possibly, it should restart from scratch with the SC issuing

a proviso to the DGP of Maharashtra to reinvestigate the case."

New public prosecutors would have to be appointed and the victims would have a watching advocate during the retrial, she said.

The activist emphasised it would be seen to that the Gujarat government bore the costs for witnesses if they had to travel out of Gujarat to depose. But she parried queries on what effect the judgment might have on the Lok Sabha elections in Gujarat on April 20. "All I can say is there are some Hindus who would like to see justice being done to the victims of riots."

Asked if chief minister Narendra Modi should step down, Teesta said her stand on

Modi was clear and she would not like to repeat it. "But legally speaking, we hope this judgment would be a trend-setter so far as the Gujarat riot cases go," she added.

In Mumbai, poet and film lyricist Javed Akhtar, who had also pressed for a retrial, said the ruling gave more strength to his "faith that justice and secularism can still be availed of in this country".

"We salute the Supreme Court," he said.

Advertising guru Alyque Padamsee, who, too, was part of the NGO's initiative like Akhtar, said: "It means that those with parochial, communal tendencies would have to think twice before embarking on a route," he said.

Congress guns for Modi scalp

OUR SPECIAL CORRESPONDENT

New Delhi, April 12: The Congress today renewed its demand for the resignation of Gujarat chief minister Narendra Modi following the Supreme Court's indictment of the state administration for failing to provide justice to victims of the Best Bakery violence.

"Narendra Modi must resign after the court indictment. This is a clear indictment of the ideology behind the massacre," Congress spokesperson Kapil Sibal told a news conference.

Fourteen people had been killed when a mob set fire to the

bakery in Vadodara during the post-Godhra riots.

"We salute the Supreme Court judgment," said Sibal, who represented key witness in the case, Zahira Sheikh, in court.

The Congress along with other Opposition parties had been pressing for Modi's resignation following largescale killings of Muslims in Gujarat and the refusal of the state administration to ensure justice for the victims. The ruling BJP, however, had dismissed the demand.

Sibal today reminded the Prime Minister that he had "once asked Modi to do his duty by performing *rajdharm*. Now he must see that Modi turned

himself in before (the) law after such severe reprimand by the Supreme Court".

"If Modi does not resign, the Prime Minister must dismiss him," he said, adding that the Supreme Court order has made it clear that there is "no justice" in Gujarat for the minority community even today.

Union law minister Arun Jaitley, however, kept up his government's defence of Modi, saying the verdict has nothing to do with his government. The Congress is "forever demanding resignations", he added.

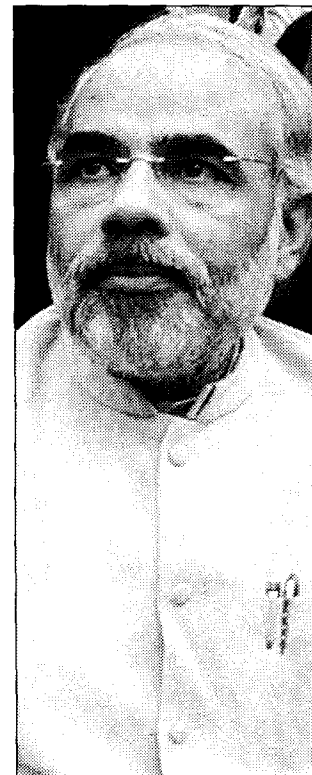
The Congress made it clear that it would use today's judgment to corner not only Modi but also his patrons in the BJP and the NDA government. "If any BJP leader shares a podium with Modi, it means the person endorses the chief minister's ideology instead of honouring the court judgment," Sibal said.

L.K. Advani and Modi had re-

cently addressed joint rallies in Ahmedabad during the deputy Prime Minister's Bharat Uday yatra, where the chief minister launched into vitriolic personal attacks on Congress president Sonia Gandhi and son Rahul. The Congress had criticised Advani for keeping mum and shielding Modi.

"If Modi does not resign even now, it means that he wants to carry on with propagating his ideology regardless of the fact that the court has ordered the Best Bakery case to be shifted to Maharashtra so that the victims can get justice," said Sibal.

Modi declined comment on the ruling, while Union finance minister Jaswant Singh's response was guarded. He said the court had made a comment on the Gujarat government and not on the BJP and expressed hope that the state government would take the right decision after consulting legal experts.



Modi: In the line of fire

...and a Modi must resign after the court indictment. This is a clear indictment of the ideology behind the massacre," Congress spokesperson Kapil Sibal told a news conference.

Fourteen people had been killed when a mob set fire to the

ensure justice for the victims. The ruling BJP, however, had dismissed the demand.

Sibal today reminded the Prime Minister that he had "once asked Modi to do his duty by performing *rajdharna*. Now he must see that Modi turned

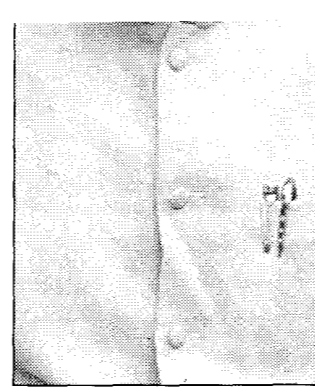
ment's defence of Modi, saying the verdict has nothing to do with his government. The Congress is "forever demanding resignations", he added.

The Congress made it clear that it would use today's judgment to corner not only Modi but also his patrons in the BJP and the NDA government. "If any BJP leader shares a podium with Modi, it means the person endorses the chief minister's ideology instead of honouring the court judgment," Sibal said.

L.K. Advani and Modi had re-

carry on with propagating his ideology regardless of the fact that the court has ordered the Best Bakery case to be shifted to Maharashtra so that the victims can get justice," said Sibal.

