

A rights violation, says Congress

Special Correspondent

NEW DELHI: The Congress on Wednesday described the finding of a mass grave in Panchmahals district of Gujarat as a "gross violation of human rights and unfortunate."

The party said the Centre has asked the State Government to send a report on it.

"This is very unfortunate and gross violation of human rights. There cannot be another cruder example of killing of human beings...what was shown was heart wrenching," the AICC general secretary, Janardan Dwivedi said at a party briefing.

Mr. Dwivedi said the Home Ministry has sought information from the Gujarat Government on the issue. A CBI team has already left for Gujarat, he claimed.

Earlier, AICC Media Department head and general secretary, Ambika Soni, accused the Gujarat Chief Minister Narendra Modi of attempting "to run the State by instilling 'fear and social tension' among people.

She said what happened during Mr. Modi's tenure had lowered the image of the country in the comity of nations, and accused him of trying to create social tension through his speeches.

Meanwhile, the Congress refused to react to the developments in the Bharatiya Janata Party as also the Sanjay Joshi episode. "It is their internal matter and the BJP has already taken a decision [in regard to Joshi episode]," he said.

Recovery of mass graves "inhuman"

Special Correspondent

NEW DELHI: Janata Dal (United) president Sharad Yadav on Wednesday termed the recovery of mass graves in Gujarat "inhuman" and said steps should be taken to ensure that riot-affected get justice.

Mr. Yadav, however, avoided criticising the Bharatiya Janata Party, and said that it had done whatever was needed by ordering an investigation into the incident.

"We maintain that both 1984 riots and Gujarat riots are a blot and everything should be done to ensure justice for the victims," Mr. Yadav told reporters.

Asked about the BJP president L.K. Advani praising Gujarat Chief Minister Narendra Modi during the party meet in Mumbai, Mr. Yadav said it was an internal matter of the BJP and he had nothing to say about it.

Mass grave: NHRC seeks report from Gujarat, CBI

DNA testing of the skeletal remains sought

Staff Correspondent

NEW DELHI: The National Human Rights Commission (NHRC) has sought a report from the Gujarat Government and the Central Bureau of India on media reports on the unearthing of a mass grave at Lunawada in Panchmahals district.

The NHRC, which took *suo motu* cognisance of the matter, has asked the CBI Director and the Director-General of Police, Gujarat, to submit their comments within two weeks.

The mass grave is believed to contain the skeletal remains of the victims of the post-Godhra violence in 2002.

Petition seeks CBI probe

PTI reports from Ahmedabad:

A relative of a riot victim filed a writ petition in the Gujarat High Court on Wednesday, seeking a CBI investigation into the unearthing of a mass grave and DNA testing of the skeletal remains.

The petition was filed before Justice C. K. Buch after some of the relatives of the riot victims on Tuesday dug up a mass grave besides the Panam river and claimed that the skeletal remains seen there might be those of the victims of a massacre in the nearby Pandrawada.

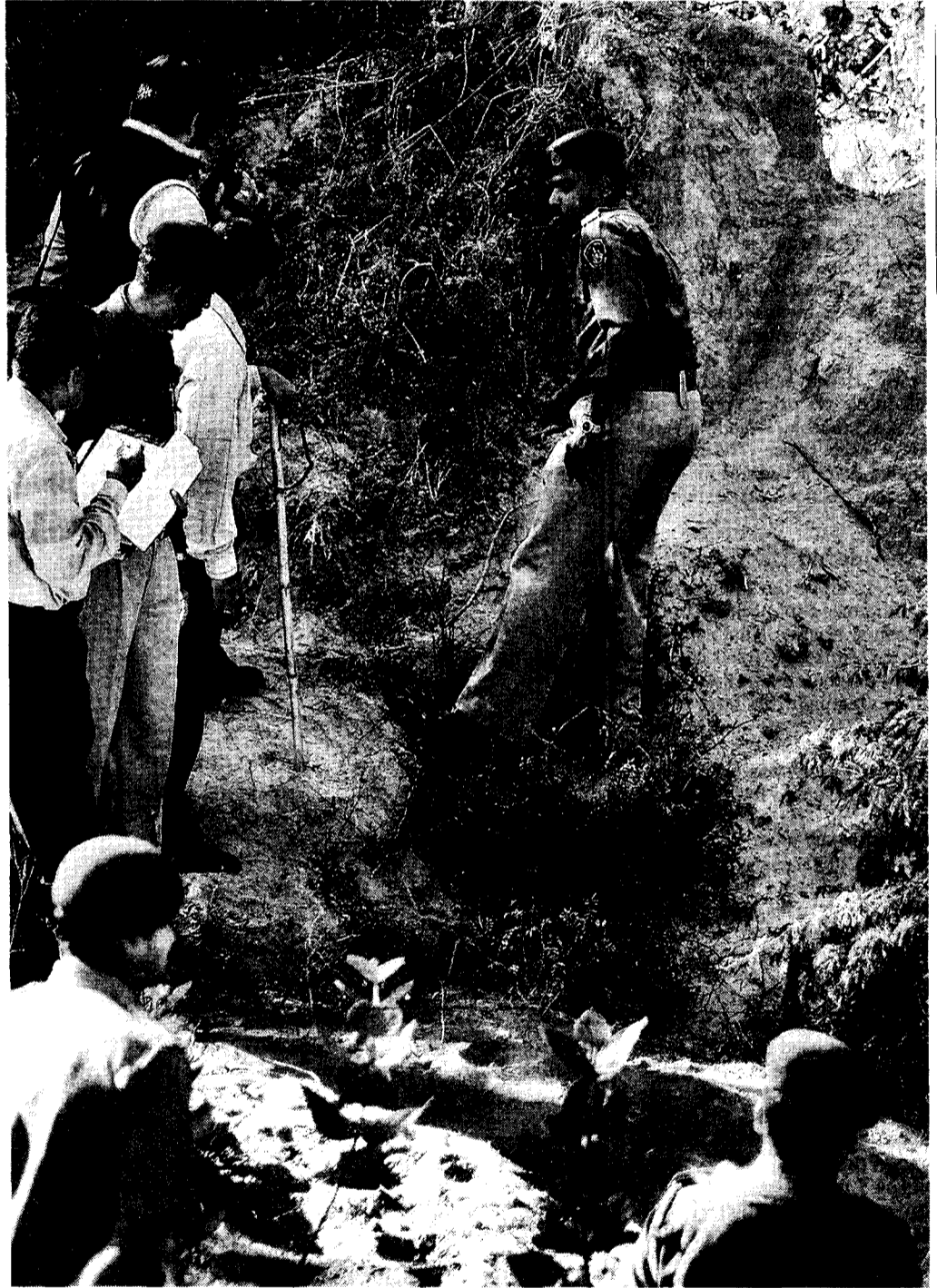
The petition was filed by Ameena Habib Rasool of Pandarwada, whose young son was killed in the riots. "Citizens for Justice and Peace" is the second petitioner.

The petitioners demanded that the samples of the skeletal remains be sent to the Red Hill Laboratory in Hyderabad for DNA testing.

"The petitioners have prayed for the sealing of the entire remains unearthed by relatives of the deceased on December 27, 2005, in the presence of the relatives, who must be treated as complainants," it said.

The petition alleged that "no proper post-mortem of any of the deceased was done by the police" and the relatives found clothes belonging to the victims alongside the skeletal remains, which, it said, showed that no proper investigation was done. "The non-removal of the clothes of the deceased itself suggests that the bodies were buried without proper post-mortem. Normally, after post-mortem, bodies are kept in white shrouds; but here the clothes of the victims who had been massacred were found in tact."

"Moreover, the original First



UNEARTHING THE TRUTH: Police personnel and other officials inspect the mass grave site at Lunawada village in Gujarat on Wednesday. - PHOTO: AP

Information Report recorded by the local police (on the Pandarwada massacre of March 1, 2002) shows death of only eight persons, whereas at least 26 persons had died..."

The petitioners said the police was behaving in "a high-handed ... manner," having detained the relatives of the deceased and the field co-ordinator of an NGO at the local station for hours.

"The State of Gujarat, through

its administration, appears keen on indicting the relatives looking for their lost ones," as the police on Tuesday spoke about the possibility of initiating legal action against those who had dug up the grave without permission, the petition said.

The petition is expected to come up for hearing on Thursday.

Director-General of Police A. K. Bhargava on Tuesday said the

forensic science laboratory in Gandhinagar would conduct DNA tests to "prevent any controversy..."

The local administration had buried 20 of the Pandarwada riot victims, following legal procedures, including post-mortem, he said.

A CBI team on Wednesday visited the mass grave at Lunawada, said Collector D. H. Brahmbhat.

Human Rights
110-12 29/12

Bush U-turn: Agrees to back anti-torture bill

11-19
17/12
Washington: Bowing to bipartisan pressure after months of resistance, US President George W Bush agreed on Thursday to back legislation proposed by Senator John McCain to ban the inhumane treatment of prisoners in US custody. With McCain, an Arizona Republican, at his side in the Oval Office, Bush said his goal was to "make it clear to the world that this government does not torture" after a string of abuse scandals damaged America's image.

The White House accepted the amendment by McCain—who endured torture as a prisoner of war in Vietnam—after initially threatening to veto it and after US Vice President Dick Cheney led an unsuccessful bid to exempt the CIA from the torture ban, saying it would hinder the war on terrorism.

California Republican Duncan Hunter, chairman of the House of Representatives Armed Services Committee, had threatened to block the legislation unless he got White House assurance in writing the



UNOFFICIAL SECRETS: Sen McCain whispers to President Bush during a White House meeting on the bill amendment would allow "the same high level of effective intelligence-gathering capability that we presently have".

Hunter's spokesman said the chairman spoke with intelligence director John Negroponte and "received the assurances he needs" and would move the bill forward.

The administration has been hammered by a scandal over the sexual and physical abuse of detainees by US soldiers at Abu Ghraib prison in Iraq, harsh interrogations at US facilities at Guantanamo Bay, Cuba, and reports the CIA has run secret prisons abroad to hold terrorism suspects. McCain's proposal would ban cruel, inhuman or degrading treatment of prisoners and set standards for interrogations.

The White House had sought protections for interrogators from prosecution under the law, which McCain said would undermine his amendment. Bush settled for language similar to the Uniform Code of Military Justice to allow CIA interrogators to defend themselves.

"People need to understand what the limits are. And if people don't meet those limits, they're going to be investigated and they're going to be held accountable," American attorney-general Alberto Gonzales told CNN. Reuters

► Bush move just a token gesture, Page 15

Spying in the USA, without court sanction

Washington: Months after the September 11 attacks, President Bush secretly authorised the National Security Agency (NSA) to eavesdrop on Americans and others inside the US to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, say US officials.

Under a presidential order signed in 2002, the intelligence agency has monitored the international telephone calls and international e-mail messages of hundreds, perhaps thousands, of people inside the US without warrants over the past three years in an effort to track possible "dirty numbers" linked to Al Qaida, the officials said. The agency, they said, still seeks warrants to monitor entirely domestic communications.

The decision to permit some eavesdropping in the country without court approval was a major shift in US intelligence-gathering practices, particularly for

the NSA, whose mission is to spy on communications abroad. Some officials have questioned whether the surveillance has stretched, if not crossed, constitutional limits on legal searches.

"This is really a sea change," said a former senior official who specialises in national security law. "It's almost a mainstay of this country that the NSA only does foreign searches." A dozen current and former officials discussed the programme with The New York Times because of concerns about the operation's legality and oversight. The White House asked NYT not to publish this article, arguing it could jeopardise investigations and alert terrorists. After meeting with officials, the newspaper delayed publication for a year to conduct additional reporting. Some information that administration officials argued could be useful to terrorists was omitted from the full NYT report. NYT

THE TIMES OF INDIA

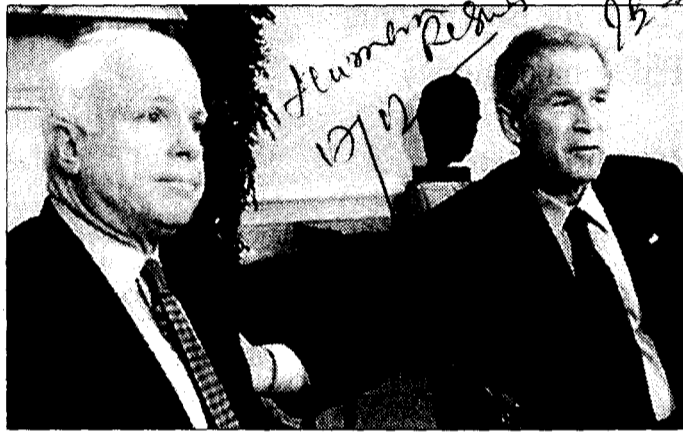
WHITE HOUSE | Goal was to make clear 'this govt does not torture': Bush Finally, US ban on prison torture

SRIDHAR KRISHNASWAMI
WASHINGTON, DECEMBER 16

AFTER months of resistance and threats, the White House finally bowed to the demand by Republicans and Democrat lawmakers for a ban on cruel and inhuman treatment of prisoners in American custody and to set standards for interrogations.

With Republican Senator John McCain at his side—the author of the amendment which demanded that specific language against torture and degrading treatment of prisoners in US custody. President George Bush stressed that his goal was to make clear to the world “that this government does not torture, whether it be here at home or abroad”.

The White House finally relented on the McCain amendment that came about after a string of embarrassing revelations on abuse



President Bush reaches out to Senator John McCain during their meeting at White House's Oval Office in Washington. Reuters

of detainees. First in Iraq and then in Afghanistan, with persisting questions raised about detainee conditions in Guantanamo Bay naval facility.

At first the White House indulged in some heavy lobbying sending the Vice President Dick Cheney to Capitol Hill, trying to

get an exemption for the Central Intelligence Agency with the constant quiet message that Bush might veto the Defence Appropriation Bill of which the McCain amendment was a part.

Lawmakers in both the Senate and the House of Representatives were adamant that the McCain

language was going to stay as it was first written in the Senate. The White House finally accepted language similar to the Uniform Code of Military Justice.

“People need to understand what the limits are. If people don't meet those limits, they're going to be investigated and they're going to be held accountable,” said attorney general Alberto Gonzales.

The President's national security advisor said on record that the accord strikes the “right balance” between proper treatment of detainees and aggressive intelligence gathering. In fact the agreement has provisions of the government offering lawyers for interrogators facing civil or criminal prosecution.

With the deal on the McCain amendment lawmakers are now giving finishing touches to the US \$453 billions Defence Spending Bill which is expected to clear Capitol Hill on its way to the White House by this weekend. —PTI

17 DEC 2005

INDIAN EXPRESS

UN official says total breakdown of rights in Iraq

PAUL TAIT

BAGHDAD, DECEMBER 5

IN SOME of the strongest UN comments on Iraq to date, the human rights chief for the United Nations Assistance Mission in Iraq, John Pace, has complained of a "total breakdown" in individuals' rights in Iraq and has said that the US military is abusing its UN mandate there by detaining thousands of people without due process of law.

The Iraqi government is also guilty of major human rights abuses, including holding people without charge in secret jails "littered" across the country, John Pace, human rights chief for the United Nations Assistance Mission in Iraq (UNAMI), said.

"All (detainees) except those held by the Ministry of Justice are, technically speaking, held against the law because the Ministry of Justice is the only authority that is empowered by law to detain, to hold anybody in prison," Pace said.

"Essentially none of these people have any real recourse to protection and therefore we speak ... of a total breakdown in the protection of the individual in this country." —*Reuters*

06 DEC 2005

INDIAN EXPRESS

UN anti-torture official tours China

PTI & AFP

BEIJING, Nov. 22. — The UN's top torture investigator today kicked off the first-ever visit to China, including Tibet, after Beijing assured him that it will not hinder his independent probe and he would get unfettered access to Chinese detention facilities.

The unprecedented 12-day visit of Mr Manfred Nowak, the special rapporteur of the UN Commission on Human Rights comes at the invitation of the Chinese foreign min-

istry, spokesman Mr Liu Jianchao told reporters.

Meanwhile, Mr Nowak has praised China's leaders for acknowledging the widespread abuse of prisoners in the nation's jails, as he began the mission. He said Beijing had offered him freer access to detainees than Washington was prepared to give him on a recently scrapped trip to Guantanamo Bay.

"There is a growing awareness that torture is quite widely practised in the common criminal proceedings (in China) by the police and that something

needs to be done," Mr Nowak said in an interview with the BBC aired today. "I see my visit also as part of this growing awareness."

The UN official's tour includes stops in Urumqi and Yining — both cities in the restive northwest region of Xinjiang — and Lhasa, Tibet's capital, the Chinese spokesman said.

Western human rights organisations have accused Chinese security organs of torturing political dissidents as well as separatists in Tibet and Xinjiang.

Mr Nowak would meet with government officials

and representatives of civil society, among others, and visit detention facilities, the UN said in a press release. He will submit a comprehensive report on the visit to the Commission on Human Rights at its 62nd session in 2006.

"We attach high importance to the visit of the UN special rapporteur on torture and we have had consultations with him on the arrangements of the visits. On the basis of mutual respect, we hope the visit could achieve the expected goal," the Chinese spokesman added.

Thousands pay tribute to Rosa Parks

11/14
Humpton
Rena
Washington: Civil Rights pioneer Rosa Parks became the first woman to lie in honor in the US Capitol Rotunda on Sunday, a tribute usually reserved for presidents, soldiers and politicians.

Thousands of people, in a line snaking from the front of the Capitol into the National Mall, waited to pay respects following a private tribute attended by President George W Bush and other dignitaries.



Pallbearers carry the casket of Rosa Parks into the US Capitol rotunda

Park's casket was carried by members of the National Guard as a college choir sang the Battle Hymn of the Republic. Bush and first lady Laura Bush, and Senate and House delegations placed wreaths of red, white and blue carnations at the side of the casket before the Rotunda was opened to the public.

Applause rose from the crowd as the hearse bearing Parks' coffin arrived at the Capitol, followed by a 1950's-era bus draped in black bunting. Her body was flown to Washington after a memorial service in her hometown of Montgomery, Alabama.

Parks' refusal to give up her seat on a Montgomery bus to a white man helped break racial segregation in America. Her qui-

et protest 50 years ago led to a revolt against the segregation of whites and blacks.

Parks, who died on Monday at her home in Detroit at age 92, was remembered as a freedom fighter.

Many of the people in Washington who waited to pay tribute to her said they had come to pay their respects to a woman who played an important role in US history. "She was a revolutionary in a very dignified way and I can't

imagine what our country would be like had it not been for Rosa Parks," said Karen Lawson.

Bush ordered flags flown at half-staff on government buildings on Wednesday when Parks' funeral is scheduled to take place in Detroit. Earlier, mourners filled every seat and a handful stood along the walls at St Paul AME Church in Montgomery, where Parks was a member at the time

of her arrest in 1955. Sprays of white, pink and yellow flowers flanked her casket.

"I think I can say that without Mrs Parks, I would not be standing here today as secretary of state," said US Secretary of State Condoleezza Rice, who was born in Alabama. "Not only did she set off a revolution of freedom and a second round of emancipation here in the United States, but she is also revered around the world."

Among the mourners were civil rights leaders Rev. Jesse Jackson and Rev Al Sharpton and Alabama Governor Bob Riley.

Jackson called the Supreme Court decision triggered by Parks' protest the biggest victory for civil rights since the end of slavery. Reuters

Death penalty: What's right, what's wrong

By Dhananjay Mahapatra
TIMES NEWS NETWORK

New Delhi: A debate has started among the intelligentsia over death penalty after President A P J Abdul Kalam suggested to the Centre that it should consider granting pardon to 20 of the 55 condemned prisoners who have sought mercy from the head of state.

But death penalty for whom? One will do well to remember that all these cases pertain to people who have been awarded death sentence at each stage in the three-tier justice delivery system of our country—the trial court, the high court and the supreme court. All three courts, manned by qualified judges, have tested these cases on the touchstone of the “rarest of the rare” category enunciated by the supreme court in the case of Machhi Singh Vs the State of Punjab (1983 (3) SCC 470) before arriving at the conclusion that the accused deserved no mercy.

In the Machhi Singh case, the apex court had ruled that judges, irrespective of their personal

reservations regarding the imposition of death penalty, would be compelled to award capital punishment as society may entertain such a sentiment. It also enumerated five circumstances and the manner of murder to make a case fit to be categorised as “rarest of rare”.

The chief justice of India-designate, Justice Y K Sabharwal, recently said he personally was in favour of the abolition of death penalty. But he was quick to add that as a judge he would go by the Macchi Singh judgment. Law minister HR Bhadravaj's personal opinion, in contrast, is that there should be death penalty for murder.

So, why the debate now? Why did the President not start it in August 2004 when he rejected the mercy petition of Dhananjay Chatterjee who was awarded capital punishment for raping and killing a 14-year-old school-girl? Did he find the atmosphere too surcharged then for a debate on the issue? There was a vertical division in the debate on death penalty for Dhananjay. Many, including West Bengal

chief minister Buddhadeb Bhattacharya's wife, sided with the parents of the victim, Hetal Parekh.