Modi declined comment on the ruling, while Union finance minister Jaswant Singh's response was guarded. He said the court had made a comment on the Gujarat government and not on the BJP and expressed hope that the state government would take the right decision after consulting legal experts.



Modi: In the line of fire

FROM COURT TO ARREST THE BEST Bakery massacre suspects. However, as a precautionary measure, they have picked up four of the 12 persons who were in custody when the case was heard in the fast-track court.

A hunt is on for the remaining eight. Vadodara police commissioner Sudhir Sinha said the four were taken into custody following reports of a Supreme Court order that all the 12 persons be taken into judicial custody again.

Advocate Rajendra Trivedi, who had defended the accused, called today's Supreme Court ruling an assault on the Indian federal structure. If at all the court wanted to order retrial, it should not have transferred the case to Maharashtra, he said.

lice was dishonest and faulty. That was and should have been per se sufficient justification to direct a retrial of the case."

Putting the prosecutor in the line of fire, the bench said: "The public prosecutor appears to have acted more as a defence counsel than one whose duty was to present the truth before the court."

"Even if the prosecutor is remiss in some ways, it (court) can control the proceedings effectively so that the ultimate objective of truth is arrived at. This becomes more necessary where the court has reasons to believe that the prosecuting agency or the prosecutor is not acting in the requisite manner," the apex court emphasised.

The Gujarat government was not spared either, with the court saying its role left much to be desired. "One gets a feeling that there was really no seriousness in the state's approach in assailing the trial court's judgment."

"The little drops of humanity, which jointly make humanity a cherished desire of mankind, had seemingly dried up when the perpetrators of the crime had burnt alive helpless women and innocent children," the bench said.

"Was it their fault that they were born in the houses of persons belonging to a particular community?"

The court said the "judicial criminal administration system must be kept clean and beyond the reach of whimsical political wills or agendas".

It rejected the inquiry into the case as "perfunctory and anything but impartial, without any definite object of finding out the truth".

চিন ও মানবাধিকার

৩০মার্চ ০৮
২৫৭

চিনে মানবাধিকার লঙ্ঘনের ঘটনা লইয়া মার্কিন যুক্তরাষ্ট্রের সঙ্গে চিন সরকারের কাজিয়া ও চাপান-উতোর আবার তীব্র হইয়াছে। মার্কিন প্রশাসন চায়, রাষ্ট্রপুঞ্জের মানবাধিকার কমিশন কড়া ভাষায় চিনে মানবাধিকার লঙ্ঘনের নিন্দা করুক। চিন সরকারের বক্তব্য, তাহা হইলে মানবাধিকার সুরক্ষিত করার জন্য আমেরিকার সঙ্গে যে দ্বিপাক্ষিক আলোচনা চলিতেছে, তাহা পত্রপাঠ বন্ধ করিয়া দেওয়া হইবে। এই মৌখিক কাজিয়া হয়তো শেষ পর্যন্ত কোনও নির্ণায়ক সিদ্ধান্ত সম্ভাবিত করিবে না। হয়তো উভয় দেশই এই সূত্রে পরস্পরের উপর কূটনৈতিক চাপ সৃষ্টি করার খেলাতেই মগ্ন হইয়াছে। রাষ্ট্রপুঞ্জের মানবাধিকার কমিশনে যদি শেষ পর্যন্ত চিন নিন্দিত হয়, তাহাতেও কি খুব কিছু আসিয়া যাইবে? সমাজতান্ত্রিক দেশগুলি যত দিন সাবেক সোভিয়েত শিবিরের পক্ষছায়ায় আশ্রিত ছিল, তত দিন ঠাণ্ডা লড়াইয়ের সুবাদে তাহাদেরও রাষ্ট্রপুঞ্জকে উপেক্ষা করিলে চলিত। কিন্তু এখন পরিস্থিতি ভিন্ন। এখন চিনকেও রাষ্ট্রপুঞ্জের মতো আন্তর্জাতিক সংস্থার অনুমোদন ও নৈতিক সমর্থনের উপর নির্ভর করিতে হয়। বিশেষত মানবাধিকার রক্ষা আন্দোলনগুলির বার্ষিক রিপোর্টের ভয়ে উৎকণ্ঠিত থাকিতে হয়।

সমাজতান্ত্রিক দেশগুলির মানবাধিকার রক্ষার রেকর্ড কোনও কালেই উজ্জ্বল ছিল না। সোভিয়েত রাশিয়ার যেমন ছিল 'গুলাগ', তেমনি চিনের ছিল অসংখ্য কনসেন্ট্রেশন ক্যাম্প। তিয়েনানমেন স্কোয়ারে গণতন্ত্রকামী চিনা ছাত্রদের উপর বেজিংয়ের দমননীতি চিনে মানবাধিকার লঙ্ঘনের প্রসঙ্গটিকে সর্বসমক্ষে তুলিয়া ধরে। সমাজতান্ত্রিক অর্থনীতি হইতে ক্রমশ ধনতন্ত্রের অনুশীলনের দিকে সরিয়া যাইলেও রাজনীতিতে গণতন্ত্র কিংবা বহুত্ববাদের আবাহন এখনও দূরপর্যায়। মার্কিন যুক্তরাষ্ট্র চিনের সহিত দ্বিপাক্ষিক বাণিজ্যিক সম্পর্ক স্থাপনের শর্ত হিসাবে মানবাধিকার লঙ্ঘনের ঘটনা বন্ধ হওয়ার উপর জোর দিলেও সে দেশের বিনিয়োগকারীরা মার্কিন প্রশাসনকে বিপরীত চাপ দিয়া লগ্নির দরজা অর্গলমুক্ত রাখিতে বাধ্য করেন। মানবাধিকার রক্ষার সাংবিধানিক ও আইনগত রক্ষাকবচ চিনা সমাজকে

মুড়িয়া ফেলার জন্য তথাপি মার্কিন প্রশাসনের চাপ অব্যাহত থাকে। সেই চাপের ফলেই হোক কিংবা বিশ্বের কাছে এই মর্মে শংসাপত্র পাইবার তাগিদেই হোক, চিনা নেতারা সদ্য সমাপ্ত পিপলস কংগ্রেস বা পার্লামেন্টের অধিবেশনে নাগরিকদের অধিকার সুরক্ষিত করিতে একটি গুরুত্বপূর্ণ নিয়মতান্ত্রিক সংশোধন করিয়াছেন। চিনা নেতাদের ধারণা ছিল, অতঃপর মার্কিন যুক্তরাষ্ট্র কিংবা সাধারণ ভাবে পশ্চিমের কাছ হইতে ব্যক্তিস্বাধীনতা রক্ষার শংসাপত্র পাইতে অসুবিধা হইবে না। আমেরিকা তৎসঙ্গেও রাষ্ট্রপুঞ্জের নজরদারদের চিনের বিরুদ্ধে রিপোর্ট দিতে বলায় তাহাদের গোসা হইয়াছে।

মানবাধিকার লঙ্ঘনের অভিযোগ সম্পর্কে অবশ্য সকল রাষ্ট্রই কমবেশি স্পর্শকাতর। কাশ্মীর, উত্তর-পূর্বাঞ্চল সহ দেশের নানা স্থানে ধর্মীয় ও জনজাতীয় সংখ্যালঘুর মানবাধিকার লঙ্ঘিত হইতেছে বলিয়া অ্যামেনেস্টি ইন্টারন্যাশনাল সহ বিভিন্ন সংস্থা বিরূপ রিপোর্ট প্রকাশ করিলেই ভারতীয় রাষ্ট্রনায়করা প্রতিবাদমুখর হন। সম্ভ্রাসবাদীদের মানবাধিকার থাকিলে তাহাদের হাতে নিহত-নির্যাতিত নিরীহ জনসাধারণের কেন মানবাধিকার থাকিবে না, ইত্যাকার প্রশ্ন তুলিয়া সম্ভ্রাস দমনের নামে রাষ্ট্রের সম্ভ্রাসে লিপ্ত হওয়ার ঘটনাটি চাপিয়া যাওয়া হয়। তবে এই উষ্মা অকারণ নয়। তৃতীয় বিশ্বে মানবাধিকার লঙ্ঘনের ঘটনা লইয়া যাহারা সরব, সেই আমেরিকা-ইউরোপের রাষ্ট্রগুলির নিজেদের রেকর্ড অত্যন্ত হতাশাজনক। এ ব্যাপারে 'চোরের মায়ের বড় গলা' প্রবচনটি যারপরনাই প্রযোজ্য। ভিয়েতনামে মার্কিন অপকর্মের অতীত ইতিবৃত্ত ছাড়িয়া দিলেও আফগানিস্তান ও ইরাকে আমেরিকা যাহা করিতেছে, তাহাকে কোনও ভাবেই আফগান ও ইরাকিদের মানবাধিকার রক্ষার দৃষ্টান্ত বলা যায় না। সাবেক যুগোস্লাভিয়ায় কে কাহার মানবাধিকার লঙ্ঘন করিতেছে? প্যালেস্তাইনি বস্তিতে আরবদের বাঁচার অধিকার যে ভাবে ইজরায়েলি সরকার নিয়ত লঙ্ঘন করিতেছে, তাহার প্রতি মার্কিন-পাশ্চাত্য উদাসীনতা ও প্রশ্রয়ও নিশ্চয় খুব উৎসাহজনক নয়। চিন বা তৃতীয় বিশ্বের রাষ্ট্রগুলির ক্ষোভ তাই অসঙ্গত নয়। কিন্তু অন্যে করিতেছে না বলিয়া আমিও করিব না, ইহা কোনও যুক্তি হইতে পারে না।

China, America in rights clash

Beijing, March 23 (Reuters): China suspended its dialogue on human rights with the US on today, saying it was not afraid to take on Washington over its proposal to the UN to condemn Beijing's record.

The US urged a UN watchdog yesterday to condemn China's "backsliding" on human rights, despite Beijing's warning the move could affect warming Sino-US ties.

"The Chinese side cannot but immediately halt bilateral human rights dialogue and ex-

changes," assistant foreign minister Shen Guofang told US ambassador Clark Randt.

"The US should bear all consequences that might arise from this," a Chinese foreign ministry statement said. It was not the first time China has suspended dialogue with the US on the issue and analysts said it was unlikely to inflict much damage on overall relations.

Foreign ministry spokesman Kong Quan said China was shocked by the US move but would not shy away from confrontation.

"If the US is bent on stirring up confrontation in such an arena, the Chinese side is not afraid," Kong told a news conference, referring to the annual session of the Geneva-based UN Human Rights Commission.

"We will keep the US company to the end," Kong said. "Justice will eventually defeat confrontation. Dialogue will eventually defeat confrontation."

Washington has said China made some improvements in 2002 but that last year its rights record deteriorated with such abuses as extrajudicial killings, torture and the repression of religious and political groups opposed to the government.

The US decision came just weeks after China released democracy activist Wang Youcai

and a Tibetan nun from prison and cut the jail term of ethnic Uighur businesswoman Rebiya Kadeer — all cases the US has brought up in the rights dialogue.

Rights groups see such moves as a step in the right direction, though largely symbolic, and continue to protest against China's record.

Washington decided against such a censure last year and China told the US to "think three times" about introducing a critical resolution this year.

Shen said Washington went back on its word to "suddenly" announce the resolution amid consultations between the two.

"The US' insistence on pro-

voking confrontation has seriously damaged the foundation of our two countries' human rights dialogue and exchange," Shen was quoted as saying.

Shen accused the US of double standards and said China cared more about human rights than any other country.