However, many social organisations backed Dhananjay's old parents who sought life imprisonment for him. The parents perhaps thought that if the death sentence was commuted to life term, he would be out of prison soon as he had already spent 15 years in jail.

The debate over death penalty or life imprisonment probably started with Emperor Ashoka, who had said, “State should not punish with vengeance.” His statement came after he turned into Dharma-shok from Chandashok due to the moral pangs he suffered after the bloodbath in the name of the conquest of Kalinga.

After independence, and long before the apex court upheld the constitutional validity of death sentence for murder in the Bachhan Singh Vs the State of Punjab (1982 (3) SCC 25) case, the Law Commission of India, in its 35th

report in 1967, had conducted a survey on the mode of execution of death penalty. In 2003, it conducted another survey and the recommendations in its 187th Report, if implemented, will cool down lot of the heat generated from such a debate.

It's immaterial here to mention that one of the recommendations was to replace death by hanging with a quick and more effective intravenous lethal injection. But it is

thought provoking when one reads its overview about apex court judgments awarding death penalty in one case and commuting it to life sentence in surprisingly similar cases. Four days after Dhananjay was hanged to death on August 14, 2004, the apex court commuted the death sentence to life term for Rahul, who was convicted of luring a four-year-old, raping her and then slitting her throat.

Well, these two cases were separated by a gap of 10 years. But none would forget the case of Harbans Singh Vs the State of

Uttar Pradesh (1982 (2) SCC 101). Three persons—Jeeta, Kashmira and Harbans—were sentenced to death by the Allahabad high court for murdering a family of four. Each of the convicts preferred separate appeals before the supreme court. Jeeta's appeal was rejected by a bench of Justices Y V Chandrachud, Krishna Iyer and N L Untwala. He was hanged. Kashmira's appeal was heard by a bench comprising Justices Fazal Ali and P N Bhagwati which allowed the commutation of his death penalty to life term. Caught in this contrast was Harbans, whose petition was rejected. But he escaped death by hair's breadth by petitioning the President for mercy, citing Kashmira's case.

Justice Bhagwati referred to this case as a “classic case which illustrates judicial vagaries in the imposition of death penalty”. Probably, what the Law Commission recommended in 2003, if implemented, can reduce such “vagaries”. It had said all death sentence cases be heard by a five-judge bench of the SC as a statutory appeal.

LEGALLY SPEAKING

Retain death rap, says outgoing CJI

New Delhi: Outgoing chief justice of India R C Lahoti on Monday strongly supported the retention of death penalty in the statute and said perpetrators of bomb blasts like the ones that rocked the capital deserve capital punishment.

"Which other penalty is required other than this (death penalty) for this dastardly act. What other punishment is called for. Ask the man who has mas-termined this blast," Justice Lahoti, who retires as CJI on Monday, told reporters.

The chief justice's view assumes significance in the context of the recent debate on the issue of death penalty over which President A P J Abdul Kalam has suggested to the government to take an "humanitarian view" on mercy petitions.

Justice Lahoti said though in recent time a debate has been initiated worldwide against capital punishment, keeping in view his judicial experience, he personally was of the opinion that it should continue in the Indian Penal Code. The apex court, in its judgements, have made it clear that it should only be awarded in the rarest of the rare cases.

"Speaking for myself, I think that death penalty must continue to exist," he said adding that "we cannot go by what is happening in the Western countries."

The chief justice was responding to

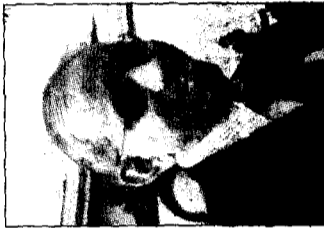
a view that a debate has gained momentum after Kalam's suggestion that in cases of death sentence and mercy petition, humanitarian aspects should be considered. Explaining that while awarding death penalty, facts of the cases are examined carefully, Justice Lahoti referred to the Saturday blasts and said what other punishment should be inflicted on those "who terrorise the country by taking the lives of innocent citizen."

"How many innocent people have been killed and injured. Now if police investigates and are able to lay hand on the persons and mastermind behind the blast, please tell me what other penalty is required except the death penalty," he added.

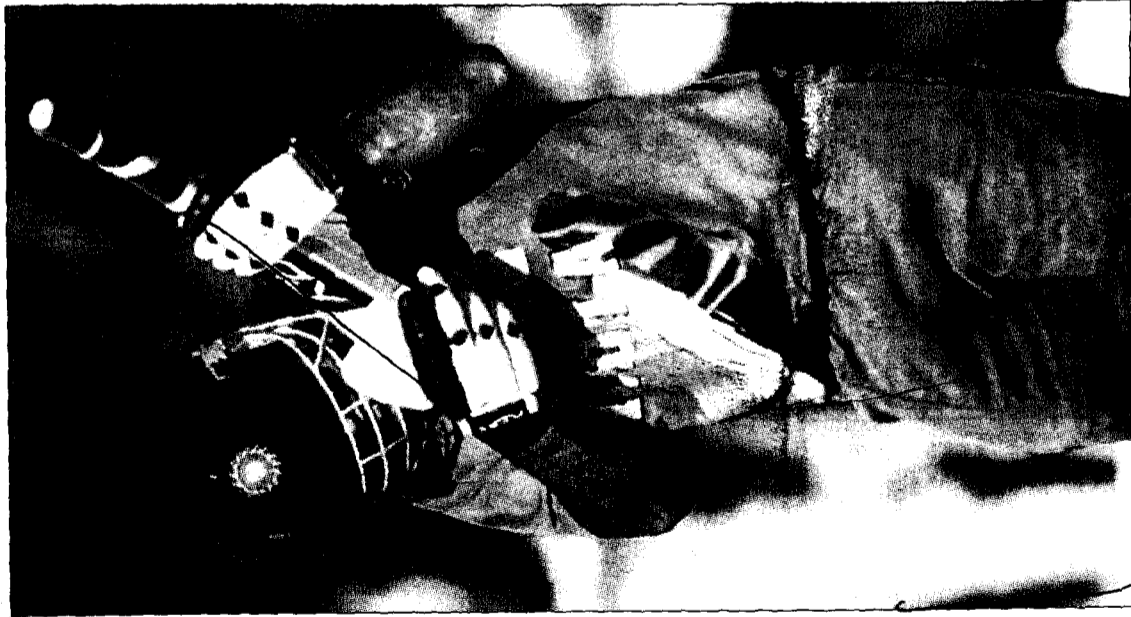
"What happens is that we forget the past. Human memory fails. We forget the victims and we only see the accused before us we look at his family. We forget the family of those killed, injured and totally uprooted and I am told of a family whose only survival member is a small child," the chief justice said.

"This man who planted the bombs had killed so many and created so much terror what other punishment is called for if his crime is proved beyond reasonable doubt. People say that in the death penalty you cannot give the life back. Ask this man can he give the life back of those killed?"

Agencies



R C Lahoti



Rat-a-tat flowed the runs from M S Dhoni's bat during the third One-Day International match between India and Sri Lanka in Jaipur on Monday. Dhoni scored a blistering 183 of 145 balls that gave India a 3-0 lead in the seven-match series

আমেরিকায় কৃষক আন্দোলনের জননী রোজা পার্কস প্রয়াত

ডেট্রয়েট, ২৫ অক্টোবর: তিনি শ্রেফ বসেছিলেন। আর, সেই বসে থাকাটাই ছিল সমস্ত কৃষক নাগরিকের হয়ে উঠে দাঁড়ানোর প্রতীক।

কথাগুলো বলা হয় রোজা পার্কস সম্পর্কে। মার্কিন দেশে কৃষকদের নাগরিক অধিকার আন্দোলনের জননী রোজা পার্কস। সারা পৃথিবীতেই বর্ণবৈষম্য বিরোধী লড়াইয়ে যাঁদের নাম এক নিঃশ্বাসে উচ্চারিত হয়, রোজা তাঁদেরই অন্যতম। অসুস্থ ছিলেন অনেক দিনই। কাল ৯২ বছর বয়সে ঘুমের মধ্যেই মারা গেলেন রোজা।

১৯৫৫ সালের মন্টগোমারি। রোজা তখন সেখানকার একটি ডিপার্টমেন্টাল স্টোরে সেলাইয়ের কাজ করেন। রোজকার মতোই বাস ধরে বাড়ি ফিরছিলেন এক দিন।

যথারীতি সামনের দরজায় টিকিট কেটে পিছনের দরজা দিয়ে উঠতে হয়েছে। ওটাই নিয়ম। তার পরে অ-শ্বেতাঙ্গ বা 'কালার্ড'-দের জন্য নির্ধারিত আসনেই বসেছিলেন রোজা। কিছু ক্ষণ পর বাসে উঠল একটি সাদা চামড়ার লোক। সব ক'টি আসনই ভর্তি। ভদ্রলোকের দাবি, অ-শ্বেতাঙ্গ আসনগুলো খালি করে দেওয়া হোক। সাহেব মানুষ, দাঁড়িয়ে যেতে পারবেন না। আবার, তাই বলে কালোদের পাশে বসেও যাওয়া চলে না। বাসচালক রোজাদের বললেন উঠে যেতে। রোজার তিন সহযাত্রী



উঠে দাঁড়ালেন। কিন্তু রোজা অনড়। তাঁর একটাই বক্তব্য, "আমি আর সকলের মতোই সমান ভাড়া দিয়ে টিকিট কেটেছি। উঠে যাব কেন?" এই কেন-র একটাই উত্তর— নিয়ম। অতএব নিয়ম ভাঙার দায়ে গ্রেফতার হয়ে গেলেন রোজা। বিচারে তাঁর ১৪ ডলার জরিমানা হল।

কিন্তু সেই দিন থেকেই মন্টগোমারি জুড়ে শুরু হয়ে গেল কৃষকদের বাস বয়কট আন্দোলন। নেতৃত্বে এক যুবক, নাম মার্টিন লুথার কিং। সেই মার্টিন লুথার, যিনি আর কিছু দিনের মধ্যেই নাগরিক অধিকার আদায়ের লড়াইয়ে অবিসংবাদী ব্যক্তিত্ব হয়ে উঠবেন।

দক্ষিণ আফ্রিকার ট্রেনে প্রথম শ্রেণির কামরা থেকে গাঁধী

নামে এক ভারতীয়কে ঠেলে ফেলে দিয়েছিল এক সাহেব। ঘটনাটা পরে গাঁধীকে বর্ণবৈষম্যের বিরুদ্ধে অহিংস লড়াইয়ে উদ্বুদ্ধ করেছিল। আর, ১৯৫৫-র ১লা ডিসেম্বর মন্টগোমারির বাসে রোজা পার্কসের একক প্রতিবাদ মার্কিন দেশে বৃহৎ এক নাগরিক আন্দোলনের বীজ বুনে দিয়েছিল। একটা দিনই পৃথিবীটাকে পাল্টে দিয়েছিল অনেকখানি। এমন নয়, রোজার আগে কেউ কখনও বাসে আসন ছেড়ে দিতে অস্বীকার করেনি। কিন্তু রোজাই প্রথম, যিনি সরাসরি আইনকে চ্যালেঞ্জ জানিয়েছিলেন। টানা ৩৮১ দিন বয়কট চলার পরে, সুপ্রিম কোর্টের রায়ে মন্টগোমারির পরিবহণ ব্যবস্থায় বর্ণবৈষম্য বিলুপ্ত হয়।

প্রতিবাদ আদতে ছিল রোজার রক্তেই। ছ'বছর বয়স

থেকে রোজা স্কুলে যাওয়ার পাশাপাশি তুলোর খেতে কাজ করেছেন। তখনও স্কুলে যাওয়ার পথে সাদা চামড়ার ছেলেমেয়েরা বাস থেকে টিটকিরি দিত, এটা-ওটা ছুড়ে মারত। স্কুলে সর্বক্ষণ শুনতে হত, 'এখানে বসো না, ওখানে খেও না'। দমবন্ধ হয়ে উঠেছিল রোজার।

রেমন্ড পার্কসের সঙ্গে বিয়ের পরে দু'জনেই 'ন্যাশনাল অ্যাসোসিয়েশন ফর দ্য অ্যাডভান্সমেন্ট অফ কালার্ড পিপল'-এর সঙ্গে যুক্ত হয়ে পড়েন। বাসের ঘটনার পরে চাকরি খুঁিয়ে রোজারা চলে আসেন

ডেট্রয়েটে। ডেমোক্রেট নেতা তথা মার্কিন কংগ্রেসে 'ব্ল্যাক ককাসে'র প্রতিষ্ঠাতা জন কনিয়ার্সের সঙ্গে হাত মেলান রোজা। ১৯৭৭ সালে মারা যান রেমন্ড। রোজার কাজ কিন্তু থেমে থাকেনি তার পরেও।

স্বাধীনতার জন্য সাংবিধানিক লড়াইয়ে তাঁর অবদানের স্বীকৃতি দিয়েছে প্রেসিডেন্টের স্বর্ণপদক, মার্কিন কংগ্রেসের সাম্মানিক পদক। তার আগেই অবশ্য মানুষের চোখে জীবন্ত কিংবদন্তী হয়ে উঠেছিলেন রোজা। লোকের রাস্তা দিয়ে যেতে যেতে আঙুল দিয়ে দেখাত, 'ওইটা রোজা পার্কসের বাড়ি।' আর মন্টগোমারির সেই ঐতিহাসিক বাসটি পরে হেনরি ফোর্ড মিউজিয়মে স্থান পায়।

—রয়টার্স

Civil rights icon Rosa Parks dead

2/7/10
Human Rights
Rosa Lee Parks, whose refusal to give up her bus seat to a white man sparked the modern civil rights movement, died at 92. Parks died on Monday evening at her Detroit home of natural causes, with close friends by her side, her attorney said.

Her refusal to vacate a seat for a white man was often portrayed as a spontaneous, almost chance act of petty defiance — the sort of thing that anyone might do after a bad day at the office. And certainly Parks had no inkling of the effect it would have and earn her the title “Mother of the civil rights movement”.

Returning home by bus in Montgomery, Alabama, one winter evening in 1955, weary after a long shift's work as a seamstress at a local department store, she refused a request by the driver to give up her seat to a white passenger. “I don't think I should have to move,” she told the police who came to arrest her, with the quiet dignity that was her hallmark. “Why do you push us around so?”

Her punishment was to be remanded in custody and fined \$14. But the deed would mark the true start of black America's struggle for racial equality, and make her name famous around the world.

Speaking in 1992, Parks said history too often maintains “that my feet were hurting and I didn't know why I refused to stand up when they told me. But the real reason of my not standing up was I felt that I had a right to be treated as any other passenger. We had endured that kind of treatment for too long”.

Her arrest triggered a 381-day boycott of the bus system organised by a then little-known Baptist minister, the Rev. Martin Luther King Jr, and the rest is history. — **Rupert Cromwell/ The Independent** (With AP inputs)

'SHE SAT DOWN SO WE COULD STAND UP'

Mother of civil rights era no more

Detroit, Oct. 24 (Reuters): Rosa Parks, the black seamstress whose refusal to give up her bus seat to a white man sparked a revolution in American race relations 50 years ago, died yesterday.

Parks, 92, died in her sleep at her home in Detroit, said Parks' lawyer, Shirley Kaigler. She had been suffering from dementia and rarely appeared in public in recent years.

"We are saddened by the passing of Rosa Parks. We rejoice in her legacy, which will never die. In many ways, history is marked as before, and after, Rosa Parks," said civil rights leader Jesse Jackson. "She sat down in order that we all might stand up, and the walls of segregation came down."

Parks, known as the mother of the modern civil rights movement, was a 42-year-old seamstress for the Montgomery Fair department store when she caught a bus in downtown Montgomery, Alabama, on December 1, 1955.

She paid the 10-cent fare in front, then reboarded the bus in back as black riders were required to do, taking a seat in the first row of the section reserved for "coloureds."

Three stops after she got on, a white man boarded and had to stand. To make room for him to sit alone, as the rules required, driver James Blake told Parks and three other black riders: "You all better make it light on yourselves and let me have those seats."

The other riders complied. Parks did not.

"No. I'm tired of being treated like a second-class citizen," she told Blake. Blake called police, who asked Parks



Rosa Parks (right) rides a Montgomery, Alabama, bus in December 1956 after the US Supreme Court outlawed segregation on buses. The man on the left is unidentified

why she didn't move: "I didn't think I should have to. I paid my fare like everybody else."

Parks was not the first black Montgomery bus rider to be arrested for failing to give up a seat, but she was the first to challenge the law. For years before her arrest, Parks and her husband had been active with local civil rights groups, who were looking for a test case to fight the city's segregation laws.

Four days later, she was convicted of breaking the law and fined \$10, along with \$4 in court costs.

That same day, black residents began a boycott of the bus system, led by a then-unknown Reverend Martin Luther King Jr.

The boycott lasted 381 days, and the legal challenges led to a US Supreme Court decision that forced Montgomery to desegregate its bus system and put an end to "Jim

Crow" laws separating blacks and whites at public facilities throughout the South.

Born Rosa Louise McCauley on February 4, 1913, in Tuskegee, Alabama, Parks was raised by her mother, Louisa, a school teacher. Her father left the family when she was young.

Her impoverished family moved to her grandfather's farm, which had been part of a plantation. By age 6, Rosa was splitting her days between school and picking cotton on the farm.

She and other children who walked to school were sometimes taunted by white students who threw trash at them out the window of their bus.

When Parks later attended school in Montgomery, she said she grew weary of being told where she could not drink, could not sit, or could not go to the bathroom.

European Court's progressive ruling

The European Court of Human Rights based in Strasbourg has ruled that the provision in Britain's Representation of the People Act 1983, by which felons serving a sentence are denied the right to vote is a violation of the 1950 European Convention on Human Rights. The verdict underscores a basic principle of criminal jurisprudence: a prison term curtails liberty but in a way that is consistent with the idea of jails as correctional homes and punishment as reformatory. Disenfranchisement of the lawfully incarcerated undermines their identity and puts them beyond the pale of democratic citizenship. From the standpoint of contemporary rule of law, it also amounts to double punishment. The case that brought on the European Court's ruling relates to the right of a British convict (guilty of manslaughter of his landlady) to exercise his franchise during his term in prison. A court ruling of 2001, which denied him the right to vote, was overturned in 2004 by a chamber of the Strasbourg court. It observed that "the right to vote was a right and not a privilege," and awarded a compensation of 8,000 pounds for costs and damages. This month, a grand chamber of 17 judges that heard an appeal from the British Government declared by a 12 to 5 majority that the denial of the franchise to prisoners was a violation of the right to free election under Protocol I of the European Convention. Rejecting the contention that those who commit crimes warranting a custodial sentence should forfeit their right to have a say in how society should be run, the Court observed that it saw no link between the prevention of crime and the exercise of a democratic right. It emphasised that while the right to vote was not absolute, imposition of restrictions on the right must be in pursuit of a legitimate aim, and that the presumption must be in favour of including, not excluding, people from the democratic process.

Europe, it is clear, is ahead of other regions in the world in its thinking and practice where democratic and human rights are involved. In practical terms, this progressive verdict by the European Court, if followed up, should secure the right to vote of about 48,000 prisoners in Britain alone. It will extend truly universal adult franchise, currently available without any restriction in 18 countries, to all the 46 member-states of the Council of Europe (an organisation independent of the European Union). Britain's Lord Chancellor has hinted that, despite the ruling, any drastic change in the status of prison inmates is unlikely in his country. However, the pressure to extend the frontiers of democratic and human rights is bound to increase, not only in several new democracies in the less-developed world, but even in the United States where millions of citizens from among minority communities remain disenfranchised.

NHRC submits report on quake relief measures

"Central and State Governments have provided immediate relief"

Staff Correspondent

NEW DELHI: A three-member NHRC (National Human Rights Commission) team which visited areas affected by the earthquake in Kashmir has found that the Central and State Governments as also the security forces and civil society did rise to the occasion and provided some 'immediate relief' to affected persons.

The team, comprising G.S. Rajagopal, Director-General (Investigation), Ajit Bharihoke, Registrar (Law) and A.K. Parashar, Deputy Registrar (Law), submitted a report to the Commission after visiting Tangdhar and Uri for spot assessment of relief and rehabilitation measures.

"Children may fall ill"

According to the report, unless shelters are provided immediately people with weak constitution and children exposed to cold may fall ill.

• **Shelters must be provided immediately**

• **Centralised relief centres recommended**

• **Houses with pre-fabricated material suggested**

• **Prepare list of orphans; rehabilitate widows and young girls**

The report recommended that the State Government set up centralised collection and distribution centres where relief material could be received from non-governmental organisations and private agencies.

Steps urged

It said the Centre should take steps to ensure that building material required for repairing damaged property is made available at the earliest.