He also pointed out a host of legal steps China has taken recently in an attempt to better protect human rights, including a constitutional amendment this month.

A condemnation from the 53-member UN Human Rights Commission, which began its six-week session last week, brings no penalties but spotlights a country's behaviour.



Chinese assistant foreign minister Shen Guofang. (AFP)

Five British prisoners to leave Guantanamo

Associated Press
London, March 9

THE RETURN of five British prisoners held by the US military at Guantanamo Bay creates a dilemma for a government seeking to balance citizens' legal rights with a desire to be tough on terrorism.

The men, some held for more than two years, are expected to fly back to Britain on Tuesday. Home Secretary David Blunkett announced during a speech in Boston on Monday that they would be returning "over the next 24 hours."

The government announced last month that five of the nine Britons held at the US military prison in Cuba would be released. They have been identified as Ruhu'el Ahmed (23), Tarek Dergoul (24), Jamal al-Harith (35), Asif Iqbal (20), and Shafiq Rasul (25).

The government did not release any details about the men's arrival. British media reported they would be flown by military jet to an air force base in west London. They would then face questioning by anti-

terrorist police.

Foreign Secretary Jack Straw has said it will be up to prosecutors whether the five face trial in Britain. Legal experts doubt there will be enough evidence for any prosecutions. The future of the four others - Moazzam Begg (36), Feroz Abbasi (23), Richard Belmar (23), and Martin Mubanga (29) - remains uncertain.

"When they return they will, of course, go through the normal process of being interviewed by the (police) counter-terrorism branch in London. And the material that has been provided will be evaluated," Blunkett said in remarks aired by the British Broadcasting Corp.

Legal experts believe it unlikely the five released prisoners will face trial at home because of a lack of evidence against them.

Families and lawyers of the five men have insisted throughout their two-year-long detention that they are innocent and were mistakenly caught up in the US war on terrorism. Iqbal, a parcel depot worker from Tipton in central England,

had, according to reports, gone to Pakistan to meet a prospective bride before flying to Afghanistan to consider the marriage. He was joined by two school friends - Ahmed and Rasul. All three were reportedly detained by US forces in Afghanistan.

Al-Harith, a website designer from Manchester in northern England, had, according to reports, gone back-packing in Pakistan in September 2001, and was arrested on the Afghan border by Taliban soldiers who feared he was a spy. He was reportedly sent to Guantanamo after US forces found him in a Kandahar jail.

Dergoul reportedly flew to Pakistan to learn Arabic after giving up his job caring for the elderly. He was allegedly captured at the Tora Bora mountain complex.

According to lawyers and human rights groups, the five are most likely to be investigated under the Terrorism Act 2000. The wide-ranging legislation allows for prosecution for membership of a banned organisation, fund-raising, recruiting of others or terrorist acts committed in Britain or overseas.



Family members and friends of Guantanamo Bay detainees speak to reporters after marching to the White House on Monday.

REUTERS

US forces get stick for detaining Afghans

AGENCIES
KABUL/LONDON, MARCH 8

A HUMAN rights group on Sunday accused US forces in Afghanistan of detaining at least 1,000 Afghans and other people over the past two years in "a climate of almost total impunity" that it contends violates human rights law.

In a 60-page report issued on Sunday, Human Rights Watch also called on the US military to release the results of investigations into the deaths of

three Afghans in US custody in 2002 and 2003. Initial military medical investigators declared two of the deaths homicides.

The report also said it had received "numerous reports" of US forces relying on faulty intelligence or using "excessive or indiscriminate force" that resulted in avoidable civilian deaths and the detention of innocent people. It contended that the US was employing techniques that the US State Department had condemned as torture in countries like

Libya, North Korea and Iran. "There is little doubt that US policies on the detention of terrorism suspects both in Afghanistan and elsewhere have harmed public opinion of the US around the world," the report said.

Lt. Col. Bryan Hilferty, a spokesman for the US-led coalition in Afghanistan, said US forces were acting properly. He said the procedures used at Bagram Air Base just north of Kabul had been changed. "We are in complete

compliance with the laws of combat," he said.

Meanwhile, senior US officials have disclosed the cases against four British terror suspects held at Guantanamo Bay to counter pressure from London for their release, a British daily said on Monday.

Officials said the Britons posed "a serious threat" and would continue to fight if released, *The Daily Telegraph* said. The report comes as Britain's Home Secretary David Blunkett promised to

take up the issue with US President George W. Bush's administration during a trip to the US this week. Later on Monday, the UK-based Guantanamo Human Rights Commission, made up of relatives and supporters of detainees, will stage a march to the White House. The group includes Briton Terry Waite, who was held captive for almost five years by Islamic militants in Lebanon. He has likened his experiences to those of the inmates at Guantanamo.

সন্ত্রাস বনাম মানবাধিকার

জম্মু-কাশ্মীরের মুখ্যমন্ত্রী মুফতি মাহমুদ সইদের জন্মসভায় জঙ্গিদের গ্রেনেড হান্না

দুঃসাহসের পরিচায়ক, সম্ভবত আত্মও বেশি করিয়া মরিয়া মনোভাবেরও পরিচায়ক। পাকিস্তান ভারত-বিরোধী জেহাদি সন্ত্রাসবাদের সূত্রিকাগার হইতে উত্তরোত্তর অস্বীকৃত হওয়ায় সীমান্তপারের সাহায্যপুষ্ট বিচ্ছিন্নতাবাদী হিংসার উপর যবনিকা নামিয়া আসার সম্ভাবনা ক্রমেই উজ্জ্বল হইবে। এই পরিস্থিতি জঙ্গিদের পক্ষে হতাশাজনক এবং সেই হতাশা উত্তীর্ণ হওয়ার জন্য তাহাদের কাছে নির্বিচার হিংসা ছাড়া অন্য কোনও পস্থা খোলা নাই। জঙ্গিরা যে এই ভাবে উপত্যকায় শান্তির সম্ভাবনা নাকচ করিতে উদ্যত এবং তথাপি যে তিনি 'ক্ষতস্থানে প্রলেপ' দিবার ঘোষিত শাসননীতি হইতে পিছু হটিবেন না, আক্রমণের পরও মুখ্যমন্ত্রী সে কথা দৃঢ়ভাবে জানাইতে ভোলেন নাই। কিন্তু এই প্রলেপ দিবার কাজটি কি যথাবিহিত হইতেছে? উল্লেখ্য, প্রায় সমসময়েই সর্বদলীয় ছরিয়ত সম্মেলনের নেতৃত্ব নয়াদিল্লির সহিত শুরু হওয়া আপস-আলোচনার প্রক্রিয়া মাঝপথে বন্ধ করার হুমকি দিয়াছে। কারণ, ছরিয়তের মতে কাশ্মীরে অনবরত নিরাপত্তা বাহিনীর 'রাষ্ট্রীয় সন্ত্রাস' জনসাধারণের মানবাধিকার লঙ্ঘন করিয়া চলিয়াছে। মনে রাখা দরকার, ছরিয়তের এই অংশটি অপেক্ষাকৃত নরমপন্থী। নয়াদিল্লির সহিত, লালকৃষ্ণ আডবাণীর সহিত আলোচনায় বসার জন্য কটুরপন্থী ছরিয়ত নেতারা ইতিমধ্যেই তাহাদের তীব্র নিন্দা করিয়াছেন। তবু এই নরমপন্থী অংশটিও বান্দীপুর জেলায় পুলিশের যথেষ্ট গুলিবর্ষণ ও তাহাতে নিরীহ মানুষের হতাহতের ঘটনায় তীব্র অসন্তোষ ব্যক্ত করিয়াছে।

আপাতদৃষ্টিতে, 'আপসকামী' দুর্নাম ঘুচাইতে এবং 'বিপ্লবী' রূপে নিজেদের উপস্থাপিত করিতেই বুঝি ছরিয়ত নেতৃত্বের নরমপন্থীরা আলোচনার প্রক্রিয়া বয়কট করার হুমকি দিয়াছেন। হয়তো সে ধরনের একটা সচেতন প্রয়াস আনসারি গোষ্ঠীর নেতাদের মধ্যে রহিয়াছে। শান্তিকল্যাণের বাতাবরণের মধ্যেও আপসকামিতার মতো নিন্দনীয় অপকর্মে কেহই শরিক হইতে চাহে না। উপত্যকার জঙ্গি রাজনীতির আবহ হইতে বিচ্ছিন্ন হওয়ার বুঁকিও ছরিয়ত সহসা লইতে চাহিবে না। কিন্তু শুধু ক্লি সেটাই তাহার হুমকির ব্যাখ্যা হিসাবে যথেষ্ট? সত্য সত্যই কি জঙ্গি দমনের নামে মানবাধিকার লঙ্ঘনের ঘটনা কাশ্মীরের ভিতরে, এমনকী বাহিরেও নিতান্ত

দুর্লভ? মানবাধিকার রক্ষা সংগঠনগুলি যখন রাজ্য-রাজ্যে রাষ্ট্রীয় সন্ত্রাসের ঘটনাগুলিকে নথিবদ্ধ করিয়া সরকারকে, শাসক গোষ্ঠীকে কাঠগড়ায় দাঁড় করায়, তখন প্রায়শ বলা হয়, তাহারা সন্ত্রাসবাদীদের পক্ষে সওয়াল করিতেছে। সন্ত্রাসীদের হাতে আক্রান্ত বা হতাহত নিরীহ সাধারণ মানুষের মানবাধিকার লঙ্ঘনের কথা বলা হইতেছে না, এমন নাটকীয় অভিমানও স্ফুরিত হইতে শোনা যায়। কথাটি সর্বদা অসত্য নহে। কিন্তু রাষ্ট্র তো সন্ত্রাস দমনের অজুহাতে সন্ত্রাসে লিপ্ত হইতে পারে না। জঙ্গিদের সমাজের প্রতি দায় না থাকিলেও রাষ্ট্রের সে দায় আছে। সর্বোপরি তাহার দায় আইনের শাসন বজায় রাখায়, সাংবিধানিক ব্যবস্থা অক্ষত রাখায়। জঙ্গিরা যথেষ্ট হিংসা করিলে রাষ্ট্রও তাহার মোকাবিলায় যথেষ্ট হইতে পারে না।