Where tents cannot be made available, the Central and State Governments should ensure that temporary shelters with essential amenities are provided. The report wanted the Centre to consider the feasibility of constructing houses with pre-fabricated building material.

Children orphaned

The team found that the quake had rendered some children orphans, but said the possibility of parents of such children being alive cannot be ruled out as some injured persons were shifted for treatment.

It recommended that the State Government prepare a computerised list of such children, ensure that widows and young girls are not exploited, and help rehabilitate them.

The State Government, it said, should prepare a computerised list of dead and missing persons to help their next of kin claim proper relief.

Cleansing drives at sites of terror

London sets out to challenge deportation bar

HTC & Agencies London, October 3

BRITAIN HAS one of the worst human rights records in Europe and faces investigation over its failure to comply with a series of European court rulings. More than 100 complaints of rights violations have been lodged against the UK to which it has not been able to provide an adequate response, five years after Tony Blair claimed he had fulfilled his promise to "bring rights home" by implementing the Human Rights Act.

Yet the government hopes to persuade the European Court of Human Rights to overturn a ruling that prevents it from deporting foreign nationals to countries with a poor human rights record. Lawyers acting for the government have found a way of mounting an early challenge to the 1996 ruling from the European court of human rights in Strasbourg which blocks the removal of suspects to any country where they might face abuse or torture.

Britain has been given permission to intervene in a case already lodged against the Netherlands at the Strasbourg court by a 22-year-old Algerian challenging deportation. The case is being brought by Mohammed Ramzy, who was accused, but acquitted, of involvement in a call encouraging young Muslims to go on suicide missions. He unsuccessfully claimed asylum and is challenging a decision to deport him, arguing that he would face political persecution in Algeria. The case has been given priority and the court could deliver a ruling by the end of next year.

The British government hopes that the Strasbourg court will reconsider its ruling in the 1996 case of Karamjit Singh Chahal, a Sikh militant who successfully argued that the UK should not deport him because he would face a real risk of inhuman treatment by the Indian authorities. The court had then said that sending him back would breach article three of the European convention on human rights. A majority of the judges ruled that in deciding whether a proposed deportee should be returned home, the court could not balance the right of the individual not to be tortured against the interests of the state in national security.

The British government will argue that the minority of judges in the Chahal case — who would have allowed the balancing exercise — were right, and that their reasoning should be followed in the Ramzy case. A ruling in the government's favour would improve the chances of persuading British judges to allow terrorist suspects to be deported.

Bali's prayers cuts across borders of faith

AGENCE France-Presse Jimbaran, October 3

CATHOLIC NUNS, Muslim clerics and Buddhist leaders joined Hindu Balinese on Monday in a beachside ceremony to ritually cleanse the tourist district which was shattered by weekend bombings. Holidaymakers in bikinis strolled past along the shoreline as some 300 people took part in the colourful Hindu prayer rite, designed to remove any lingering fears and sadness and ask for future blessings.

Three Hindu priests led the prayers, sitting cross-legged on a mat spread on the sand of Muhaya beach in Jimbaran, where packed restaurants were targeted by suicide bombers. Nearby, a yellow ribbon flapped in the breeze, marking the section of beach where tragedy struck on Saturday night, claiming 19 lives along with the third attack further along the coast in Kuta.

A 15-member Balinese traditional brass orchestra provided a musical background to the prayers. The serene sound of mantra recitals, interspersed with the rings of ritual bells, competed with the drone of airplanes landing or taking off from the nearby Ngurah Rai international airport and the slapping of incoming waves.

"This is a prayer to cleanse the place. We want to heal the sadness in this place, the sadness of the people," said Made Lodra, the secretary of the local Banjar, the customary Balinese society unit. "We also want to normalise the place so that the people can return to this place again, we are asking the gods to remove the anxiety and sadness among the people," he added.

A bamboo platform — where offerings of fruits, cakes and flowers were laid out — separated the priests from the multi-denominational congregation. Most were clad in sarongs, but there were also half a dozen Catholic nuns dressed in their grey and white habits.

"We came here to pray for the dead and we are also praying that the sick and injured will recover fast," Sister Rosalia, said. The nun said she hoped that the perpetrators of the attacks would repent and change their ways, and called on them to "please stop that".



A little girl joins the cleansing ceremony on Jimbaran beach in Indonesia on Monday.

HTC-13 2/10

SBRs

S B Arie
Jimbaran

Rights activists resent trial by television

Statesman News Service

KOLKATA, Sept. 15. — Call it trial by television. Well, sort of. And human rights activists smell trouble galore in it. Overcrowded courtrooms with prisoners herded into dingy, suffocating enclosures in sweltering heat or jam-packed, smelly court lock-ups with choking inmates may soon pass into history in many states, inclusive of West Bengal, with the introduction of virtual courts reliant upon video conferences.

According to jail department officials, prisoners may no longer have to be presented before judges or magistrates unless they request it. Video cameras will be installed in jails and courts so magistrates and judges can see and hear them. Lawyers, though, will have to show up. Facilities for this will be arranged for in Alipore and Presidency jails to begin with, the expenses having been pegged at Rs 45 lakh.

Dum Dum and the other central jails will in due course be included in the network, to be taken care of by Webel. A presidential assent and Calcutta High Court's green light have got the jail department going. Section 167 of the Criminal Procedure Code has been amended at Central as well as state levels. Thousands of prisoners have long been languishing in jails awaiting justice. Some have already spent more years in confinement than they would have if they were convicted.

Undertrial prisoners comprise the largest segment of the prison population in many states, including West Bengal. They number 14,500 according to the state's latest statistics, which say that prisoners total 18,958. Most (1,844) are in Presidency Jail, with the Dum Dum, Alipore and Beharampur central jails housing 1,584, 1,487 and 1,080 prisoners on trial.

Officials admit that many of them, in chains in police vans or cooped up in court lock-ups owing to infrastructural problems, are only fictitiously produced in courts. They say the new system will expedite the judicial process, besides making for safety.

"Taking someone like Aftab Ansari to court calls for strict security and court lock-ups are often too small to pack in as many prisoners as these are required to accommodate. The new system will also forestall escapes from courts and prison vans," the officials said. But human rights activists are not enamoured of the idea.

"It will undermine a prisoner's right to judicial protection from torture in police or jail custody. The ordinary ones among them will never voice a complaint for fear of reprisals," said the Association of the People's Democratic Rights secretary, Mr Sujato Bhadra.

"Prisoners will pay the price for the government's failure to provide the right infrastructure in courts. The governments are curtailing the people's fundamental rights spouting anti-terrorist rhetoric," he added. Given the track record of Indian police, he might have a point there.

SEP 2006

THE STATESMAN

U.K. warned on human rights

27/8
Human
Rights

Hasan Suroor

LONDON: Britain has been warned that its move to deport foreign nationals suspected of preaching hatred could be in breach of its human rights obligations.

United Nations human rights officials joined independent civil liberties groups to condemn the powers acquired by Home Secretary Charles Clarke to expel any immigrant whose presence he regards as "not conducive to public good."

A senior U.N. official said there were "certain standards" of civil liberties that must be observed while taking counter-terrorism measures.

"The U.N. is strongly concerned about terrorism and counter-terrorism. But there are certain standards that have to be observed in the context of counter-terrorism. We in the western democratic countries, in the fight against terrorism, should not step over these limits by violating international law," said Manfred Novak, the U.N.'s special rapporteur on torture.

Strong opposition

The move was also attacked by the U.N. High Commissioner for Refugees who took strong exception to the prospect of asylum-seekers, suspected of preaching hate, being sent back to their countries of origin where they could face persecution.

"That would be in abrogation of the U.N.'s obligations under the 1951 Convention," a spokesman for UNHCR said.

Amnesty International said the grounds on which foreign nationals could be expelled were too sweeping and were likely to "undermine" human rights.

The criticism came a day after Mr. Clarke unveiled a list of "unacceptable behaviour" which could become the basis for expelling people.

A list of such people has already been prepared and is said to include imams, owners of radical bookshops and websites.

Women wrest baton on Day II

AYSWARIA VENUGOPAL

Gurgaon, July 26: The men were missing in action, so the women took over.

Two women — Veervati and Bala — led the second wave of protests that swept Gurgaon after yesterday's baton-charge by police on hundreds of agitating workers of Honda Scooter and Motorcycle India Pvt Ltd.

The baton charge, which sparked comparisons with the Jallianwala Bagh massacre, came after the workers ringed the mini-secretariat in Gurgaon to protest police action earlier in the day to break a highway blockade demanding reinstatement of suspended and dismissed workers.

Bala had come to the Civil Hospital looking for her brother Khushi Ram, a trade union leader and a member of the Group 4 security employed by Honda. Ram has been missing since the clash and Bala, Veervati and another woman accounted all the officials who visited the hospital.

The first to face their wrath was Gurgaon deputy commissioner Sudhir Rajpal, who reached the hospital around 11 in the morning. Even as he tried to assure the women, they grabbed him. Officials intervened but not before a scuffle.

"I don't know where my brother is since yesterday evening. If the police have arrested him, why don't they present him before us? We had gone to Bhondsi Jail also but the police did not let us in. They abused us," Bala said.

One of the workers said he had seen Ram in Sohna Hospital from where the police had



Bala battles a policeman stopping her from entering the Gurgaon hospital. (PTI)

This is a disadvantage for India's image as an FDI destination and also this is a negative image for Japanese business

Y. Enoki
Japanese ambassador

An isolated incident involving a labour dispute should not become a benchmark for judging the investment climate in India

Indian external affairs ministry

tention yesterday and released later, but 61 have been arrested. "There is no one missing. All the Honda employees have been accounted for," she said.

Honda union leader Suchinder Singh, who was admitted to the hospital with serious injuries, has gone into hiding.

"I managed to escape as the police are looking for us. Many of our friends are still missing and others were beaten up during the night in police stations. The police have thrown the bodies into gutters," he said, speaking from an undisclosed location.

among those keeping vigil.

The police made several announcements requesting the crowd to disperse, but the crowd remained. Finally, the police announced the list of injured admitted to the hospital as well as those arrested.

Around 3.30, the third spell of stone throwing began. This time, soda bottles and bulbs also rained.

The police responded with teargas shells and a baton-charge, emptying the area around the hospital. IG Mehta said 320 people had been placed under preventive de-

igned. For the next 15 minutes, stones rained and eyes watered from the smoke of exploding teargas shells. A fruit juice shop within the hospital was forced to down shutters. Among the injured was a 14-year-old-boy, who was inside an STD booth. Reporters, too, came under attack.

After the brief flare-up, an uneasy calm prevailed till about 3.30 pm. By then, a huge crowd had gathered outside the hospital. IG Deepa Mehta, deputy commissioner Rajpal and additional director-general of police John V. George were

simmered, additional forces were called in from districts neighbouring Gurgaon.

Around 12.15, Bala and the other women picked up a fight with the policemen standing guard and tried to snatch their batons. When the policemen resisted, some of the men who were standing outside the hospital compound came running with bricks. They broke the bricks into pieces and hurled them at the policemen.

As the crowd went berserk, smashing windows, the police fired a teargas shell within the hospital compound and cha-

taken him elsewhere. But the women did not believe him.

Left leaders Brinda Karat and Nilotpal Basu arrived soon after to meet the injured workers. When they left, the police presence at the hospital was small and the crowd, though restless, was peaceful.

People were trying to locate injured relatives amid reports that the police had rounded up several employees and other demonstrators. There were unconfirmed reports of people being beaten up at some police stations. As the tension

General regrets 'error'

MUKHTARAHMAD

Srinagar, July 26: The Valley's corps commander today visited the families of three boys killed in an ambush after they were mistaken for militants and said he was "pained by the incident".

"It is an unfortunate incident. We will refine our operations to prevent innocent civilian killings. The three village boys were moving without a lantern around midnight when the incident occurred," Lt. Gen. S.S. Dhillon, the general officer commanding of the army's 15 Corps, said here after visiting the tragedy-stricken homes.

Wasim Sultan Wani, 12, Bilal Khaliq Shah, 11, and Shabir Ahmad Shah, 16, were killed by jawans of the Rashtriya Rifles when they allegedly walked into an ambush laid for militants at Bangargund village, about 120 km from here, on Saturday.

"I visited the bereaved families and offered a cash compensation of Rs 3 lakh each to the families of the three youths and Rs 2 lakh to the family of the injured student," Dhillon said.

Manzoor Ahmad Shah, the younger brother of Mohammad Jamal Shah who was to get married the following day, had to be hospitalised with bullet wounds.

The boys' movement at night had been "mistaken by the troops of the Rashtriya Rifles as the area was infested with militants who move about during the night", said the commander. "A night curfew is in



Hurriyat activists protest in Srinagar on Tuesday against the killing of the boys. (Reuters)

force in the entire area (Kupwara district) for the past several years."

But the villagers said the army had been alerted and permission sought for night movement during the wedding.

"I cannot justify the action of my men. It was an error of judgement and accountability will be upheld," Dhillon said. "We have ordered a court of inquiry into the incident and action will be taken against those found guilty."

The state government had earlier ordered a magisterial

inquiry into the incident and a police probe is on.

Jammu and Kashmir chief minister Mufti Mohammad Sayeed, who chaired a unified headquarters meeting here, highlighted the need to put forth a "human face" while dealing with militancy. He asked the security agencies to "exercise utmost care... to avoid civilian casualties".

The action, Mufti asserted at the meeting, "should be directed against those who indulge in subversive activities".

Dhillon said: "The army is

on standing instructions to be hard on militants and soft on innocent civilians."

According to a PTI report, the boys' families refused to accept the money. Dhillon said forest minister Ghulam Mohiuddin Sofi, who accompanied him, told him they "had desired the compensation to be deposited in their bank accounts".

Hardline leader Syed Ali Shah Geelani today challenged Mufti to prove his pro-people credentials by stepping down from the post and joining the separatist camp.

7 JUL 2005 11:11 AM

Brazilian's family threatens to sue London police

Human Rights

HD-14 02 ✓

26/7

No change in shoot to kill policy in fight against terrorism, says police chief

Hasan Suroor

LONDON: The family of the Brazilian national, shot dead by anti-terror officers at a south London tube station last Friday on suspicion of carrying explosives, has threatened to sue the police for killing an innocent man.

Alex Alves Pereira, a London-based cousin of the victim, said on Monday police would have to "pay" for taking the life of 27-year-old Jean Charles de Menezes whose murder by three undercover officers has prompted calls for a review of police tactics in fighting terrorism.

Mr. Pereira said the family was considering legal action.

"They have to pay for that in many ways, because if they do not, they are going to kill many people, they are going to kill thousands of people. They just kill the first person they see, that's what they did...They killed my cousin, they could kill anyone," he said.

Experts said a compensation could run into hundreds of thousands of pounds.

In a previous case, a man was awarded £120,000 after he was shot and beaten when police mistook him for a dangerous armed robber, *The Times* recalled.

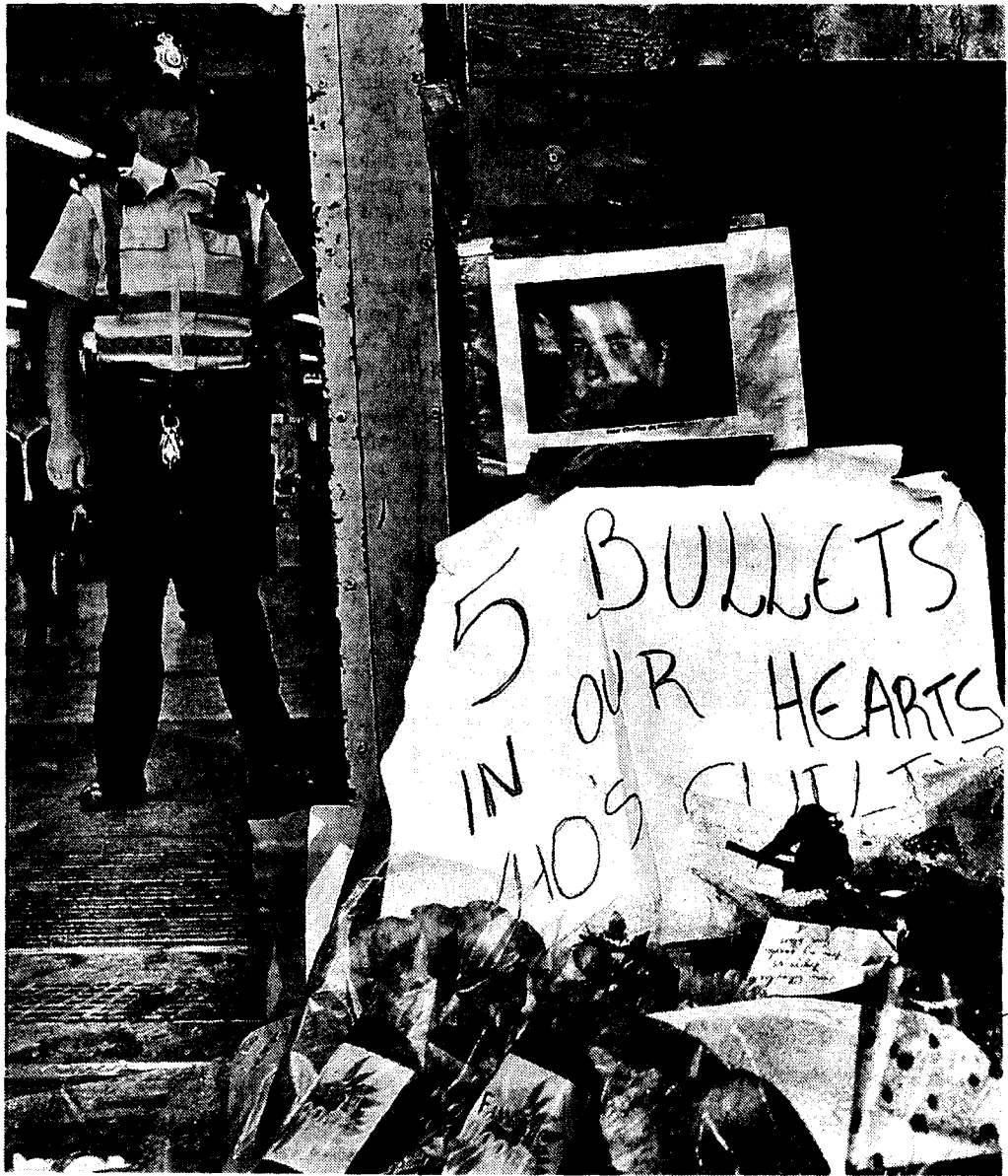
Intense pressure

It was reported that the reason why Menezes might have taken fright when "challenged" by the police was because he had been living on an expired visa. "Jean Charles de Menezes...may have run from police because of his visa situation," BBC said quoting unnamed officials.

But his relatives denied this and insisted that he had a "valid" visa.

British police have made clear that they intend to persist with shoot-to-kill orders to tackle terrorism despite last week's tragedy.

The Metropolitan Police chief Ian Blair, who is under intense pressure to review the policy,



HEART-FELT SYMPATHIES: A police officer stands outside Stockwell Underground station, as flowers and messages of condolence for Jean Charles de Menezes are seen outside, in south London, on Monday. - PHOTO: REUTERS

has ruled out a change and warned that more innocent persons could get killed in the fight against terror.

In a TV interview, Sir Ian said the policy was "right" and sought to defend his officers saying while every care was taken,

mistakes could occur in what he described as these "fantastically difficult times".

Asked whether there could be a repeat of last week's tragedy, Sir Ian said: "Well somebody else could be shot. Everything is done to make it right, but you

know this is a terrifying set of circumstances for individuals to make decisions in.

"I mean the important thing is there's nothing gratuitous in what's going on, there's nothing, you know, cavalier here. There's conspiracy to shoot people."

Army regrets killing of children

'Very distressing and nothing could diminish its magnitude'

Sandeep Dikshit

NEW DELHI: The Army headquarters, at the instance of Chief of the Army Staff J.J. Singh, on Monday expressed regret over the killing of three children by troops near an ambush point in a Jammu and Kashmir village at 2 a.m. on Sunday.

"We are all feeling very bad about it," said an army official, before pointing out that generally there is no civilian movement out of J&K villages in the interior at night. This is one of the rare instances where besides coming out with its side of the story, the

Army has also felt sorry over the death of civilians during counter-insurgency operations.

Genuine mistake

"It was a genuine mistake as the area is a hotbed of militancy and in pitch dark the children did not respond when they were asked to prove their identity as they neared an ambush set up for militants." Generally, foreign militants hiding in the forests source their stores from weddings and there being a wedding in the village, troops from the counter insurgency force of 6 Rashtriya Rifles had set up an

ambush expecting militant movement to and from the forests.

The children were not carrying torches as is the norm for civilians when, in rare instances, they move out at the dead of

night. "Hence they were mistaken as militants, challenged and fired at by the troops at the ambush point as they tried to run away without disclosing their identity. We regret the unfortunate loss of life and an inquiry has been ordered. Instructions have been issued to prevent recurrence of such incidents," said the officer.