মার্কিন বিদেশ দফতরের মানবাধিকার সংক্রান্ত বার্ষিক রিপোর্টে কাশ্মীর সহ ভারতের নানা স্থানে মানবাধিকার লঙ্ঘনের ঘটনার উল্লেখ তাই অপ্রাসঙ্গিক নয়। একই ধরনের ভৎসনা অ্যামনেস্টি ইন্টারন্যাশনালের রিপোর্টেও লিপিবদ্ধ হইয়াছে। উত্তর-পূর্ব ভারতে জনজাতীয় জঙ্গিদের সন্ত্রাস মোকাবিলার ক্ষেত্রেও রাষ্ট্রের নির্দয়, সন্ত্রাসপ্রবণ রূপটি লক্ষ করা গিয়াছে। পশ্চিমবঙ্গে কামতাপুরি কিংবা জনযুদ্ধের জঙ্গিদের মোকাবিলার পদ্ধতি কি অন্য কোনও পথের হৃদিশ দেয়? বুদ্ধদেব ভট্টাচার্যের প্রশাসন কি উপদ্রুত জেলাগুলির নিরীহ গ্রামবাসীদের সহিত এমন কোনও আচরণ করিতেছে যাহা বড়ো বা নাগা জঙ্গিদের সহিত নিরাপত্তাবাহিনী ইতিপূর্বেই করে নাই? জনযুদ্ধের গেরিলারা অভিযোগ করিয়াছে, মুখ্যমন্ত্রী নকশালদের অস্ত্র ফেলিয়া গণতান্ত্রিক রাজনীতির মূল শ্রেণীতে ফিরিতে বলিতেছেন, অথচ এলাকা হইতে সশস্ত্র পুলিশের ছাউনি কিংবা নকশালদের সহিত নিরীহ গ্রামবাসীদের বহুসংখ্যক হতাহত, জিম্মাদারদের নামে বিচারবিহীন আটকগুলির উপর শাসনকে নির্যাতন, ক্ষমতাবিকারোক্তি আদর্শের জন্য সেই নির্যাতনের মাত্রা বৃদ্ধি, লক-আপে বিচারাধীন বন্দির রহস্যজনক মৃত্যুর ঘটনা— পরিচিত অভিযোগগুলি অব্যাহত। মানবাধিকারের প্রশ্নটি শর্তাধীন নয়, অন্যান্যরপেক্ষ। আইনের শাসনের সহিত মানবাধিকারের কোনও বিরোধও নাই। পুলিশকে আইনের শাসন অগ্রাহ্য করিতে উৎসাহিত করিলে ফল কী হয়, তাহার বহু দৃষ্টান্ত সাম্প্রতিক ইতিহাসে মজুত।

US faults India on democracy

Forces and Parivar under fire

S. Rajagopalan
Washington, February 26

Chargesheet

THE US has struck a blow to Indian pride, describing the country's democracy as "long-standing but flawed" and questioning its secularism.

It has backed up the assessment by citing "excesses" by the security forces in J&K and the Northeast; fake encounter killings, arbitrary arrests, detentions without trial or information, poll violence, corruption in courts and restrictions on religious and academic freedom. It says the judicial system in J&K is disrupted because of "judicial tolerance of the government's heavy-handed counter-insurgency tactics, the refusal of security forces to obey court orders".

The state department's annual human rights report, released on Wednesday, says tension between Hindus on the one hand and Muslims and Christians on the other is a challenge to India's secular formation.

The ruling BJP, it notes, is "a Hindu nationalist party with links to Hindu extremist groups that were implicated in violent acts against Christians and Muslims". The 71-page report alleges that members of the BJP, the RSS and affiliated organisa-

- Excesses by the forces in J&K and N-E
- Police & terrorist atrocities
- Communal tension
- Restrictions on religious & academic freedom
- Poll violence

tions have reportedly "harassed and threatened the use of violence against Christians and Muslims".

"The BJP and RSS officially expressed respect and tolerance for other religions. However, the RSS in particular opposes conversions from Hinduism and believes all citizens should adhere to Hindu cultural values. The BJP officially agrees that the caste system should be eliminated, but many of its members are ambivalent about this."

Some government officials, the report says, continue to advocate "saffronising" education and mentions the HRD ministry's move of "passing strict guidelines to regulate academic partnerships between Indian and Western universities in line with Hindutva philosophy".

Related report on Page 4

THE HINDU NATIONALIST PARTY

FR 10-4

Hurriyat threatens to pull out of peace talks

11-5
26/2

By M. Saleem Pandit
TIMES NEWS NETWORK

Srinagar: Peace talks between the Union government and Kashmiri separatist leaders face the threat of a rupture, early in its life, with Abbas Ansari, chairman of the moderate faction of the All Parties Hurriyat Conference, saying he would leave the negotiating table if security forces in the Valley did not stop harassing residents, especially women, by the end of this month.

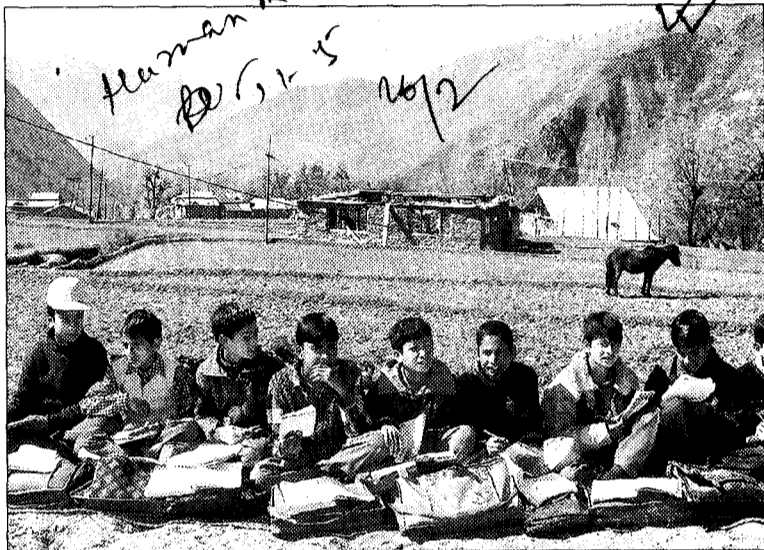
Ansari said people in the Kashmir Valley were being routinely harassed by the security forces in the name of search operations. Even women are subjected to frisking in the public places, he told reporters.

Substantive talks have yet to begin; these were slated, tentatively, for March 22 in Delhi, between Ansari's Hurriyat (the other, hardline Geelani faction says there's no point in talking) and deputy Prime Minister L.K. Advani. A delegation led by Ansari had a path-breaking discussion in Delhi with Mr Advani on January 22 and it was agreed by both that dialogue was the way forward. The Hurriyat was to present its proposals for the talks on March 22.

To illustrate his point, Ansari said soldiers, under the pretext of flushing out militants in Naristan village in Pulwama district, killed a 57-year-old shop owner, Gulam Ahmad Mir, after taking him in custody.