The Army has also reissued instructions asking residents in terrorist prone areas not to move out at night. In case of an emergency, they must carry torches.

Another army official familiar

with the area said the Army was recently involved in an encounter in the area in which it lost a jawan.

Since then the troops have been on hair trigger alert. Last year, he recounted, a soldier was killed at an ambush point in the same area when troops took time to ascertain people moving at night who later turned out to be militants.

However, he accepted that the incident was very distressing and nothing could diminish the magnitude of the death of children in a situation where there was no cross-fire.

Handwritten notes: "Human Regrets" and "10.12" with a checkmark and "26/7".

Handwritten notes at the bottom of the page, including "26 JUL 2005" and "1000 1000".

NHRC seeks report on killings

Staff Correspondent

26/8 Human Rights 10-12

NEW DELHI: Taking *suo motu* cognisance of media reports, the National Human Rights Commission has asked the Defence Ministry to send a report within two weeks on the death of three boys, allegedly shot dead by security forces in Kupwara district of Jammu and Kashmir on Saturday night. Another boy was seriously injured in the shootout at Bagargund village.

The security forces said it was a case of mistaken identity. As the district was "terrorist-infected," they suspected the minor boys as being terrorists, said an Army spokesman.

The Commission on Monday said counter-terrorism measures should not undermine democratic values, violate human rights, subvert the rule of law or kill civil liberties.

1 2005 THE HINDU

Innocent victim was Brazilian

Calls for public inquiry, review of shoot-to-kill tactics

Hasan Suroor

LONDON: The innocent man, shot dead by police at an Underground station in south London on Friday on suspicion of carrying explosives, has been identified as a 27-year-old unmarried electrician from Brazil, Jean Charles de Menezes who had been living and working here for up to four years.

He was on his way to work when three undercover armed policemen started following him from the moment he left his home in Tulse Hill, south London, which had been under surveillance after Thursday's attempted bombings. At Stockwell tube station, they said they "challenged" him but when he did not respond they chased and killed him before he could get on to a waiting train — pumping at least five bullets in him.

Police would have known immediately that they had killed an innocent man but it took them more than 24 hours to publicly



An undated family picture of Brazilian electrician Jean Charles de Menezes. —

PHOTO: REUTERS

acknowledge it — and more to give out his name and nationality.

Brazil to seek explanation

The Brazilian Foreign Ministry said it was "shocked and perplexed" and wanted the British

Government to explain the circumstances that "led to this tragedy."

In a statement it said Brazilian Foreign Minister Celso Amorim expected here on a visit for a conference, would seek "clarifications" from British Foreign Secretary Jack Straw.

Sir Ian Blair, chief of Metropolitan Police, after insisting that the victim was "directly linked" to Thursday's incident, has apologised to the victim's family who expressed their anger and disbelief saying that there was "no reason to think that he was a terrorist."

Widespread criticism

There has been widespread condemnation of the police action and Sir Ian is under pressure to review tactics which human rights groups said amounted to a "shoot-to-kill" policy. There were also calls for a public inquiry into the murder amid fears that such incidents could undermine police efforts to seek public

cooperation in fighting terror.

Alex Alves Pereira, a cousin of Menezes who lives in London and identified his body, said he could not believe that "they shot him because he was not a terrorist."

"He was an honest man ... I am sure he didn't do anything wrong. It was not right for the police to do it," he said. He denied that the reason why Menezes did not stop when "challenged" by the police was because he had something to hide. "He was obviously scared and that's why he ran. It's normal for someone to run when they are being chased," Mr. Pereira said.

Family members of the victim, who came from a small town, north of the Brazilian capital Rio de Janeiro, scotched speculation that he was an illegal immigrant and that is why he might have panicked when stopped by the police.

"He spoke English very well and was legal. He had permission to study and work in Britain," one family member said.

3 teenagers killed by security forces

Shujaat Bukhari

SRINAGAR: It was like doomsday in Bangargud village on the border district of Kupwara when a marriage ceremony turned into mourning.

Security forces shot dead three teenagers who took part in the ceremony for the whole day on Saturday, mistaking them for militants. The killing evoked violent protests from thousands of people in the area who also attacked a police station.

The State Government has ordered an inquiry into the incident and asked the forces to observe restraint.

According to the villagers, Bilal Ahmed Sheikh, Wasim Ahmed Wani, Manzoor Manzoor Ahmed Shah and Shabir

Ahmed, all in the age group of 11 to 15 years, after attending a marriage ceremony left for their homes late in the night. Before they could reach their homes they faced volley of bullets from the troops of 6 Rashtriya Rifles posted in the area. "They had laid an ambush for militants and asked the boys to stop. But even before they could reply the security men opened fire and killed two boys instantly," said a villager.

Two boys were shifted to a nearby hospital but one succumbed to his injuries and the fourth, Shabir Ahmed, is still in the hospital.

The villagers insisted that since both the bride and the groom belonged to the same village they had informed the local

officials about late night movement of the people. "We even went to them with sweets," said Abdul Ahad, a resident, adding "we never expected such a treatment from them."

People in large numbers came out and strongly protested against the killings on Sunday.

Villegers from nearby Trehgam and Vilagam also joined the mourners who were demanding action against the security men. They placed the bodies at one place and refused to give them burial till 6 p.m. as they were not satisfied with the assurances given by the administration.

The violent protesters attacked the police station in Vilagam and ransacked it. They also damaged a sand bag bunker of the troops of 6 RR in the village.

Police used force and dispersed the angry mob.

Reports said that on the assurances from top brass of the administration the villagers finally agreed to bury the dead but only late in the evening. Army authorities have termed the incident unfortunate. Defence spokesman Lt. Col. V.K. Batra said: "It is regretful and painful."

However, he said that the area is militancy-prone and the Army lost a jawan in an ambush in June. "These boys were first challenged but they ignored so the troops fired," he told *The Hindu* adding that even their elders had advised them not to move out so late as it was around 2 a.m. but "I believe they had gone outside this particular village as well."

25 JUL 2006

THE HINDU

'UK war crime charges tip of Iraq iceberg'

Lawyer's remarks came a day after govt announced that 3 soldiers have been charged with war crimes for the alleged abuse of Iraqi detainees

PAUL MAJENDIE
LONDON, JULY 20

WAR crime charges against British soldiers in Iraq are only the tip of the iceberg, the lawyer for the alleged victims said on Wednesday.

His remarks came a day after the government announced that three British soldiers have been charged with war crimes for the alleged abuse of Iraqi detainees in what has been called the first case of its kind in Britain.

The Attorney General, Lord Goldsmith, said eight other British soldiers, including a former colonel, will also face military tribunals in connection with the alleged abuse.

None of those charged will go before the International Criminal Court.

Lawyer Phil Shiner, acting for nine alleged victims in the case, said their families "welcome the first steps towards justice. However this is only a start".

Shiner alleged that many British servicemen were involved in the cases and said the nine Iraqi men were tortured over a period of days by several shifts of soldiers.

"There is evidence that more officers were complicit and should be charged with war crimes," he added.

Britain's army chief apologised to the Iraqi people in February after three British soldiers were jailed for abus-

ing Iraqi detainees in a case that drew comparisons with the mistreatment of Iraqis by US troops at the Abu Ghraib prison.

In the latest case of alleged abuse, one of the soldiers, Corporal Donald Payne (34) was charged with the inhumane treatment of Iraqi detainee Baha Musa, who died in custody in Basra in September 2003.

Payne, of the Queen's Lancashire Regiment, was also

A-G says eight other British soldiers, including a former colonel, will also face military tribunals

charged with killing Musa unlawfully and perverting the course of justice.

Two others—Lance Corporal Wayne Crowcroft (21) and Private Darren Fallon (22), both of the 1st Battalion of the Queen's Lancashire Regiment—were jointly charged with the war crime of abusing Iraqi civilians.

The British military has insisted that the vast majority of its soldiers uphold the highest standards and only a few are guilty of any crimes.

None of the defendants have publicly commented on the allegations, the Ministry of Defence said.

US victimised
Muslims, say
rights groups

Common
Rights
11-16



A man wearing an orange prison jumpsuit and a black bag over his head is watched by US Park Police on Sunday in front of the White House during a demonstration to bring attention to the eighth annual United Nations International Day in Support of Torture Victims and Survivors

By Masood Haider

New York: Human Rights Watch (HRW) and American Civil Liberties Union (ACLU) in a joint report accused the US justice department of operating behind a wall of secrecy and thrusting scores of Muslim men living in the US into a Kafkaesque world of indefinite detention without charge and baseless accusations of terrorist links. "These men were victims of a justice department that was willing to do an end run around the law," said Jamie Fellner, director of HRW in the US. "Criminal suspects are treated better than these material witnesses were."

The report said following the 9/11 attacks, the justice department held 70 men—all but one Muslim—under a narrow federal law that permits the arrest and brief detention of "material witnesses" who have important information about a crime, if they might otherwise flee to avoid testifying before a grand jury or in court.

Although federal officials

suspected the men of involvement in terrorism, they held them as material witnesses, not criminal suspects. Almost half of the witnesses were never brought before a grand jury or court to testify. The US has apologised to 13 for wrongfully detaining them. Only a handful were ever charged with crimes related to terrorism.

"These men were victims of a justice department that was willing to do an end run around the law," said Fellner. "Criminal suspects are treated better than these material witnesses were." The report documents how the justice department denied the witnesses fundamental due process safeguards.

Many were not informed of the reason for arrest, allowed immediate access to a lawyer, nor permitted to see the "evidence" against them. The justice department evaded fundamental protections for the suspects and legal requirements for arrested witnesses. Court proceedings were conducted behind closed doors, and all documents were sealed. Dawn

Govt blood gives child HIV

SUKUMAR Debnath
Kolkata, June 24

HFR 25/6

RIMI SARDAR of Shanti Nagar, Baruipur, was born a thalassaemic. Now the three-year-old is also HIV positive — another victim of the apathy that marks our government hospitals and government blood banks.

The kid, then only a year old, was admitted to NRS Medical College and Hospital on May 8, 2003. Two days later, doctors said she had thalassaemia and leukaemia and must receive periodic blood transfusion.

No problem with that, her parents thought, and nothing seemed wrong for a long time until Rimi's condition took a sudden turn for the worse in April this year, prompting tests that revealed a drastic fall in her haemoglobin count.

In May, Rimi underwent three blood transfusions — once on the 6th, next on the 13th and then again on the 26th. Each time, the blood was procured from the Central Blood Bank at Manikata. But the transfusions could not arrest the slide in Rimi's health.

The doctor treating her got suspicious. She advised blood tests. On May 26, the tests carried out by the hospital's pathology department indicated that Rimi was HIV positive. To be dou-



Rimi with her mother

bly sure, her blood samples were collected on June 20 and sent for a fresh round of tests at the School of Tropical Medicine. The results proved the doc-

tor's worst fears. Rimi was doomed.

NRS super Basanta Kumar Khan has disclaimed all responsibility. "The Central Blood Bank is supposed to screen all the blood it stocks. So there's no need on our part to test the blood. More so because the test to detect HIV is an expensive one. It costs Rs 400 to screen each sample," Khan said.

"Also there is no system to detect latent HIV, which is non-microscopic. Only when it enters the human body and antibodies are formed can tests reveal the presence of the virus," he added. He admitted that Rimi's case was tragic but said no one could do anything now about it.

Rimi's father Sanka, an ambulance driver, said: "There's nothing to do except wait for my daughter's death. It came at first as a shock. Later, we heard rumours that some more girls, all thalassaemics, who had to receive regular blood transfusions, had been infected by the HIV virus. In each of these cases, the blood had been taken from the Central Blood Bank."

Rimi's mother, Kanak, is distraught. "How can a government blood bank stock infected blood? This is a criminal offence," she said.

No one from the blood bank could be contacted for comment.

JUN 25

THE HINDUSTAN TIMES

Seal on Guantanamo torture

24/6

Associated Press

SP3

Human Rights

GENEVA, June 23. — UN human rights experts seeking to visit the US base at Guantanamo Bay said today that they have reliable accounts of torture of suspected terror detainees being held there.

The four experts said the United States had not responded to their numerous requests to check on the conditions of terror suspects at the US Naval base in Cuba.

They said their request for a visit was "based on information, from reliable sources, of serious allegations of torture, cruel, inhuman and degrading treatment of detainees, arbitrary detention, violations of their right to health and their due process rights."

"Many of these allegations have come to light through declassified

government documents," they said. The experts, who report to UN bodies on different human rights issues, said they had yet to hear back from Washington on their latest request — made in mid-April — to visit the detention facility.

A US spokeswoman said the request was still being reviewed in Washington.

The UN human rights investigators, who have been trying to visit Guantanamo since 2002, sent a new, detailed request to the US government in April requesting an answer by mid-May.

One of the experts, Mr Manfred Nowak of Austria, said at the time that US officials refused to guarantee him the right to speak to detainees in private, an "absolute precondition" for such a visit.

Mr Nowak, the UN special inves-

tigator on torture, said his team would need full access to the facilities and the prison population.

"We deeply regret that the government of the United States has still not invited us to visit those persons arrested, detained or tried on grounds of alleged terrorism or other violations," said the statement from the experts, who report to UN bodies on torture, physical and mental health, independence of judges and arbitrary detention.

The experts said they decided to express their misgivings because "the lack of a definitive answer despite repeated requests suggests that the United States is not willing to cooperate with the United Nations human rights machinery on this issue."

Mr Brooks Robinson, spokeswoman for the US mission to UN

Religious intolerance

Washington, June 23. — The Air Force Academy has been troubled by insensitivity toward non-Christian cadets and staff, but officials have not committed acts of overt religious discrimination, military investigators said. An Air Force investigation into the religious climate at the school suggests that the Air Force should clarify policies on religious expression so that religious minorities do not feel discriminated against or pressured. It also cites a perception of intolerance among some cadets and staff. — AP

offices in Geneva, said the response had been delayed because of the United States' review process which is "thorough and independent," and involves the Bush administration, Congress and the US judicial system.

JUN 20 2004

THE STATESMAN

NHRC notice to Assam on 5 undertrial prisoners

In psychiatric hospital for 30 to 54 years

Human Rights

Legal Correspondent

14/6

NEW DELHI: Shocked at the plight of five undertrial prisoners languishing in a psychiatric hospital for 30 to 54 years in Assam, the National Human Rights Commission has issued notice to the Chief Secretary and Inspector-General (Prisons) asking them to submit reports in two weeks as to how such a thing could happen. The five cases are that of Machang Lalung who has been an undertrial for 54 years, Khalilur Rehman who has been lodged in the Mental Hospital for 35 years, Anil Kumar Burman an undertrial for 33 years, Sonamani Deb an undertrial for 32 years and a woman Parbati Mallik who

has been an undertrial for 32 years. Its Special Rapporteur Chaman Lal who visited the LGB Regional Institute of Mental Health on March 31 and April 1 reported the plight of these prisoners to the NHRC.

Machang Lalung was admitted in April 1951 when he was 23 years as an undertrial prisoner of the Guwahati jail. He is now 77 and works in the hospital garden without communicating with anybody. Khalilur Rehman was admitted in December 1969 as a prisoner from the Nagaon District Jail. He has been in judicial custody since 1963. His file shows that his conviction under Section 302 of the IPC was set aside by the High Court on April

30, 1968 before his admission to a mental hospital and has wrongly been treated as a prisoner all these years.

Rehman is now 70 years and he has been in the hospital for 35 years even after gaining fitness for discharge.

Anil Kumar Burman was admitted in December 1972 at the age of 16 from Dhubri Jail.

The sole female undertrial in the Institute, Parbati Mallik of P.S. Silchar, Cachar district was admitted in May 1977 when she was 21 years old.

She has been an undertrial prisoner for 32 years, found sometime fit and sometime unfit for defending herself.

Monsoon prospects brighten

Special Correspondent

NEW DELHI: Prospects for the monsoon to resume its northward movement have brightened as the positive signals that emerged on Sunday continued to strengthen, although slowly. The expectation is that the northern limit, which had remained stationary since Thursday after reaching Goa, could begin to advance in about three days. Speaking to *The Hindu*, senior scientists at the Meteorological Department said there was more indication on Monday that the trough prevailing in the middle and upper parts of the atmosphere on the India-Pakistan border, blocking the advancement was weakening.

Amnesty condemns USA

SRB New lexicon of abuse and torture WJS

A damning report by the world's leading independent human rights body Amnesty International has condemned the United States for violation of rights in its detention centres operated around the world. It has accused the US of creating a new lexicon for abuse and torture, and in particular attacked the prison camp in Guantanamo Bay for 'becoming the gulag of our time'. This comparison must be smarting the US the most. Amnesty needs to be complemented for its forthright attack on the superpower with other international organisations in its pocket. Pinpointing abuses with examples, Amnesty has properly questioned the very existence of Guantanamo Bay where 540 prisoners from 40 countries are currently being held without charges. Some have been languishing for more than three years with allegations of untold abuse and torture by the lucky ones who were released. Independent human rights bodies are not allowed access to Guantanamo detainees. How can the US continue claiming to be a leader in human rights? If there are no abuses why are they so frightened to let independent bodies in? They are the first to tell the rest of the world how to behave, but obviously do not believe in practicing what they preach. Human Rights

The Report comes in the midst of the ongoing controversy over allegations of desecration of the Quran at detention camps. The US government forced Newsweek magazine to retract its story after violent protests in the Muslim world, but declassified FBI records have now left the government exposed. The allegations confirmed, are far more damning than any magazine story and even more difficult to explain. President Bush has always taken the moral high ground in justifying his government's policies in Afghanistan and Iraq. He would be a fool to try doing it again. The behaviour of the US army in detention camps in Afghanistan, Abu Ghari and Guantanamo leave a lot to be desired. The lead for their actions is clearly from the Pentagon and the White House. It is not possible to get away with human rights violations using the war on terror as an excuse. The world has a right to probe, ask questions and get answers. If the US is worried about its image, it is no one's fault but its own.

30 MAY 2005

THE STATESMAN

Amnesty faults USA for abuse

Associated Press

LONDON, May 25. — The Amnesty International today criticised the USA for human rights violations in its detention centres around the world.

Releasing the rights body's annual report here, Amnesty secretary general Ms Irene Khan said the US prison camp in Guantanamo Bay "has become the gulag of our time".

The report accused the USA of shirking its responsibility to set the bar for human rights protections and has instead created a new lexicon for abuse and torture. "Attempts to dilute the absolute ban on torture through new policies and quasi-management speak, such as 'environmental manipulation, stress positions and sensory manipulation,' was one of the most damaging assaults on global values," the report said.

Some 540 prisoners from about 40 countries are currently being held at the Guantanamo Bay prison camp. More than 200 others have been released, though some are now jailed in their countries, and many have been held for three years without charge.

The US government says it continues to be a leader in human rights, treating detainees humanely and investigating all claims of abuse, according to a spokesman for the Defence



The US prison camp at Guantanamo Bay, Cuba (Left). Amnesty International general secretary Ms Irene Khan releases the rights body's annual report in London on Wednesday. — AFP

Department. He had not seen the report and declined comment on it.

At least 10 cases of abuse or mistreatment have been documented and investigated at Guantanamo. There are several other cases that are pending.

"During the year, released detainees alleged that they had been tortured or ill-treated while in US custody in Afghanistan and Guantanamo. Evidence also emerged that others, including FBI agents and the International Committee of the Red Cross had found that such abuses had been committed against detainees," the report said.

The Geneva-based ICRC is the only independent group to have access to the Guantanamo detainees. Amnesty has been refused access to the prison camp, although it was allowed to

watch the pretrial hearings for the military commissions. The commissions, which could try 15 prisoners facing charges, were stalled by a US court's decision that is under appeal.

The Amnesty report accused the USA of shirking its responsibility to set the bar for human rights protection and has instead created a new lexicon for abuse and torture

While criticising the US detention centre at Guantanamo, Amnesty said one sign of hope was the US Supreme Court's decision in June that allowed prisoners to challenge the basis of



Amnesty International general secretary Ms Irene Khan

their detention. It also said it was encouraging that Britain's High Court judges ruled on the indefinite detention without charge or trial of "terror suspects".

"There's a myth going around that there's some kind of rule of law being applied," said Mr Rob Freer, an Amnesty official who specialises in detention issues. Amnesty admitted the human rights deficiencies came with a rash of terrorist actions, including the televised beheadings of captives in Iraq. Still, the group said, governments forgot many victims in the fight against terrorism.

Ms Khan singled out Sudan as one of the worst human rights violators of last year, saying that not only had the Sudanese government turned its back on its own people, but that the UN also acted

too late, and the African Union didn't chime in.

Amnesty's report also pointed to Haiti, where human rights violators were allowed to regain positions of power after armed rebels and former soldiers ousted former President Jean-Bertrand Aristide last year.

Amnesty said in the Democratic Republic of Congo, there was no effective response to the systematic rape of tens of thousands of women and children, and in Afghanistan, a downward spiral of lawlessness and instability had shaken the country once again.

Ms Khan said: "The challenge for the human rights movement is to harness the power of civil society and push governments to deliver on their human rights promises."

Rights body raps FBI, Pakistan

Associated Press

ISLAMABAD, May 25. — The Human Rights Watch has criticised the USA for allegedly allowing FBI and Pakistani intelligence officials to illegally detain and torture two brothers claiming to be US citizens of Pakistani descent.

The two men say they were held for several months and harshly interrogated by Pakistani intelligence and FBI agents on suspicion of having links to militant outfits. They claim they were later abandoned, blindfolded, on a street in Karachi.

The New York-based rights watchdog yesterday said Zain Afzal (23) and Kashan Afzal (25) were detained during a raid on their Karachi home on 13 August 2004, and freed on 22 April.

"It is outrageous that Pakistan abducts people from their homes in the middle of the night and tortures them in secret prisons to extract confessions," said Human Rights Watch's Asia director, Mr Brad Adams.

"The USA should be condemning this, but instead it either directed this activity or turned a blind eye in the hopes of gaining information in the war on terror," Mr Adams said in a statement.

Afghans abused in prison: Report

Washington: A confidential US Army report contains graphic details of widespread abuse of detainees in Afghanistan in 2002 carried out by "young and poorly trained soldiers," The New York Times reported on Friday.

The abuse, described along with the details of the deaths of two inmates at the Bagram detention center, emerged from a nearly 2,000-page file of the Army's criminal investigation into the case, the newspaper said.

The NY Times said it had obtained a copy of the file from a person involved in the investigation who was critical of the methods used at Bagram and the military's response to the deaths.

The report centers on the death of a 22-year-old taxi driver known only as Dilawar and that of another detainee, Habibullah, who died

tainee's neck and kicking another in the genitals to a shackled prisoner being made to kiss the boots of interrogators as he rolled back and forth on the floor of a cell, according to the newspaper. Another prisoner was made to pick plastic bottle caps out of a drum filled with a mixture of excrement and water to soften him up for interrogation, the report said. U.S. officials have characterized incidents of prisoner abuse at Bagram in 2002 as isolated problems that were thoroughly investigated, the newspaper said.

"What we have learned through the course of all these investigations is that there were people who clearly violated anyone's standard for humane treatment," Pentagon spokesman Larry Di Rita told the paper. "We're finding some cases that were not close calls." Reuters



A night vision photo shows US Marines escorting battlefield detainees into a detention centre at the Kandahar International Airport, Afghanistan

at Bagram six days earlier in December 2002. According to the report, Dilawar was chained by his wrists to the top of his cell for several days before he died and his legs had been pummeled by

diers, went well beyond the two deaths," the newspaper said. In sworn statements to Army investigators, soldiers described mistreatment ranging from a female interrogator stepping on a de-

22 MAY 2005

THE TIMES OF INDIA

প্রসঙ্গ যাবজ্জীবন

১৪ বছর
নয়, আমৃত্যু
বন্দিত্বের
পক্ষে কেন্দ্র

অগ্নি রায় • নয়াদিল্লি

কী করছে
বন্দি মুক্তি
কমিটি, কোর্ট
রিপোর্ট চায়

অরুণোদয় ভট্টাচার্য

১২ মে: যাবজ্জীবন কারাদণ্ড যাতে যথার্থই 'যাবজ্জীবন' হয়, সে জন্য আইন করার কথা ভাবছে কেন্দ্র। অর্থাৎ, সে ক্ষেত্রে যাবজ্জীবন দণ্ডপ্রাপ্ত ব্যক্তির আর প্যারোলে মুক্তি পাওয়ার জন্য আবেদন করার সুযোগ থাকবে না। মৃত্যুদণ্ড তুলে দেওয়া উচিত কিনা— এই বিতর্কের মুখেই আইনের এই দ্বিতীয় সঙ্কটনাটক খতিয়ে দেখা হচ্ছে বলে সরকারি সূত্রে ইঙ্গিত মিলেছে।

কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী শিবরাজ পাটিল আজ জানিয়েছেন, "যাবজ্জীবন দণ্ডিতকে যাতে প্যারোলেও মুক্তি না দেওয়া হয়, সে ব্যাপারে আমরা সংশ্লিষ্ট মহল থেকে বিভিন্ন সময়ে পরামর্শ পেয়েছি। যাবজ্জীবন কারাদণ্ডের ক্ষেত্রে ১৪ বছর পরে আবেদনের ভিত্তিতে মুক্তির যে সুযোগ ছিল, তা তুলে দিয়ে জীবনের শেষ দিন পর্যন্ত দণ্ড বহাল রাখার প্রস্তাবই করা হয়েছে এখানে। এর প্রধান উদ্দেশ্য, শাস্তিপ্রাপ্ত ওই ব্যক্তি যেন জীবদ্দশায় আর কারও বিপদ ঘটাতে না পারে। বিষয়টি আমরা দেখছি।" প্রতিরক্ষামন্ত্রী প্রণব মুখোপাধ্যায়ও জানিয়েছেন, "এই নিয়ে আমরা প্রস্তাব পেয়েছি।" অবশ্য এই নিয়ে এখনও কোনও চূড়ান্ত সিদ্ধান্ত হয়নি।

কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রক সূত্রে জানা গিয়েছে, এই চিন্তা নতুন নয়, বেশ কিছু দিন ধরেই চলছে। সংশ্লিষ্ট মহলের কর্তাদের সঙ্গে বিষয়টি নিয়ে বেশ কয়েক দফা আলোচনাও হয়েছে। স্থির হয়েছে, সমস্ত দিক খতিয়ে দেখার পরে বিষয়টি নিয়ে মন্ত্রিসভায় আলোচনা হবে। প্রাণদণ্ড নিয়ে ঐকমত্যের অভাবও নতুন নয়। চূড়ান্ত এই শাস্তি তুলে দেওয়া উচিত কিনা, এই বিতর্ক চলছে বহু দিন ধরে। মানবাধিকার সংগঠনগুলি মৃত্যুদণ্ড তুলে দেওয়ার জন্য বিভিন্ন সময় সওয়াল করেছে। রয়েছে আন্তর্জাতিক চাপও। বিজেপি ক্ষমতায় থাকার সময় থেকে বিতর্ক চললেও এই নিয়ে ঐকমত্য এখনও সম্ভব হয়নি। সম্প্রতি কলকাতায় খনঞ্জয়ের ফাঁসিকে কেন্দ্র করে আবার এই বিতর্ক মাথা তুলেছে। আলোচনা হয়েছে সংসদেও।

গত এক বছরে বিষয়টি নিয়ে তলিয়ে ভেবেছে ইউপিএ সরকার। পাটিল আজ জানালেন, সেখানে বারবার পরস্পর বিরোধী মতই উঠে এসেছে। তাঁর কথায়, "বিষয়টি নিয়ে বহু বার আলোচনাতেও সমাধানসূত্র মেলেনি। বরং মিলেছে পরস্পর বিরোধী নানা মত। কেউ বলেছেন, শুধুমাত্র ধর্ষণের আসামির ক্ষেত্রে প্রাণদণ্ড বহাল থাক। আর একটি মত: আমরা যখন প্রাণ দিতে পারছি না, তখন প্রাণ নেওয়ার অধিকারও আমাদের নেই। এর বিরুদ্ধ মতটি হল— এক জন মানুষের জন্য বহু মানুষের প্রাণ বিপন্ন করা উচিত নয়। তাই এখনও পর্যন্ত ফৌজদারি আইনে প্রাণদণ্ড বলবৎ রয়েছে। নিকৃষ্টতম অপরাধের ক্ষেত্রেই এই দণ্ড দেওয়া যেতে পারে।"

সরকারি সূত্রের খবর, প্রাণদণ্ডের বিকল্প হিসাবেই এই আমৃত্যু কারাবাসের কথা ভাবা হচ্ছে। এই নিয়ে বাজপেয়ীর আমলে মালিমাং কমিশনের প্রস্তাবও সরকারের কাছে জমা পড়েছিল। নতুন এই প্রস্তাবকে খুবই অভিনব বলে মনে করছেন সুপ্রিম কোর্টের আইনজীবী দীপক ভট্টাচার্য। তিনি বললেন, "বরং আইন কমিশন তো এটাই বলে আসছে যে, যাবজ্জীবনের মেয়াদ আরও কমিয়ে চোদ্দোর পরিবর্তে সাত বা আট বছর করে দেওয়া উচিত।" অর্থাৎ, রিভিউ হওয়া উচিত ওই সময়ে।

কেন্দ্র এখনও চূড়ান্ত সিদ্ধান্ত নিতে পারেনি। তবে, অপরাধমন আইনকে তারা যে কিছুটা বদলাতে চাইছে, পাটিলের কথাতেই সেটা পরিষ্কার।

যাবজ্জীবন দণ্ডিতদের শাস্তির মেয়াদ কমানোর জন্য রাজ্য সরকারের রিভিউ কমিটি থাকা সত্ত্বেও কল্লোল ভট্টাচার্য নামে এক বন্দি কে ২১ বছর জেলে থাকতে হল, তা জানতে চেয়েছে কলকাতা হাইকোর্ট। কল্লোলের আপিল মামলা শুরু হতে এত বছর পার হয়ে গেল কেন, আদালত তা-ও জানতে চেয়েছে।

শুশুর-হত্যায় যাবজ্জীবন কারাদণ্ডে দণ্ডিত কল্লোলকে সাত দিন আগেই মুক্তি দেওয়ার নির্দেশ দিয়েছিল হাইকোর্ট। তবু কেন তাঁকে ছাড়া হচ্ছে না, তা জানতে চেয়ে প্রেসিডেন্সি জেলের সুপারকে তলব করেছিল আদালত। বুধবার বিকেলেই কল্লোলকে জেল থেকে মুক্তি দেওয়া হয়। জেল সুপারও বৃহস্পতিবার হাইকোর্টে হাজির হন। ওই মামলার শুনানির সময় প্রশ্ন ওঠে, রিভিউ কমিটি থাকা সত্ত্বেও কেন কল্লোলের বিষয়টি এত দিন দেখা হয়নি। হাইকোর্ট জানতে চায়, এক জন বন্দি কে ২১ বছর পরে জামিন পেতে হল, রিভিউ কমিটি এত দিন কী করছিল। সোমবার এ ব্যাপারে রিপোর্ট দিতে বলা হয়েছে বিচারসচিবকে।

রিপোর্টে বিচারসচিবকে জানাতে হবে, শাস্তি সংক্রান্ত রিভিউ কমিটি কী কাজ করে; কল্লোলের ক্ষেত্রে তারা কী করছিল; কোন কোন নিয়মের ভিত্তিতে যাবজ্জীবন কারাদণ্ডের মেয়াদ কমানো হয়, কমিটি যাবজ্জীবন দণ্ডিতদের বিষয়ে কী ভাবে খোঁজ নেয়। সরকারি আইনজীবী কাজি সফিউল্লা বলেন, তিনি কমিটির সঙ্গে কথা বলেছেন। সোমবারেই রিপোর্ট দেওয়া হবে।

জেল সুপার আদালতকে বলেন, অন্য এক মামলায় নিম্ন আদালত কল্লোলকে এক মাস কারাদণ্ড দেয় এবং ১০০০ টাকা জরিমানা করে। পরে খুনের মামলায় তাঁর যাবজ্জীবন কারাদণ্ড হয়। নিয়ম অনুযায়ী দু'টি কারাদণ্ডই একসঙ্গে চলে। কিন্তু কল্লোল ১০০০ টাকা জরিমানা দিতে পারেননি। তাই হাইকোর্ট জামিন দিলেও সুপার তাঁকে ছাড়তে পারেননি। সুপারের বক্তব্য অনুযায়ী কোনও বন্দি ১০০০ টাকার জরিমানা দিতে না-পারলে তাঁকে আমৃত্যু কারাদণ্ড ভোগ করতে হবে। যে-মানুষটি গত ২১ বছর ধরে কারাবাস করছেন, তাঁর জরিমানা কে মেটাতে এবং কল্লোল ২১ বছরে জেলে যে-শ্রম দিয়েছেন, তার পারিশ্রমিক কত, সেই প্রশ্ন ওঠে আদালতে।

রিভিউ কমিটির কাজ কী? বিচার বিভাগ সূত্রের খবর, বর্তমান আইনে যাবজ্জীবন কারাদণ্ডের অর্থ আজীবন কারাবাস। তবে কারাবাসের ১৪ বছর পরে কমিটি বন্দির বিষয়টি বিবেচনা করে। কমিটিতে আছেন বিচারসচিব, ডি জি, আই জি (কারা) এবং অন্য দু'জন। তাঁরা বন্দি কে মুক্তি দিতে চাইলে দিতে পারেন। কোর্টের অনুমতি নেওয়ার প্রশ্ন নেই। অর্থাৎ যাবজ্জীবন কারাদণ্ড হলেও ১৪ বছর পরে রিভিউ কমিটি বন্দি কে ছেড়ে দিতে পারে।

কিন্তু ২১, ২৫, ২৯ বছর পরেও মুক্তি পাননি, এমন বন্দির সংখ্যা কম নয়। তা হলে কি রিভিউ কমিটি নিষ্ক্রিয়? জেলে জেলে ১৪ বছর মেয়াদ খাটা বন্দি অসংখ্য। ২৫ বছর জেল খাটা মালতী বাউড়িকে বেকসুর খালাস দিয়েছে হাইকোর্ট। বিষয়টি রিভিউ কমিটি পর্যালোচনা করেছিল কি না, সেই প্রশ্ন ওঠে। কয়েক মাসে হাইকোর্ট বেশ কিছু যাবজ্জীবন কারাদণ্ডপ্রাপ্তকে নির্দোষ ঘোষণা করে মুক্তি দিয়েছে। তাঁদের অধিকাংশই জেলে ১৪ বছর কাটিয়েছেন। জেলের নতুন নাম সংশোধনগার। সেই দৃষ্টি থেকেই ১৪ বছর পরে বন্দির আচরণ পর্যালোচনা করে মুক্তি দিতে পারে রিভিউ কমিটি। ১৪ বছর পরে যদি কমিটি সন্তুষ্ট না-হয়, তা হলে পঞ্চদশ বছরে তারা আবার সংশ্লিষ্ট বন্দির বিষয়টি দেখবে।

FIKA

অনাহারে মৃত্যু, সুপ্রিম কোর্ট খোঁজ নিতে বলল মানবাধিকার কমিশনকে

নয়াদিল্লি, ১০ মে: মুর্শিদাবাদ জেলায় অনাহারে মৃত্যুর ঘটনা নিয়ে রাজ্য মানবাধিকার কমিশনকে খোঁজ নিতে বলল সুপ্রিম কোর্ট।

“রাজ্য সরকারের অকর্মণ্যতায় মুর্শিদাবাদ জেলায় অনাহারে বহু মৃত্যুর ঘটনা ঘটেছে”— সম্প্রতি এই মর্মে সুপ্রিম কোর্টে অভিযোগ জানান এক পাক্ষিক পত্রিকার সম্পাদক জাফরুল ইসলাম খান। জাফরুল আরও অভিযোগ করেন, মুসলিম অধ্যুষিত ওই জেলার মানুষ নিদারুণ দারিদ্রের মধ্যে রয়েছেন। শীর্ষ আদালতের বিচারপতি রুমা পাল এবং বিচারপতি সি কে ঠাকুরের এজলাসে মঙ্গলবার ওই আবেদনের শুনানি হয়। আবেদনকারীর কোঁসুলি মুস্তাক আহমেদকে প্রথমে বিচারপতিরা ব্যবস্থা নেওয়ার জন্য কলকাতা হাইকোর্টে আর্জি জানাতে বলেন। আইনজীবী বিচারপতিদের জানান, আবেদনকারী দিল্লির বাসিন্দা। তখন বিচারপতিরা ওই আবেদন রাজ্য মানবাধিকার কমিশনে পাঠিয়ে দেন।

মুর্শিদাবাদে অনাহারে মৃত্যুর ঘটনা নিয়ে রীতিমতো অস্বস্তিতে রাজ্য। সম্প্রতি জলঙ্গি এলাকার দয়ারামপুর ও পারাশপুরে অনাহারে পাঁচ জনের মৃত্যু হয়। কান্দি মহকুমার হিজল এলাকার ভবানন্দপুরেও ২ জনের মৃত্যু হয়। এ নিয়ে রাজনৈতিক মহলে হইচই শুরু হলেও সরকার ওই মৃত্যুকে ‘অনাহারে মৃত্যু’ বলে স্বীকার করেনি। গঙ্গার ভাঙন কবলিত ওই সব এলাকায় দারিদ্র ও বেকারির সমস্যাও সামনে আসে। এলাকার অবস্থা নিয়ে মুখ্যমন্ত্রী বুদ্ধদেব ভট্টাচার্য কথ্য বলেন জেলাশাসকের সঙ্গে। পরে পঞ্চায়েত প্রধান, পঞ্চায়েত সমিতির সভাপতি ও বিডিওদের নিয়ে বৈঠক করেন জেলাশাসক। বৈঠকে কেন্দ্র ও রাজ্যের প্রকল্প রূপায়ণে পঞ্চায়েত প্রতিনিধিদের ভূমিকায় তিনি ক্ষেত্র প্রকাশ করেন। জেলাশাসক জানিয়ে দেন, পঞ্চায়েত প্রতিনিধিরা কাজ না-করলে ওই এলাকায় গরিব মানুষকে সাহায্যের লক্ষ্যে বিভিন্ন প্রকল্প রূপায়ণের দায়িত্ব সরাসরি

বিডিও-দের হাতে দেওয়া হবে। তখনই কাজের বদলে খাদ্য ইত্যাদি প্রকল্প রূপায়ণে পঞ্চায়েতগুলির নিষ্ক্রিয় ভূমিকা নিয়েও কথা ওঠে।

ঠিক এই বিষয়গুলিই আবেদনে বলেছিলেন জাফরুল ইসলাম হক। বলা হয়, পদ্মার ভাঙনে জেলার বহু জমি নদীগর্ভে তলিয়ে গিয়েছে। কিন্তু ক্ষতিগ্রস্ত ওই পরিবারগুলির জন্য বিকল্প কাজের কোনও ব্যবস্থা করা হয়নি। ফলে এলাকার বাসিন্দারা এখন বেকারি, ক্ষুধা ও অনাহারের শিকার। বলা হয়, এলাকার গ্রামগুলিতে মানুষ নিদারুণ দারিদ্রের মধ্যে বাস করছেন। খাবার, পানীয় জল নেই। বিদ্যুৎ কিংবা পয়ঃপ্রণালীর নামও কেউ শোনেনি। রাজ্য সরকারের উদাসীনতার ফলেই অনাহারক্লিষ্ট গ্রামগুলির এমন অবস্থা। খেতে না পেয়ে গ্রামগুলির বহু বাসিন্দা অন্যত্র চলে গিয়েছেন। স্কুলে যাওয়া বন্ধ করেছে ছাত্রছাত্রীরা। বহু বাড়ির ভেঙে পড়েছে। গ্রামবাসীদের পরণের কাপড় পর্যন্ত নেই।

11 MAY 2005

ANADABAZAR PATRIKA

SC refers 'hunger deaths' plea to rights body



NEW DELHI, May 10. — The Supreme Court today referred to the West Bengal Human Rights Commission a petition alleging large-scale starvation deaths in Murshidabad owing to the state government's inaction. At first, the Bench impressed upon counsel Mr Mustaq Ahmad to approach Calcutta High Court for relief but when he pointed out that the petitioner, Mr Zafrul Islam Khan, was Delhi-based, the Bench referred the petition to the state human rights commission. The petitioner stated that erosion of the embankments along the Padma had led to penury, hunger and starvation. — PTI

Sahara chief

LUCKNOW, May 10. — Amidst speculation about Sahara group chairman Mr Subrata Roy's health, a habeas corpus petition was filed in the Lucknow Bench of Allahabad High Court alleging that he had been kept in "illegal detention" by his wife and some senior officers of the company. Mr Roy, who has not made any public appearance since 1 April, yesterday issued a statement to his employees stating that "he was afflicted by some reversible mild disorders and they were nothing too serious to worry about." — PTI

Details on page 8

IDBI chairman arrested for casteist remark

HT Correspondent
Mumbai, May 6

THE CHAIRMAN and managing director of the Industrial Development Bank of India (IDBI), V.P. Shetty, was arrested on Friday for allegedly making casteist remarks against the bank's general manager, B.S. Ramteke. He was released later on bail.

Shetty was arrested following a Bombay High Court order to take cognisance of a complaint filed by Ramteke, who belongs to the SC/ST category. A division Bench of Justices R. Khandeparkar and P.V. Kakade ruled that cognisance be taken under Section 7(1)(D) of the Civil Rights Protection Act, 1955, which deals with the civil rights of citizens.