He also cited the killing of five civilians in Bandipora after they were taken as porters two weeks before and mentioned that a father of four children was missing a month after he was taken away by troops.

Ansari said even though the Prime Minister had convened meetings with top security brass to end human rights abuses in Jammu and Kashmir, the Union's directions were be-



Boys attend an open-air class near the border with Pakistan at Tanghdar in Jammu and Kashmir on Wednesday

ing flouted by troops on the ground.

The Hurriyat leader said Mr Advani had also promised the Hurriyat delegation on January 22 on putting an end to rights violations.

Ansari warned Kashmiris could take to the streets if human rights violations were not stopped. Hurriyat leaders would not pick up guns, but would launch a peaceful agitation against the violations, he said.

The APHC, he said, consciously entered in talks with the deputy PM and it would not succumb to any pressure to withdraw, provided human rights violations were stopped in the state.

He said even the chief minister of Jammu and Kashmir, Mufti Mohammad Sayeed, had admitted to violations in the Valley.

Supporting Ansari's view, Syed Ali Shah Geelani, chairman of the rival faction, expressed concern over the killings of civilians. His

spokesman said the killings had exposed both the state and Union governments.

The killings, said the Geelani spokesman, showed the double standards of India. He wanted the Pakistani government to take serious note of what was happening.

RIGHTS ABUSE

Army orders probe

TIMES NEWS NETWORK

Srinagar: The army has ordered a high-level inquiry into the alleged custodial killing of a civilian, Ghulam Ahmad Mir, at Narasthan village in Tral of Pulwama district. The incident had triggered widespread protests on Monday.

Saying what had happened was unfortunate, a military spokesman said the army had decided on a probe without waiting for the autopsy report.

NHRC writes to PM on illegal trade in human organs

NEW DELHI: National Human Rights Commission Justice A.S. Anand has brought to the Prime Minister's notice the thriving illegal trade in human organs, especially kidneys. In a letter to Mr Atal Bihari Vajpayee and chief ministers of all states and Union territories, Mr Anand has suggested that remedial measures be adopted to

check the pernicious practice.

In a letter dated January 29, Mr Anand writes that illegal trade in human organ often involves exploitation of poor people and violation of their human rights. "The practice of organ purchase has acquired the dubious dimensions of organ trade with touts operating as middlemen and the creation of allegedly false records of a compassionate donation." He said that the commission had

come across a number of instances in which the "compassionate donor" provision in the Organ Transplantation Act is being abused. In many cases, the donor is an unrelated and unacquainted person who is lured into donating an organ such as the kidney by financial offers made by or on behalf of the prospective recipient. The NHRC has constituted a core group of medical experts to go into issues relating to public health and human rights and in particular about the trade in human organs.

The group had expressed the view that the clause relating to "compassionate donation" in the Organ Transplantation Act was frequently exploited in an unethical manner which was violative of human rights. Based on its suggestion, the NHRC had recommended that a mechanism should be established for independent verification of the veracity of "compassionate donation" by a group of experts outside the hospital where the transplant procedure was proposed to be performed.

Jhabua Christians' plea to NHRC

By Our Special Correspondent

NEW DELHI, FEB. 1. Christians of Jhabua district in Madhya Pradesh have urged the National Human Rights Commission to ensure that adequate security is provided for them as there had been attacks on them by some organisations in the past month. Meanwhile, the National Federation of Indian Women (NFIW) is approaching leaders of all parties to mount pressure on the Centre to investigate the link between the rape and murder of a minor girl within a church compound in the district and the "blatantly aggressive communal propaganda against Christian missionaries by RSS organisations."

Eager to draw attention to the plight of the 22,000-strong minority community in the predominantly tribal district, a 35-member delegation from the district petitioned the NHRC to investigate the attacks on members of the community beginning December 30.

At a press conference prior to approaching the Commission here, the Bishop of the Bhopal Diocese of the Church of North India, L. Maida, said the attacks began within weeks of the new BJP Government taking office in the State.

The petition mentioned in detail the attacks on Christians in the district and the manner in which a wedge was sought to be driven within the tribal community to disturb peace.

Also, according to Rev. Maida, despite all evidence confirming that the minor had not been raped by priests, Seva Bharati and other Sangh outfits continued their agitation against Christian missionaries and members of the community.

Besides, the Christian laity was told to convert within a week or leave the country, he alleged.

The Jhabua MP, Kanti Lal Bhuria, said he had raised the issue in the Lok Sabha and accused the Centre of turning a deaf ear to the Jhabua incidents.

The petition also sought compensation for those belonging to the minority community who had suffered losses to life and property in the attacks as the State Government was yet to provide them any relief.

In its report, the NFIW said that three BJP MLAs of the area led the mobs which attacked Christian institutions and homes, and that only members of the community or priests were arrested in most of the attacks.

No steps were taken to prevent the publication and distribution of inflammatory literature, and the fundamentalist outfits were allowed to hold dharnas and demonstrations despite prohibitory orders.

The NFIW's demands include registration of cases against the BJP MLAs who led the mobs, suspension of the local policemen who did nothing to prevent the attacks, restraining the Madhya Pradesh Chief Minister, Uma Bharti, from talking about conversions, and adequate compensation.

10-15
(17/1)

'Human rights are universal'

Human rights

By Kalpana Sharma

MUMBAI, JAN. 16. The World Social Forum, the anti-globalisation meeting that has brought together a diverse range of groups and individuals from around the world for six days, opened to the voices of prominent human rights activists and leaders from different countries reiterating their commitment to peace and against "neo-liberal globalisation."

A panel, chaired by Captain Laxmi Sehgal, spoke at the opening ceremony. It included the Nobel- Peace Laureate, Shirin Ebadi from Iran as well as Mustafa Barghouti from Palestine, Abdul Amir Al-Rekaby from Iraq, the writer Arundhati Roy, the Labour MP and anti-war activist Jeremy Corbin, Shabana Azmi, actress and until recently Rajya Sabha MP and Chico Whitaker from Brazil.