Ramteke is currently general manager, Stressed Assets Stabilisation Fund Cell, and chief liaison officer for SC and ST employees of the bank. In his complaint, Ramteke said he met Shetty on April 26 to discuss appointments related to SCs and STs in view of the reverse merger of IDBI with IDBI Bank. He alleged that at that meeting, Shetty lost his cool, humiliated him and later made casteist remarks against him and Dr Babasaheb Ambedkar.

The High Court, however, quashed the charge under Section 3(1)(10) of the SC/ST (Prevention of Atrocities) Act, 1989, saying the offence had taken place within the chairman's chamber and not in public view.

The court ruling came following an application filed by Shetty, seeking quashing of an FIR filed against him on April 30 with the Cuffe Parade police station in south Mumbai.

07 MAY 2005

THE HINDUSTAN TIMES

Discrimination against Dalits

The appointment of two U.N. Special Rapporteurs could strengthen the struggle to end caste-based discrimination.

Mari Marcel Thekaekara

DALITS ALL over the world have something to rejoice about. Durban was not in vain.

On April 19, 2005, the U.N. Commission on Human Rights adopted a Resolution to appoint two Special Rapporteurs to tackle caste-based discrimination.

The appointment of the two rapporteurs, Yozo Yokota and Chin-Sung Chung, was the result of years of painstaking advocacy work by the National Campaign for Dalit Human Rights (NCDHR) and the International Dalit Solidarity Network. The resolution was first passed in August 2004 by the U.N. Sub-Commission.

The struggle began with the build-up to the World Conference Against Racism in 2001. The then Indian Government was determined to block it. "Caste is not race," its representative in Geneva argued. "No, you're right," said Martin Macwan, then Convener of NCDHR. "It's far worse than race."

"You cannot wash our dirty linen in public" argued the Government. "Your admission that we have dirty linen is a first step forward. It's an admission that the problem exists," retorted the NCDHR.

Difficult path

The road to U.N. recognition of the problem proved rocky. But a brilliant advocacy campaign managed the breakthrough.

The Sub-Commission, in August 2000, issued a significant resolution declaring that discrimination based on work and descent is prohibited by international human rights law, and called on Governments to take measures to eliminate this type of discrimination.

In a series of working papers presented to the Sub-Commission, the global dimensions of this form of discrimination, and its main features, have been examined in considerable detail.

The Commission's decision comes in the wake of an International Consultation held in Kathmandu last year on how to address the problem.

Concrete steps

The Kathmandu Dalit Declaration provides concrete measures that can be taken not only by Governments, the U.N. and development agencies, but also the private sector, trade unions, and international financial institutions.

One of the proposals has now been fulfilled in the form of the appointment of the Special Rapporteurs.

The countries practising various forms of caste discrimination on the basis of descent or work and occupation have been listed as Bangladesh, Burkina Faso, Mali, Niger, Algeria, Libya, Ethiopia, India, Japan, Kenya, Mauritania, Nepal, Nigeria, Pakistan, Rwanda, Burundi, Democratic Republic of Congo, Uganda, Senegal, Somalia, and Sri Lanka.

Widespread discrimination

Research by Dalit groups points out that caste discrimination in various forms exists practically everywhere in the world where the Indian diaspora exists.

The Sub-Commission will now undertake a three-year study, led by Mr. Yozo Yokota and Ms. Chin-Sung Chung, and put together a draft set of guidelines to eliminate this form of discrimination.

Paul Divakar, NCDHR National Convener, said: "Dalits have pierced through the wall of silence in the U.N. For the first time, Dalit rights and similar concerns of descent and work based discrimination may be addressed by the High Commission on Human Rights on a par with other Human Rights concerns."

Getting visibility

Asked how this affected the Dalit community on the ground, Mr. Divakar said "the issues have to be decided at the panchayat level, but the tremendous amount of visibility that the issue is getting and the fact that every year the Special Rapporteurs have to present the issue at the U.N. is going to have an impact on the impunity factor.

"Instances of impunity will reduce, stricter monitoring systems will be put in place, formal channels will be more alert, the National Human Rights mechanisms which are part of the broader platform at the U.N. will have to take the issue more seriously, show results. So finally, the untouchability of caste in the U.N. is behind us."

Human rights defenders the world over will be watching and waiting. If this development succeeds in eliminating millennia of shameful discrimination, it will finally make us a civilised nation.

(The writer is Visiting Skoll Fellow, Said Business School, Oxford University.)

Human rights panel unhappy with J-K Government

Says recommendations being ignored by Deputy Commissioners

Shujaat Bukhari

SRINAGAR: Peeved over the attitude of the State Government vis-à-vis its functioning and recommendations, the Jammu and Kashmir State Human Rights Commission has alleged that efforts are on to make it redundant and dilute its position "which if allowed will terribly tell upon the reputation of the State".

In its 374-page annual report released recently, the Commission has accused officials of the State Government, particularly Deputy Commissioners, of brushing aside the recommendations of the Commission. "This Commission is disappointed to place on record its anguish at the attempt to brush aside the recommendations of the Commission by some officers and starting a fresh enquiry at their end after they receive the recommendations," said the report signed by its chairman-Justice A.M. Mir and two members -- Qazi Muzaffaruddin and G.N. Mir.

It has been mentioned that the commission had received letters from these officers informing that fresh enquiries were being held in certain cases. "Cases also can be quoted where

the officers have blatantly contradicted the findings of Commission. This is done usually by Deputy Commissioners," says the report adding that the enquiries are held by the Commission after scanning through the evidence and recording what is produced before it.

Diluting authority

Expressing concern at the non-responsive attitude of the State Government, the report says the practice goes on and "if this is allowed the functioning of the Commission becomes redundant and recommendations are only observed in breach". It further says that this tendency has the effect of diluting the position which if allowed will terribly tell upon the reputation of the State.

In order to overcome these problems, the Commission has recommended that the State Government issue a circular to the Deputy Commissioners not to sit in judgment against findings of the Commission.

It has also cited seven examples in which, according to the report, "such an unhappy situation has arisen" and asserted that "these instances are the tip of an iceberg". In these cases the

concerned Deputy Commissioners have refused to sanction ex-gratia relief to the seven complainants on the basis of recommendations of SHRC. Though the nature of these cases has not been shown, the DCs have turned down the recommendations on the basis of adverse reports from the police, which has not cleared the person in whose name the ex-gratia has been sought.

The Commission has also noted with disappointment the government's inertia in respect of informing the Commission about the action taken.

"This request has also been ignored," it says. However, this year the government has placed before the Assembly an Action Taken Report (ATR) indicating the action on the recommendation of SHRC in 141 cases shown in this report.

No recommendations

In about nine cases the ATR says that the home department has not received any recommendations. In all, the SHRC had received 305 complaints ranging from release of prisoners to custodial deaths and alleged harassments at the hands of security forces.

The report has also lamented that government has not been providing enough funds to the Commission which is also facing problems on account of required staff. Not only is the staff being sent without consulting the commission but it is also being transferred without informing it, which "goes a long way in tampering with the autonomous character of the Commission". The Commission which needs to an independent investigating officer has not been given one since May 2002 when an officer of the rank of Inspector General was withdrawn.

Space crunch

The same treatment is being given to the issues of accommodation for the Commission for its Srinagar headquarters, sub-office Jammu and other district offices, says the report. "The Commission also feels sanguine that the issues raised in the report will be addressed on top priority," the report adds.

The Commission it may be recalled came into existence during the National Conference regime in 1996-2002 and was aimed at giving new impetus to addressing the issues of human rights.

29 APR 2005

THE HINDU

UN team heads for Kathmandu

Statesman News Service

Human Rights

KATHMANDU, April 12. — A UN technical team will start work in Kathmandu this week to set up the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the capital with its spokesman Mr Christian Clark assuming office from Wednesday. The Nepali Congress, one of the biggest opposition parties of Nepal, welcomed the agreement between the government and the UN to allow UN staff to monitor human rights abuses in the kingdom.

Nepalese foreign minister Mr Ramesh Nath Pandey signed a memorandum of understanding with Ms Louise Arbour, UN High Commissioner for Human Rights, yesterday, resulting in Nepal escaping harsher measures by the international donor community by agreeing to international scrutiny.

"Nepal believes in cooperation with the international community, not confrontation," Mr Pandey said. "With the UN support, we hope to strengthen our capability to monitor human rights on a day-to-day and institutionalised basis. The agreement will not undermine Nepal's laws or national institutions in any way." In return, Nepal hopes the international monitoring will be "balanced".

Maoists call indefinite school strike

KATHMANDU, April 12. — After an 11-day general strike that affected transport and saw an escalation in violence, Nepal's Maoist guerrillas announced they would close down all schools countrywide from Thursday, the day Nepal ushers in its indigenous new year. The student wing of the Maoists, banned by the government since the truce with the rebels broke down in 2003, started sending e-mails to the school and educational associations nearly two weeks ago, warning them of bomb blasts if they dared to defy the call.

The warning has made alarmed guardian, teacher and rights organisations appeal to the underground rebels to withdraw the strike that will affect the fate of nearly 1.5 million students in 8,500 schools as well as about 1,25,000 teachers and non-teaching staff. — SNS

The Nepalese government is highlighting the fact that the arrangement with the UN is valid for two years, though extendable by mutual consent. It says with the rights situation improving since the royal takeover, the UN team might complete its work earlier.

14 APR 2003

THE STATESMAN

Annan says rights body harming UN

Reuters

Geneva, April 7

Human Rights

UNITED NATIONS Secretary-General Kofi Annan said the conduct of the human rights body was undermining the credibility of the entire UN organisation and urged governments on Thursday to support his plan to reform it.

"Unless we overhaul our human rights machinery, we may be unable to renew public confidence in the United Nations itself," he told the UN Commission on Human Rights, which is holding its annual six-week session at its Geneva headquarters.

"We have reached a point at which the Commission's declining credibility has cast a shadow on the reputation of the United Nations system, and where piecemeal reforms will not be enough," he said in a speech.

Launched some 60 years ago,

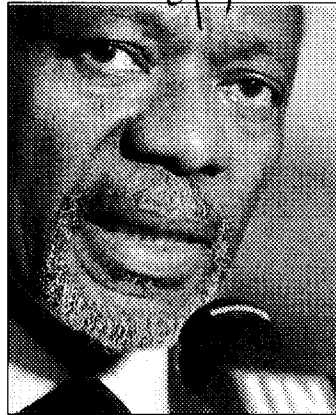
HT-13 894

the commission is the UN's main mechanism to monitor respect for human rights around the world. But critics say in-fighting and the body's inability to act firmly in the face of clear abuse have eroded its authority.

Annan has called for the Commission, at present made up of representatives from 53 countries nominated by regional groupings, to be replaced by a smaller Human Rights Council, whose members would be elected by the UN General Assembly.

Direct election, with prospective members needing a two-thirds majority and a "solid record of commitment" to human rights, aims to put an end to a situation in which many current members, including Sudan, Saudi Arabia and Zimbabwe, are accused of widespread abuse.

Changes to the commission form part of proposed sweeping reforms to the functioning of the



Kofi Annan

UN, including an enlargement of the Security Council, a condemnation of all forms of terrorism and a radical programme to combat poverty.

Annan wants UN members to approve the full package by September to restore the prestige of

the world body, battered recently by deep differences over the US invasion of Iraq and corruption scandals involving its own employees.

But China, one of five permanent members of the Security Council with a right of veto, opposes any deadline for revamping the 15-state body and it also wants any changes to be agreed by consensus rather than a vote in the General Assembly.

"While consensus is always preferable, the lack of it should not be used as an excuse for taking no action," Annan said. "Security Council reform has been on the agenda for over a decade.

It is in everybody's interest to bring it into line with today's realities," he told journalists about the plan, which could see states such as Brazil and Japan, the UN's second biggest donor, given permanent membership of the Council.

08 APR 2003

THE HINDUSTAN TIMES

USA PRAISES 'REWRITING' TEXTBOOKS

Rights rap for India

Press Trust of India

WASHINGTON, March 29. — Despite being a “vibrant democracy”, India’s human rights enforcement record has been “poor” and needs improvement, the USA has said in a report.

In its second such report in a month, the US State Department yesterday criticised New Delhi’s human rights record but said the new UPA government at the Centre has started addressing rights concerns that have “arisen over the years”.

While lauding the Centre for “rewriting school textbooks” and “addressing the aftermath of the Gujarat riots”, the 293-page report, titled “Supporting Human Rights and Democracy,” reiterated concern over the situation in Gujarat.

“Following its electoral victory in May, the government began to address a number of human rights concerns that have arisen in recent years. For example, it moved quickly to rewrite school textbooks... in order to stress the contributions of the Muslim, Sikh, Buddhist and Christian minority commu-

nities,” it said. However, it said, the rewriting of the textbooks has not been completed, and alleged that Gujarat government has not recalled its old textbooks or announced plans for their replacement.

“The government also began to address the aftermath of the Gujarat riots,” the report said and noted that the Supreme Court ordered local courts to reopen over 2,000 cases of the riots. But by the end of last year, “the report on the number of cases that should be reopened had not been submitted to the Supreme Court, and only three cases related to the rioting had completed trial in the lower level courts,” the report charged.

The report referred to allegations of witness intimidation, cases that have not been reopened, and increasing displacement and “ghettoisation” of the Muslim community. The report also said that Pota-like laws such as the Armed Forces Special Powers Act remained in force in many states, “leading to serious rights violations”.

More reports on pages 2 & 6

THE STATESMAN

30 MAR 2005

Zahira bites benefactor hand

R. VENKATARAMAN

New Delhi, March 29: First she accused her mentor Teesta Setalvad. Now it's Justice A.S. Anand's turn.

Zahira Sheikh, the "face" of one of the worst Gujarat riot cases, the Best Bakery massacre, has accused the National Human Rights Commission chairman of wrongly recording her statement and sought to cross-examine him.

Former Chief Justice Anand was instrumental in bringing the attention of the Supreme Court — and the country — on the Best Bakery case.

Zahira also sought a probe into the bank accounts of Teesta, whom she had accused of "tutoring" her to implicate

innocent people in the case in which she has turned hostile.

In an application in the Supreme Court, Zahira said: "I was taken to the office of (the) NHRC and was made to say orally what Teesta had told me to say." But the statement the rights panel had produced before the court was not what she had told the commission, Zahira said.

"I would like my lawyer to examine the chairman of the NHRC" in respect of that statement, she added.

The statement, which Zahira said was recorded by Justice Anand and two members, was part of the affidavit the panel had filed before the apex court. It was on the basis of the panel's petition that the

court ordered retrial of the case in Mumbai while quashing the acquittal of all the accused.

Zahira sought the probe into her former mentor's bank accounts on the ground that the social activist "has amassed huge wealth through questionable means".

"Neither Teesta nor her husband is running any NGO called Communal Combat, which is a business venture of a company or firm known as Sabrang Publication," she claimed.

"I and Best Bakery were the symbols to ensure money is collected in the name of combat communalism," Zahira said.

"My lawyers tell me that

this is a device to avoid (the) foreign contribution regulation act. Had it been an NGO, every foreign contribution would have been disclosed after giving information to the Union home ministry. It is a disguise to cover up receipts of foreign contributions."

Teesta, who has accused Zahira of taking bribe to hush up the case, refused to comment. In an affidavit filed before the Supreme Court, Teesta had said all the allegations against her were "false".

Tomorrow, the police video of the scene at Best Bakery on March 2, 2002, a day after the massacre, will be shown in the Mumbai trial court. The defence had opposed the screening.

THE TELEGRAPH 30 MAR 2005

USA denies visa to 'fanatic' Modi

Statesman News Service

NEW DELHI, March 18. — Two days after the visit of the US secretary of state, Ms Condoleezza Rice, India today lodged a vehement protest against the denial of visa to Mr Narendra Modi to travel to the United States.

The US embassy today said the Gujarat chief minister has been denied a diplomatic visa and his tourist/business visa — which had already been granted — was being revoked as per provisions of the US Immigration

and Nationalities Act. A US embassy spokesperson said the diplomatic visa "had been denied under Section 214 (B) of the Immigration and Nationality Act because he was not coming for the purpose that qualified for diplomatic visa."

"His tourist/business visa was revoked under section 212 (a) (2) (g) of the Act which makes any government official who was responsible for or directly carried out at any time, particularly severe violations of religious freedom, ineligible for visa," the spokesperson added. The US deputy chief of mission

on, Mr Robert Blake, was summoned to the ministry of external affairs. In a 30-minute meeting, the foreign secretary, Mr Shyam Saran, conveyed India's concern and regret at the decision.

In an unusually blunt statement lacking in usual diplomatese, India said that the "uncalled for" action on the part of the US embassy "displays lack of courtesy and sensitivity towards a constitutionally elected chief minister of a state of India". The MEA had earlier sent a Note Verbale to the embassy on 28 February to grant a diplomatic visa to Mr Modi. India has

asked for an "urgent reconsideration" of the decision.

Emerging from South Block, Mr Blake said that he would forward India's request to the State Department.

A US embassy official said Mr Modi, as the head of a state government, was responsible for the working of state institutions. "The state government's stand on the issue is documented clearly in the human rights report as well as the NHRC report," he said.

While Mr Modi reportedly held a 10-year multiple entry visa, an application for diplo-

matic visa was made as he held a diplomatic passport by virtue of occupying a constitutional post of chief minister.

The Gujarat chief minister had been invited to attend the annual meeting of the Asian-American Hotel Owners' Association — 95 per cent of whose members are of Gujarati origin.

Mr Modi was scheduled to leave on Sunday for a five-day visit, travelling first to New York where he was to address a public meeting of the Association of Indian-Americans of North America at Madison Square Garden. Then, he was to

attend, as chief guest, the function of the AAHOA from 24 to 26 March. Ever since Mr Modi's intention to visit the USA had been announced, human rights activists had lobbied with the State Department and Congressmen to deny him a visa by flooding them with e-mails.

No leadership change

Also tonight, the BJP brass ruled out a leadership change in Gujarat, sending a clear message to the anti-Modi camp.

State Dept rebuke for Gujarat govt: page 4

THE STATESMAN

19 MAR 2005

Working at cross purposes

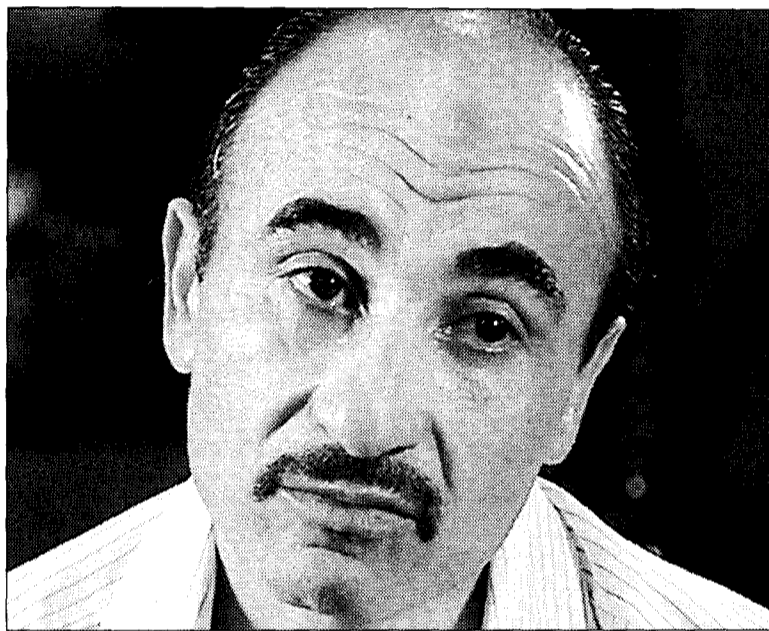
Mamdou Habib has been making headlines in Australia recently. Habib is an Egyptian-born Australian who was arrested in Pakistan soon after September 11, 2001, on suspected terrorist links, and transported, *via* Egypt, to Guantanamo Bay. After more than three years in detention at the concentration camp, Habib was released without any charges by the American government, and repatriated to Australia. His wife, Maha, an exceptional woman by any account, has stood by him, kept her head, and taken able care of their four children — the youngest of whom Habib hadn't seen till his return.

Both the American and Australian governments seem to be hell-bent on crucifying Habib, without taking the risk of submitting their allegations to a court of inquiry. The Americans say that they prefer not to charge Habib because they would have to compromise sensitive sources to bring the case to court. This is in spite of the fact that the Guantanamo guests are being tried (if at all) by a military tribunal, and the government insists that they are outside the purview of American law because Guantanamo is not on American territory. It would be difficult to convince the independent observer that the Americans actually have enough evidence to put together a case.

The Australian government has been doing its bit, too. The prime minister has not ruled out the fact that the government may bring charges against Habib. Till a few days ago, the government had maintained that it had no knowledge of Habib's whereabouts — between when he disappeared in Pakistan and when the Americans informed that he was at Guantanamo. Australian agents did not visit him in Pakistan, nor interrogated him, as Habib claims. Habib had been under suspicion for some time before he disappeared, and at least before 9/11, he had been an open supporter of Osama bin Laden.

The Australian prime minister, John Howard, has also said that Habib "may be prevented" from selling his story to the media. This is particularly harsh given that this liberty is

In their eagerness to persecute Habib, Australia and the US are negating the very freedoms they wish to preserve, writes **Gautam Bose**



Mamdou Habib: whose freedom?

regularly availed of by criminals in Western countries. One may even argue that the greatest attraction of a conviction in a capitalist democracy is that the criminal can charge large sums to lecture others on his crime.

Justice did squeak in Habib's case, if only by omission, when he was allowed to appear last week in a paid interview on *60 minutes*, a popular news show. He answered some questions, and pointedly refused to answer others. He had been in Pakistan and Afghanistan, but what he was doing in the latter country Habib was not willing to elaborate. His stand is that he may yet have to defend himself in court, and if so, he would want to withhold some information at present. No, he did not call his wife on the eve of 9/11 to warn her of the event, as has been alleged. He was tortured — in Pakistan, in Egypt and of course in Guantanamo. And yes, he says, Australian officials visited him and interrogated him there, and they were aware that he was being tortured.

For those willing to convict Habib before the hearing, his refusal to give details of his activities in Afghanistan is proof of his wrongdoing. Even the more level-headed commentators agree that he was, in all likeness, involved with the dark side of the force, at least in small ways. He may have trained with Lashkar-e-Toiba in Pakistan, and his presence in Afghanistan is indeed suspicious.

On the other hand, it would be difficult to believe that he was not extensively tortured, both in Egypt and in Guantanamo. The Americans have never seriously tried to convince anyone that prisoners there are not being subjected to mind-breaking measures; perhaps to send a warning to their potential enemies.

The holes are obvious in the Australian government's position. It now seems that Australian agents did speak to Habib in Pakistan. However, they had not "interrogated" him, only "interviewed" him. They may well have known about his presence in

9-19 9/13
Egypt. And the government's stand has been downright disingenuous in its justification for not intervening with the Americans when Habib was in Guantanamo. Habib is an Australian citizen, even if the government feels that he is not a model one, and entitled to the corresponding privileges.

The government may yet bring Habib to court, and have him tried for well specified charges. If he is severely guilty, he should be treated accordingly. If he is only guilty of minor offences or none at all, he should be heavily compensated for the inhumanity he has been subjected to. If there is no evidence, the government should declare this outright, compensate him, and let him go about his life.

The strategy that the defenders of virtue seem to have adopted, however, is less virtuous. They seem to be determined to damn Habib in the public eye by repeating their suspicions instead of resorting to the judiciary. Repeated assertions can be a handy substitute for proof when it comes to convincing the common stock, a realization that was once heavily exploited by Goebbels.

Surely, the brand of terrorism that has been let loose by 9/11 is an unmitigated evil, and must be combated. If it were to succeed, it would lead to the destruction of the very liberties and freedoms that have become the hallmark of modern democracy. The visionary general of the forces of good against evil, George W. Bush himself has urged that this is the objective of the terrorists. "They hate us," he has said, "for our freedoms."

It is useful to recount the central freedoms that modern democracies guarantee — those of thought and expression and pursuit of happiness and a variety of others. If these pursuits are in conflict with the freedom of others, and the matter is brought for adjudication, then the ultimate protection against wrong is guaranteed by the right to be assumed innocent until proven guilty. As conflict is inevitable so is resolution necessary, and so too this right is central. The "civilized" West must be careful that it does not concede this highest of moral grounds to terrorists in its eagerness to persecute them.

"Liberal space shrinking in Bangladesh"

By Haroon Habib

DHAKA, MARCH 5. Local and international human rights campaigners have voiced grave concern over the growing trend of violence, religious militancy and bomb attacks on political and cultural events in Bangladesh. They raised their concern at a press briefing in Dhaka after the conclusion of a two-day "Human Rights Consultation Seminar", jointly organised by Amnesty International (AI) and Human Rights Defenders in Bangladesh. Around 50 human rights defenders from across the

country attended the seminar and spoke on the work they do, the problems they face and the action needed to be taken to face the challenges.

The seminar stressed the importance of strengthening human rights organisations in the country, including setting up of an independent human rights commission, the office of the ombudsman and a decisive move to separate the judiciary from the administration.

In response to queries, Abbas Faiz, researcher of regional programme of Amnesty International said human rights

activists throughout the country were being harassed, arrested and tortured. "They are also facing death threats." Mr. Abbas said over 10 journalists, who were also human rights defenders, have been killed since 2000. "Impunity is one of the major reasons for continued human rights violation in Bangladesh," he said, pointing out the outcome of the seminar. He stressed the need for bringing criminals to justice to protect the rights of human rights defenders and called for urgent action by the Government. Asked about the situation in

Bangladesh, Mr. Abbas said, "The liberal space of rights of the people is shrinking gradually. Their rights are being squeezed and this liberal space should be strengthened."

Extra-judicial killings

About extra-judicial killings by the Rapid Action Battalion, he said, "We have to investigate it and this is the decision has to be taken by the Amnesty International in London." To improve the situation in Bangladesh, he suggested that the Government should strengthen its own support system.

রাষ্ট্র মানেই...

জেলের ভিতরে বন্দি
ধরিত হন, আদালত
চত্বরে সান্ত্রিকে ঘুষ
দিতে না পারায় তেষ্ঠার
জল না পেয়ে মারা
যান বিচারার্থীনা।
রাষ্ট্র নির্বিকার।
লিখছেন জয়া মিত্র

গত ৮ ফেব্রুয়ারি সন্ধ্যায় নয়াদিল্লিতে আইনজীবী নন্দিতা হাকসারের বাড়ির সামনে অজ্ঞাতপরিচয় আততায়ীদের গুলিতে অধ্যাপক এস এ আর গিলানি ভয়ঙ্কর ভাবে আহত হওয়ায় বুদ্ধিজীবী ও মানবাধিকার কর্মীদের একাংশ ফ্লোভে ফেটে পড়েছেন। শুধু আইনশৃঙ্খলা পরিস্থিতি নয়, বড় করে উঠছে পুলিশি ষড়যন্ত্রের প্রশ্ন। অনেকেই মনে করছেন গিলানিকে খুনের চেষ্ঠা হয়েছিল দিল্লি পুলিশের তরফ থেকে। ফলে পুলিশের সদর দফতরের সামনে বিরাট ধরনা হয়। কেন্দ্রীয় স্বরাষ্ট্র মন্ত্রী, যিনি পঞ্চকাল আগেই বলেছেন সাজানো 'এনকাউন্টার' বন্ধ—কল্পতে হরে পুলিশকে, তাঁর হাতে বিস্ফোভলিপিও পৌঁছে দেওয়া হয়।

কেন দিল্লি পুলিশ চেষ্ঠা করবে নিম্ন আদালতে প্রাণদণ্ডে দণ্ডিত, সুপ্রিম কোর্ট থেকে ছাড়া পাওয়া এক অধ্যাপককে খুন করার? পুলিশের দিকে আঙুল তোলা মানুষজনেরা তাঁদের সন্দেহের কারণ হিসাবে বলেছেন— গিলানি নিজের চোখে দেখে, ভোগ করে এসেছেন পুলিশি নির্যাতনের খোলা চেহারা ও জেলখানার মধ্যকার স্বেচ্ছাচার। তিনি মুখ খুললে ওই সব 'ব্যবস্থা' স্বরূপ নিয়ে ব্যাপক বিস্ফোভ হতে পারে। অস্বস্তিতে পড়তে পারে আইনশৃঙ্খলা রক্ষাকারী দফতরগুলি।

পুলিশ বা মিলিটারির বিষয় নিয়ে আনোচনার বিশেষ কিছু অর্থ নেই কেননা 'পুলিশ কখনও কোনও অন্যায় করে না, তারা যতক্ষণ আমার পুলিশ।' আর মিলিটারির আছে খুব নাঙ্গুক, অতি ভঙ্গুর এক 'মর্যাল', মণিপুর হোক কী ওড়িশা, অন্ধ্রপ্রদেশ বা কাস্মীর, কোনও প্রমাণিত ঘটনার জন্যও সামান্য একটু ধমকও দেওয়া যাবে না মিলিটারিকে, পাছে তার সেই বিখ্যাত 'মর্যাল' ভেঙে যায়।

আর জেল? যাকে কিনা লিখে দেওয়া হয়েছে 'সংশোধনগার' বলে? দীর্ঘ, পরিশ্রমসাধ্য ও জটিল বিচার ব্যবস্থার ফলে যে উদ্যানে ফলে থাকার কথা? কী তার অবস্থা? বিখ্যাত মানুষদের বিষয়ে ঘটা উচ্চকিত অন্যায় বা অবিচার নয়, নিত্য ঘটে চলা নিত্যন্ত 'যেমন তেমন' লোকদের কিছু কিছু খবর চুঁইয়ে আসে সেখান থেকে। কোনও বিশেষ তৎপরতায় ঘটানো সক্রিয় অত্যাচার নয়, প্রায় 'স্বাভাবিক' হয়ে যাওয়া, দৈনন্দিনতার টুকরো হিসাবেই। আবর্জনা হয়ে যাওয়া মানুষদের সেই টুকরোটাকরা থেকে ক্রমশই উঠে দাঁড়াচ্ছে ভয়ঙ্কর সব কালো কালো প্রশ্ন। প্রশাসন-বিচার-জেল-পুলিশ সব কিছু জড়ানো-মড়ানো সে সব প্রশ্ন ওই ভাঙাচোরা লোকদের মতোই অসংগঠিত কিন্তু অস্তিত্ববান। কী রকম সেই খবর?

বসিরহাটের কোর্ট লকআপে অতিরিক্ত ভিড় ও গরমে মরে গিয়েছিলেন একজন বিচারার্থীনা বন্দি। আক্ষরিক অর্থেই প্রাণান্ত জল তেষ্ঠায়ও সামনের কুঁজা থেকে জল দেওয়া বা একবার খোলাবাতাসে শ্বাস টানার সামর্থ্য হয়নি তাঁর। কারণ সে জন্য পঞ্চাশ টাকা ঘুষ চেয়েছিলেন দায়িত্বে থাকা সান্ত্রি। কয়েক বছর পার হয়ে গেছে। মানবিকতার কোন ব্যবস্থা নেওয়া হয়েছে কোন আদালত চত্বরে?

গরাদের ফাঁক গোঁথে দিয়ে অন্ধকূপ করে তোলা হয়েছে লকআপগুলোকে, নিয়ে নেওয়া হয়েছে লোকের চোখের আড়ালে এইমাত্র। তাতে গ্রেফতার হয়ে আসা নিত্যন্ত ছোটখাটো কেসের গা-গঞ্জ থেকে আসা লোকদের আত্মীয়স্বজনরা নিজেদের বাপ-ভাই কাকাকে 'চোখের দেখা'ও দেখতে পায় না উপযুক্ত হাতে পয়সা গুঁজে না দিলে। প্রভাবশালী ক্ষমতাসীল বন্দিরা সেই সব সুযোগ এখনও পায় যা তারা বারাবার পেত। মেদিনীপুর সেন্ট্রাল জেলের মহিলা ওয়ার্ডে বন্দি থাকা বিচারার্থীনা মেয়ের গর্ভসঞ্চারণের খবর, ছয়-সাত বছরের পুরনো কিন্তু প্রিজন্ড ড্যানো বন্দি বোবা মেয়ে আগাগোড়ের পর্যবেক্ষণের খবর এখনও রক্তপাতময়। কী ভাবে আছে সেই মেয়েটি তার মা আর সন্তানকে নিয়ে? বহরমপুর কেন্দ্রীয় কারার ভিতরে খাবার কিনে খেতে না পারলে প্রায় না খেয়ে থাকতে হয় হতভাগ্য বন্দিদের। কোনও সরকারি দোকান থেকে নয়, খাবার কিনতে হবে ক্ষমতাসীল বন্দিদের কাছে, যারা 'জেলচৌকি' থেকে আসা মোটা ডাল তরকারি ছাড়া অন্য সমস্ত খাবার ও



গিলানি নিজের চোখে
দেখে এসেছেন পুলিশি
নির্যাতনের চেহারা আর
জেলখানার মধ্যকার
স্বেচ্ছাচার। তিনি মুখ
খুললে অস্বস্তিতে পড়তে
পারে আইনশৃঙ্খলা
রক্ষাকারী দফতরগুলি।

পথা দখল করে নেয়। জেল প্রশাসনের ভাগ্যে এ রকমটা ঘটা একেবারেই অসম্ভব নয় কি? একই ঘটনা প্রেসিডেন্সি জেলেরও। বহরমপুর জেলে দীর্ঘ সাজা পাওয়া বন্দিদের বাস বলে সেখানে তন্ত্রও অনেক বেশি সংগঠিত— এটুকুই তফাত।

কারাবন্দিদের আহাৰ্য হিসাবে যত চাল ডাল টিড়ে ছোলা সবজি সাপ্তাহিক বরাদ্দের মাছ মাংস আসে, অসুস্থ পাগলদের জন্ম-মৃত্যু যতটা দুধ পাউরুটি ফল উদ্ভিদ মাখন চা-পাতা তার পরিমাণ নিত্যন্ত কম নয়। সেই খাদ্যের বিতরণ অথবা তার বিনিময়ে বাইরের অন্যান্য জিনিস ভিতরে আনার ক্ষমতা থাকে সামান্য সংখ্যক সুবিধাভোগী বন্দির হাতে। প্রতিক্ষেত্রেই দেখা যায় সেই ক্ষমতালাভ ও তার ফলাফলের সঙ্গে কারাকর্মীদের একাংশের যোগ থাকে। অন্যান্য রাজ্যে সে ক্ষমতার বিস্তার কত দূর তার বিবরণ কখনও কখনও সংবাদমাধ্যমে জানা যায়। নিশ্চয়ই পশ্চিমবঙ্গ সে তালিকার পিছনে আছে। কিন্তু পরিমাণের স্বল্পতা সব সময়ে গুণ/দোষের পরিচায়ক নয়। সদা অতীতের অন্তত একটি ঘটনাই সেই প্রশ্নকে তীব্রভাবে তুলে ধরে।

গত বছরের ১১ সেপ্টেম্বর খাস কলকাতা শহরের প্রেসিডেন্সি জেল থেকে অভিজ্ঞান বসু নামে ৩১ বছর বয়সি এক যুবক অগ্নিদগ্ধ অবস্থায়

সরকারি হাসপাতালে ভর্তি হন। নব্বই শতাংশ দগ্ধ অবস্থায়, মৃত্যুর কয়েক ঘণ্টা আগে তিনি অভিযোগ করে যান যে জেলের ভিতর নানা রকম অন্যায়ের প্রতিবাদ করতে থাকায় জেলার নিজে তাঁর গায়ে মবিল ঢেলে আগুন লাগিয়ে দিয়েছেন। এই মৃত্যুকালীন জবানবন্দিও কোনও গুরুত্ব পায়নি। আমরা দেখেছি সুদর্শনা তরুণীর অপহরণ কাণ্ডে মিডিয়া যে ভাবে রহস্য সঞ্চারণ করে, পুলিশের ওপর চাপ সৃষ্টি করে রহস্য ভেদের জন্য, তার পাঁচ শতাংশ উৎসাহও দেখায়নি এই অভিযোগ ও ওই বীভৎস মৃত্যু নিয়ে।

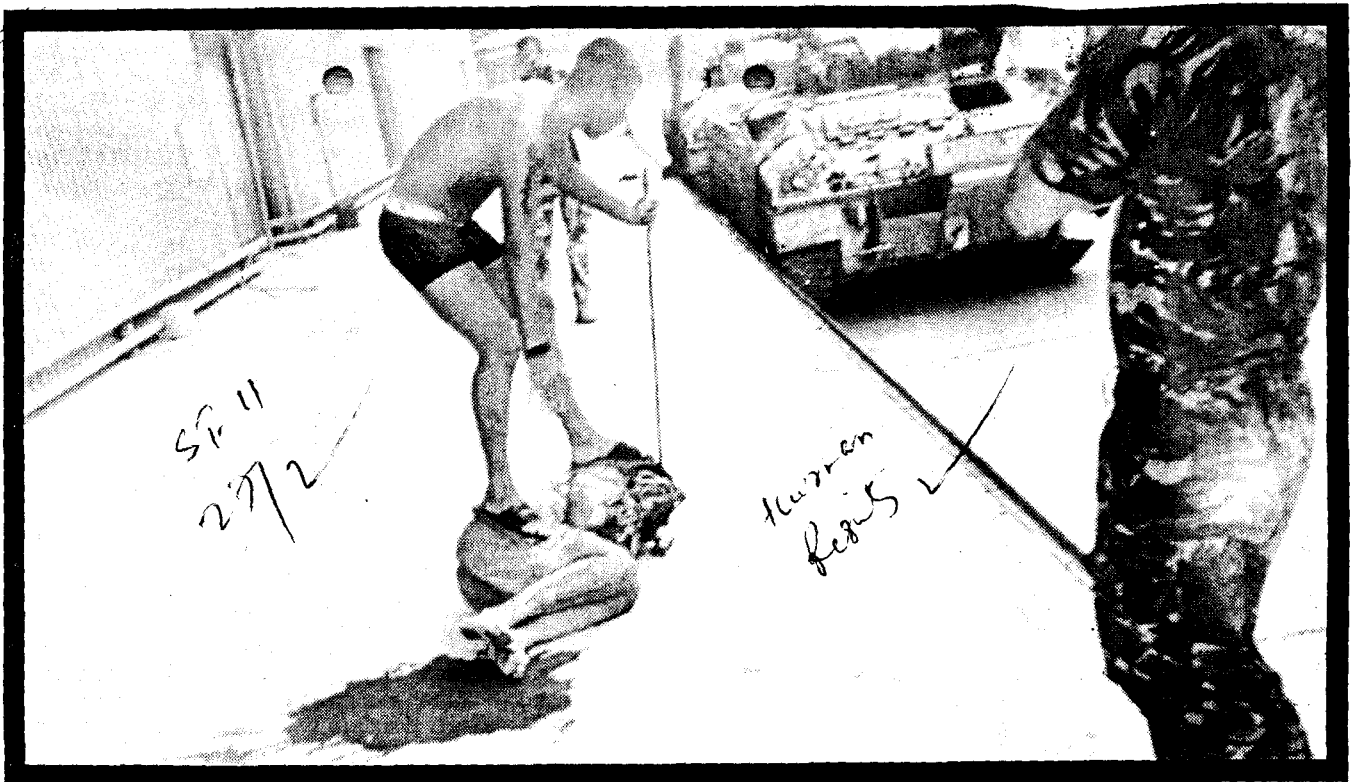
যে কোনও শহরের মাঝখানে লাল পাঁচিলে ঘেরা যে ভূখণ্ডটি, তার অভ্যন্তরের জীবন সম্পর্কে, জেল ও বিচারব্যবস্থা সম্পর্কে অদ্ভুত নিরাসক্ত উদাসীন সাধারণ বুদ্ধিমান বিবেকবান নাগরিকরাও। এই বিচারব্যবস্থাকেই অথচ আমরা আমাদের সর্বশেষ আশ্রয় বলে মনে করি। যে কোনও ব্যবস্থার মতো এগুলিও তো চালায় মানুষ। সচেতন সক্রিয়তা ছাড়া এই সব ব্যবস্থা শেষ পর্যন্ত সংখ্যাগরিষ্ঠ দরিদ্র সাধারণ মানুষজনের পীড়ন যন্ত্র হয়ে ওঠে। অজস্র উদাহরণ রয়েছে সেই নির্বিকার অত্যাচারের।

পুরুলিয়া অস্ত্রবর্ষণের পর শিলিগুড়ির সেবক ব্রিজের কাছ থেকে একটি কটা চেহারার পাগলাটে লোককে পিটার রিচ সন্দেহে ধরে পুলিশ। পরে আসলি পিটার রিচ ধরা পড়েন। কিন্তু তার মতো তো সেই ভিখারির নামে কেস দায়ের করা হয়ে গিয়েছে। জামিন দিতে রাজি আদালত, কিন্তু তার জামিন নেবে কে? শীত-বর্ষা-হেমন্ত পার হয়, ভাবি, কটা চেহারার লোকটি কি এখনও উঁচু পাঁচিলের ভেতরে?