Speaking to the press earlier in the day, Ms. Ebadi spoke forcefully about the importance of human rights. "We are here to announce our commitment to human dignity. Absolute poverty is against human dignity," she said. "We are here to announce that human rights are universal. We are here to announce that suffering in war has no dignity. We are here to announce that human beings are born with special rights and respect for these rights is compulsory for every government."

Echoing Ms Ebadi's sentiments, Mr. Mustafa Barghouti spoke about the gross violation of the rights of Palestinians that was taking place everyday in his

country. Referring to the security wall being built by the Israeli Government, he said, it was "worse than the Berlin Wall" as it was cutting Palestine into pieces. He said, for instance, a journey of 45 minutes between Ramallah and Hebron could take up to 13 hours today because of the number of checks set up by the Israeli army. "The violation of human rights is indescribable," he said. "Students cannot go to school, people can't go to work, women have delivered at the checkpoints because they have been unable to reach a hospital."

Apart from war and conflict, that dominated most of the statements made on the opening day, the concerns of many countries about the impact of the World Trade Organisation on their economies was voiced by Mr. Jeremy Corbin. He said the collapse of the Cancun Summit was largely due to the solidarity between developing countries such as India and Brazil. "It was also as a result of world public opinion being radicalised." He said he hoped that as a result of the discussions at the WSF, the same kind of demands would be made before the next round of talks of the WTO.

The WSF now goes into hundreds of parallel plenaries, meetings, seminars and workshops over the next four days. Although the 70,000 assembled seen at the opening today might not attend all these, the vast halls that will host the plenary sessions are expected to be more than full to capacity.

THE HINDU 17 JAN 2004

Rights panel chief puts police on alert

Inran Ahmed Siddiqui in Kolkata

Jan. 12. — Police officers and others committing atrocities on citizens, beware. Law enforcement agencies will no longer be able to sit over the explanations sought by the state human rights commission as an order by its new chairman, Mr Justice Shyamal Kumar Sen, now makes it mandatory for such agencies to reply within four weeks.

Mr Justice Sen, who took over as chairman on 1 January, has decided that backlog of cases will be done away with.

To expedite the commission's functioning, Mr Justice Sen issued a circular with some modifications, asking the authorities to submit inquiry reports within four weeks from the date of the communication.

"This has been done to clear the backlog as quickly as possible. Now the authorities concerned will have to submit the reports within four weeks. Thereafter, the matter will come up for hearing within two weeks before the Bench of the commission which issued the

order. This will also help in speedy disposal of cases," he told The Statesman. Earlier, there was no fixed deadline. The commission now has two Benches, one is headed by the chairman, and the other by members of the commission.

A senior SHRC member said fresh com-

REPORT CARD

Complaints in 2002-2003:5296
 Pending cases:3866
 Cases settled:1226

plaints are pouring in regularly and 3866 cases have been pending over the past few years.

"Most of the complaints are against policemen, mainly from the districts, ranging from high-handedness to inaction. But the superintendent of police concerned takes a lot of time in responding to the commission's queries and this leads to unnecessary delay," he said.

He said there has been a sharp increase in complaints such as dowry deaths, indignity to women and police atrocities over the past few years.

Work is affected by staff shortage, he said. The posts of assistant secretary, research officer and registrar have been vacant for the past couple of years. The law and research wing is by far the most important since it goes through every complaint and processes them before the investigation wing takes over.

The problem is compounded with the commission's annual report gathering dust even after being placed in the Assembly. "The state government takes a lot of time in taking action and implementing the commission's recommendations," the official said.

The action taken report on the Annual Report of 1999-2000, which was placed before the Assembly last April, is yet to come.

Mr Justice Sen said: "The vacant posts will be filled up soon. We will also hold talks with the government in disposing the cases speedily."

Custody deaths under scanner

OUR SPECIAL
CORRESPONDENT

Human Rights - 10.5.2004

New Delhi, Jan. 1: The National Human Rights Commission is concerned at the increasing custodial deaths in the country. Over 1,305 cases were reported during 2001-02, according to the commission's annual report — 1,140 deaths occurred in judicial custody and the rest in police custody.

Since its inception in 1993, NHRC has tried to curb police torture of inmates and has sought better health care for prisoners.

Custodial deaths have increased since 2000-01, when 1,037 cases were recorded. Deaths in police custody have risen in Bengal, Maharashtra and Tamil Nadu. Maharashtra is the worst offender with 27 cases of death in custody reported during 2001-2002. Bengal is next with 17 deaths, followed by Andhra Pradesh with 16.

Details of death in police custody have not been mentioned in the report, with the panel preferring to cite total figures, including deaths in judicial custody, for every state. In 2000-01, 127 deaths occurred in police lock-up, down from 177 in 1999-2000.

Uttar Pradesh, with 194 cases, recorded the most deaths in judicial custody in 2001-02. The number of deaths in judicial custody shot up from 910 in 2000-01 to 1,140 the next year.

NHRC feels the number of deaths in custody should not be viewed in absolute terms, but instead, the number of inmates present at a place should also be taken into account. Even so, the figures reinforce the commission's view that better custodial management is needed and police personnel have to be made aware of human rights.

NHRC also wants the human rights cells set up by state governments to play a more pro-active role in improving prison conditions. It also says better health care is needed, with regular check-ups for prisoners a must.

The panel has also said non-governmental organisations should be involved in keeping watch on and helping prison administration, especially in Uttar Pradesh, Bihar and Maharashtra.

Since 1993, NHRC has received reports of 7,256 custodial deaths. An analysis of some 5,500 cases has shown that 80 per cent of judicial custody deaths were attributed to illness and old age.

THE TELEGRAPH

2 JAN 2004