হাওড়া হাটে ফুল বিক্রি করা দয়াল দাসী ও তার সঙ্গিনীর কাছে রোজকার মতোই 'মাসি বাগটা দেখো, বাজার করে আসছি' বলে যে লোকটি চটের বাগ রেখে গিয়েছিল, সে ফেরেনি। তার বদলে পুলিশ কোকেন গচ্ছিত রাখার দায়ে ধরে নিয়ে যায় দুইজনকে। জামিনযোগ্য অপরাধ, কিন্তু জামিন নেবার কেউ ছিল না। দশ বছর পার হয়ে গিয়েছে। অমন কত কেস 'বিচারার্থীনা' পড়ে আছে ফাইলের নীচে! তিন বছর আগেই সত্তর পেরিয়েছিল দয়াল দাসীর। কারও করুণার হস্তক্ষেপে এত দিনে বাইরে এসে মরতে পেরেছেন। পুরুলিয়ার বলরামপুরের গস্তীর সিংহ পারেননি। জেলেই মারা গিয়েছেন সেই দরিদ্র আদিবাসী মানুষটি। ১৮ বছর জেলে কাটিয়ে ফিরে আসছেন তাঁর বৃদ্ধা স্ত্রী, তিন ছেলে, বউরা আর ত্রিশ বছরের নাতি। জেলে যাবার কালে যার বয়স ছিল বারো। বারো? যাবজ্জীবন কারাদণ্ড বারো বছর বয়সে করা অপরাধের জন্য! তবে যে কদিন আগে মস্তীর ছেলের ১৮ বছর হয়নি বলে...

হাইকোর্টের দুই বিচারপতির ডিভিশন বেঞ্চ বলেছে জেলা আদালত 'ভুল করেছিল'। আঠারো বছর লাগল আপিল বিচারে। আর মানুষের জীবনের আঠারো বছর? জেলা আদালত 'যত্ন নিয়ে বিচার করেননি' বলে পুরুলিয়ার মালতী বাউরি আর তাঁর ছেলের জীবন থেকে পনেরো বছর কেটে গেল জেলের থিকথিকে অন্ধকারে। সেই বন্ধ অন্ধকার দশা থেকে কোথায় ফিরবেন এই মানুষরা? কেমন মুক্তিতে? কোন জীবনে? ভাববার কি কোনও কারণ আছে যে এই ভুলবশত, বড্ড তাড়াহুড়োয়, অতিবিলম্বিত বিচারের ফলে পাঁচিলের ভিতরে পড়ে থাকা, জামিন নিতে না-পারা লোকদের সংখ্যা এই দশ জনই কেবল?

এ দেশের নাগরিক নন এঁরা? দেশ পরিচালনার অর্থে ভাগ থাকে না এঁদের? বিশ্বব্যাপ্তের, আই এম এফের, এডিবি, খোদায় মালুম কার কার ঋণের সুদ শোধ করায়? এই সব মানবজীবনের ধার শোধ করবে কে?



FRAME OF SHAME: This photograph presented as evidence on the 18 January hearing at the Court Martial of three soldiers from the Royal Regiment of Fusiliers in Osnabrueck, Germany, shows Lance corporal Darren Larkin standing on an Iraqi detainee and corporal Daniel Kenyon taking a photograph in the rear. Three British soldiers were jailed on Friday for abusing Iraqi civilians in a case that has drawn comparisons with US mistreatment of prisoners at Abu Ghraib prison. The most senior of the trio, Corporal Kenyon, 33, was given an 18-month sentence after being found guilty of three charges including failing to report the mistreatment of the captured looters at an aid camp near Basra in May 2003. — AFP

THE STATESMAN

27 FEB 2005

W
সংযত হোন,

গিলানিকে কোর্ট

নয়াদিল্লি, ২৩ ফেব্রুয়ারি: দিল্লির জাকির হুসেন কলেজের শিক্ষক এস এ আর গিলানির উপর সাম্প্রতিক হামলার তদন্ত সি বি আইকে দেওয়ার আবেদনের শুনানি স্থগিত রেখেছে সুপ্রিম কোর্ট। সেই সঙ্গে গিলানির আইনজীবীকে অতিরিক্ত আবেগপ্রবণ না হতেও নির্দেশ দিয়েছে। গিলানির আইনজীবী কামিনী জয়সওয়াল বলেন, জেরা করার নামে গিলানির পরিবার ও আইনজীবীকে অকারণ হেনস্থা করছে পুলিশ। কিন্তু বিচারপতি পি পি নাওলিকর ও পি ভি রেড্ডির বেঞ্চ জয়সওয়ালকে মাঝপথেই থামিয়ে দিয়ে বলেন, “অকারণ আবেগপ্রবণ না হয়ে আবেগ সংযত করাই প্রয়োজন।” ও দিকে নিম্ন আদালত পুলিশকে বলেছে, অটক করা সব জিনিসপত্র গিলানিকে অবিলম্বে ফেরত দিতে। পুলিশ জানিয়েছে, কম্পিউটারের স্ক্রপি ও গাড়ি ফরেনসিক পরীক্ষার জন্য পাঠানো হয়েছে। বাকি জিনিস শীঘ্রই ফেরত দেওয়া হবে। — পি টি আই

ANADABAZAR PATRIKA

24 FEB 2005

Now, an Abu Ghraib in Afghanistan

Suzanne Goldenberg & James Meek
Washington/London

NEW EVIDENCE has emerged that US forces in Afghanistan had engaged in widespread Abu Ghraib-style abuse, taking "trophy photographs" of detainees and carrying out rape and sexual humiliation.

Documents contain evidence that such abuses took place in the main detention centre at Bagram, near the capital Kabul, as well as at a smaller US installation near the southern city of Kandahar. The documents also indicate that US soldiers covered up abuse in Afghanistan and in Iraq — even after the Abu Ghraib scandal last year.

An evidence from US army investigations released to the American Civil Liberties Union after a long legal battle show that an Iraqi detainee at Tikrit in September 2003 was forced to withdraw his report of abuse after soldiers told him he would be held indefinitely.

Meanwhile, photographs taken in southern Afghanistan showing US soldiers from the 22nd Infantry Battalion posing in mock executions of blindfolded and bound detainees, were purposefully destroyed after the Abu Ghraib scandal to avoid "another public outrage", the documents show.

In the dossier, the Iraqi detainee claims that three US interrogators in civilian clothing dislocated his arms, stuck an unloaded gun in his mouth and pulled the trigger, choked him with a rope until he lost consciousness, and beat him with a baseball bat.

"After they tied me up in the chair, then they dislocate my both arms. He asked to admit before I kill you then he beat again and again," the prisoner says in his statement. "He asked me: Are you going to report me? You have no evidence. Then he hit me very hard on my nose, and then he stepped on my nose until he broken and I started bleeding."

The detainee withdrew his charges on November 23 2003. He says he was



A file photo of a US soldier with the ice-packed body of an Iraqi in Abu Ghraib prison.

told: "You will stay in the prison for a long time, and you will never get out until you are 50 years old." A medical examination by a US military doctor confirmed the detainee's account, yet the investigation was closed last October. "It is further proof that the army is not seriously investigating credible allegations of abuse," said Jameel Jaffar, a lawyer for the ACLU.

The latest allegations from Afghanistan fit a pattern of claims of brutal treatment made by former Guantanamo Bay prisoners and Afghans held by the US. In December the US said eight prisoners had died in its custody in Afghanistan.

In a separate case, two former prisoners of the US in Afghanistan have come forward with claims against their captors. In sworn affidavits to a British-American human rights lawyer, a Palestinian says he was sodomised by American soldiers in Afghanistan. Another former prisoner of US forces, a Jordanian, describes a form of torture which involved being hung in a cage from a rope for days. Both men were freed from US detention last year after being held in Afghanistan and Guantanamo Bay. Neither has been charged by any government with any offence.

Hussain Adbulkadr Youssouf Mustafa, a Palestinian living in Jordan, told the lawyer, Clive Stafford-Smith, that he was sodomised by US soldiers during

his detention at Bagram air force base in 2002. He claims to have been blindfolded, tightly handcuffed, gagged and had his ears plugged, forced to bend down over a table by two soldiers, with a third soldier pressing his face down on the table, and to have had his trousers pulled down. "They forcibly rained a stick up my rectum," he reports. "It was excruciatingly painful... Only when the pain became overwhelming did I think I would scream. But I could not stop screaming when this happened."

In a second affidavit, the Jordanian citizen, Wesam Abdulrahman Ahmed Al Deemawi, detained from March 15 2002 to March 31 2004, says that during a 40-day period of detention at Bagram, he was threatened with dogs, stripped and photographed "in shameful and obscene positions" and placed in a cage with a hook and a hanging rope. He says he was hung from this hook, blindfolded, for two days although he was occasionally given hour-long "breaks".

The Guardian

19 FEB 2005

THE HINDUSTAN TIMES

DGP miss hits HRC

Statesman News Service

KOLKATA, Feb. 16. — The state Human Rights Commission today expressed its displeasure over the absence of the state director-general of police, due to appear before the Division Bench today. It stated that the Commission will proceed with the matter "ex-parte" if such instance is repeated.

While fixing 23 February as the next date, the Commission said this was "another opportunity" for the top cop to appear it. The WBHRC today termed the absence of DGP Mr Ajay Prasad as "unfortunate" and took serious note of the fact that he failed to even inform the Commission of the reasons for his absence.

The DGP, however, did not seem to be aware that he had to appear for the hearing.

The Commission called the DGP today during the hearing of a case in Gaighata, North 24-Parganas. On 1 February, during a road blockade, Trinamul supporters had torched the vehicle of SDPO Barasat and entered into a pitched battle with police. Following this, 72 persons were arrested.

The victims complained to the Commission alleging harassment by the police.

The Division Bench presided by Mr Justice Shyamal Kumar Sen and Mr Amit Sen today heard the grievances of the victims.

Ms Durga Rani Das, a member



An angry Mr Justice Shyamal Sen says what he thinks of the DGP failing to turn up at the rights panel office. In Kolkata on Wednesday. — The Statesman

of Dharampur village panchayat, stated that she has been harassed by police. Her brother-in-law has also been arrested though he was not involved and police had ransacked their house. The bench granted her permission to file a complaint against the police personnel. Ms Sima Roy said she was an eyewitness of police torture in her locality. She was also granted the prayer of filing a formal complaint.

This is the second time the Commission took a stern note, following yesterday's visit to Kishalay Juvenile Home, in North 24-Parganas. It had lambasted the poor condition of the home.

More facts needed in Geelani case

By Siddharth Varadarajan

NEW DELHI, FEB. 15. In any high-profile case of attempted or actual murder, it is normal for the police to come under pressure to show quick results. When the victim is a man like the Delhi University lecturer, S.A.R. Geelani, whom the Delhi police once targeted for prosecution in the Parliament attack case, the pressure increases many times over because the investigating agency has the added burden of being among the list of probable suspects.

When results are not forthcoming, either for lack of evidence or the inadequacy of investigative skills, it is not uncommon for the police to try and deflect criticism by spreading rumours and raising "questions" to discredit the victim and erase the natural sympathy the public at large may feel for him. This was the pattern in the Pushkin Chandra murder investigation and is now fully evident in the manner the police is approaching the Geelani case.

If the aim of the police campaign in the early days of the Pushkin case was to suggest the murder victim's lifestyle was to blame for the crime, the fact that Mr. Geelani was lucky enough to survive the assassin's

bullets has itself become a point of suspicion.

Going by the theories retailed by the investigating team and faithfully circulated by gullible reporters this past week, one would almost believe Mr. Geelani shot himself at his own home in an elaborate conspiracy involving his lawyer and family — with the aim of discrediting the police.

The police has questioned the fact that Mr. Geelani's counsel, Nandita Haksar, a senior and highly respected lawyer and human rights activist, did not

NEWS ANALYSIS

immediately inform "100" that her client had been shot. However, Ms. Haksar, who rushed Mr. Geelani to hospital along with her husband, clearly felt saving his life was the most important thing to do. Besides, neither she nor her husband carries a mobile phone.

The police, which learnt of the attempted murder about an hour after it happened, says the delay led to the destruction of vital clues. But they have no explanation for why the crime scene was not immediately cordoned off when the first policemen arrived and why, for hours

later, members of the public were allowed to walk over the area where Mr. Geelani had been attacked.

The most curious of all questions raised by the police concerns the "recovery" of Mr. Geelani's blood-stained sweater from his brother's residence several days after the crime. When an accident or crime victim is taken into the ICU at any hospital, it is customary for doctors to remove the clothes he or she is wearing at the time. Typically, the clothes are handed over to the victim's relatives, who take them home — especially if the police make no request for them. This is obviously what happened in the case of Mr. Geelani's clothes. Now, in order to hide their own incompetence in failing to examine the clothes on the first day itself, the police have floated the silly suggestion that the fact that the sweater was recovered from his brother's home means he probably was not shot at at the spot where he said he was.

The victim's computer has been seized and sent for forensic examination to Ahmedabad, allegedly to see if he had received any threats (one wonders why there is no capability in Delhi to scan a hard drive), his car has been seized, and his

phone and credit card records are being scrutinised. It is almost as if the police have forgotten that Mr. Geelani is the victim here, not the suspect.

Mr. Geelani was acquitted by the Delhi High Court on October 29, 2003 after the trial judge, in what was India's first anti-terrorism case under the Prevention of Terrorism Act, found him guilty and sentenced him to death. The Delhi Police moved the Supreme Court in appeal and that is where matters are pending. In the eyes of the law, if not in the eyes of those who enforce it, however, Mr. Geelani is still an innocent man.

Whether the Delhi police or some unknown arm of the State was involved in the assassination attempt — as Ms. Haksar and others have alleged — is besides the point here. What is relevant is the depressingly familiar pattern of sloppy forensics, poor crime scene investigation and the planting of stories in the media. These do not augur well for the case to be solved. Though it is late in the day, the gravity of the case is such that the Government should transfer the investigation to an agency such as the CBI working under the supervision of a judge.

If Geelani is wounded, it is our freedom that lies bleeding

W
F.18
15/2

Bare life

ANANYA VAJPEYI

Once again, Syed Abdul Rahman Geelani meets, before his time, in an only half-expected fashion, his old friend, Death. The good professor, having been sent home after the reversal of a death-sentence, was shot at five times outside his lawyer's residence on the night of February 8, 2004. For over three years now, there has been a massive legal and civic campaign to assert his innocence and protest against his wrongful implication in a conspiracy to blow up the Parliament House on December 13, 2001. But even on the verge of acquittal by the highest court of the land, the right to live, and to live freely and safely under the rule of law, has eluded this hapless individual.

Geelani was suspected of being part of a plot to attack the Indian legislature for reasons that had nothing to do with his overt or covert political activity: he was of Kashmiri origin and in contact with relatives still living in the Valley, he was a Muslim in the regime of a Bharatiya Janata Party-led coalition government, and he taught Arabic at a college in Delhi.

Once he had been arrested under the draconian Prevention of Terrorism Act, every effort was made to frame him as a terrorist. He was tortured in police custody, pronounced guilty in a media trial that was based on prejudice rather than truth, and given the death penalty. His release at the last minute came as the result of a powerful case fought relentlessly by his legal team, under the leadership of, among others, Nandita Haksar, who has made it her mission to defend the human rights and civil liberties of those falsely accused of being enemies of the state. Shattered by custodial abuse, but nevertheless eloquent in his call for justice and his defence of democracy, Geelani walked free only to have bullets pumped into his stomach a few months later.

What is the meaning of the person of S.A.R. Geelani in the political life of our nation? Who is this man, and why does death stalk him in the guise of a hostile and ruthless state? Does his nightmarish encounter with the criminal justice system and with police power reveal to us, in the most alarming way possible, our

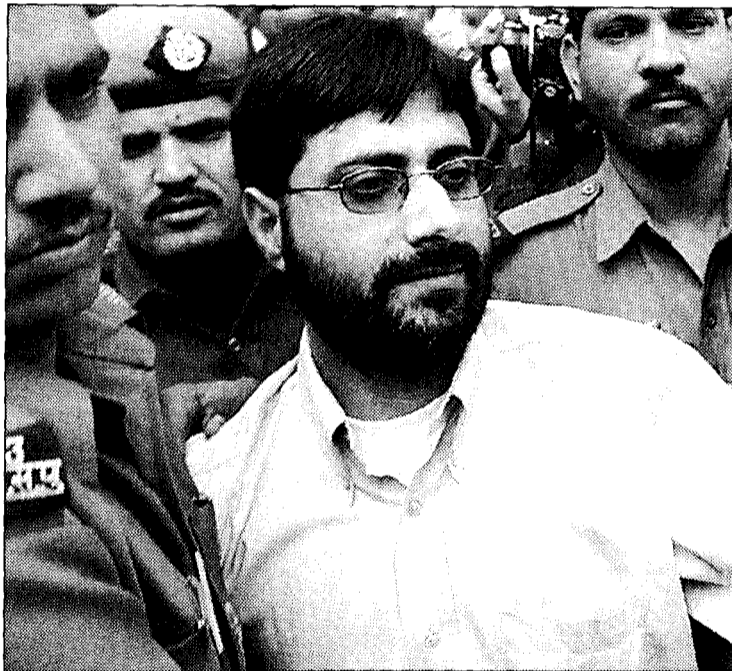
The author is with the Centre for Law and Governance, Jawaharlal Nehru University, New Delhi

own exposure as citizens of India, to violence at the hands of the very forces that are supposed to guard our life and guarantee our liberty? What is at stake for all of us — every single person being a member of some minority or the other — in the life and death of this young academic, the father of two small children, a teacher of language and literature, an inhabitant of the city of Delhi, this man who is ordinary in every way, and yet singled out for extermination?

The contemporary Italian philosopher, Giorgio Agamben, has written in a manner that is both intellectually persuasive and ethically com-

wishes. The killing of this person is neither a crime (for no law is broken), nor a sacrifice (for no ritual is fulfilled). The ban excludes him from both human law, which governs the sphere of political activity, and divine law, which governs the sphere of religious activity. The life of the Homo Sacer is less than a life; consequently, it can be extinguished with impunity and without celebration.

Agamben delves deep into the political and philosophical treatises of ancient Rome to understand this strange figure because he finds, within the murderous space of the Nazi concentration camp, the same



PELLING, about a figure found in ancient Roman law called the *Homo Sacer*. This is a man who is the most vulnerable denizen of the political community, because his absolute vulnerability is the condition for the absolute power of the ruler. The *Homo Sacer* is placed under a ban — that is to say, he is banished from the company of other men, and at the same time abandoned by the legal and juridical order. This state of banishment and abandonment renders the life of the *Homo Sacer* less than the politically-defined and legally-protected life of a citizen: he is reduced to what Agamben calls “bare life” or “naked life”. In this state, which lies outside the realms of both politics and the law, the *Homo Sacer* may be killed, without any entailment in the form of punishment or reward, by anyone who

What Geelani represents is the capacity inherent in all of us to be killed by the powers that be

utter abandonment or banishment that does not make sense in the inclusive framework of modern citizenship. The denizen of a camp was not only less than a citizen, but he had no recourse to man or god, to human help or divine intervention. The life of a camp-inmate had no legal or sacred value attached to it — it could be ended without any pretence of due process, and equally without any justification as to the

ritual purposes of such killing. In a camp, a human being's life was precisely, and only, his potential to be killed. This is why Hitler could speak of the extermination of Jews “as lice”. Thus every person in Auschwitz, according to Agamben, is a *Homo Sacer*: neither a criminal, nor a sacrificial victim, and yet consigned to death.

The sovereign power of the Nazi state was predicated on the reduction of the Jew to bare life. Consider this startling fact: S.A.R. Geelani is the *Homo Sacer* of the Indian state, which seeks to bolster its fragile sovereignty by sequestering this man, chosen at random, from every discourse of law, justice, politics or religion, and killing him, plain and simple, because it can. If the state cannot kill him (because the judiciary curbs the absolute power of the state), then it turns out that actually anyone can kill him, because he is marked by the fatal ban: here is one who is cast away from the community of men and evicted from the shelter of the law; to take the life of this man does not amount to homicide. Geelani has not committed any crime. He has no discernible political ambition *vis-à-vis* Kashmir and its problems with India. He was not chosen by any Pakistani *jihadi* group to be their martyr, nor was he designated by any separatist outfit to be their suicide bomber in the December 13 attack. He has never sought to identify himself as a Muslim in any politically meaningful way whatsoever, leave aside as a challenge, an affront, an offence or a threat to the country. He does not represent any terrorist organization.

What Geelani does represent, unfortunately for him, is the capacity inherent in all of us to be killed by the powers that be, the moment the armour of citizenship falls away from us. The danger to our parliament — and to the free and fair nation it is supposed to stand for — was not from some plot that Geelani might have hatched (but in fact did not hatch) with others who were out to undermine Indian democracy, but rather, from the state's own zeal to get Geelani, at whatever cost, regardless of his innocence. If Geelani is wounded, it is our freedom that lies bleeding at the door. This time he has barely escaped with his life, but the message is loud and clear: if we are not careful about the state of our freedom, then the state can and will reduce us all to bare life. And that is only a gunshot away from death.

Geelani points finger at police

OUR CORRESPONDENT

New Delhi, Feb. 14: S.A.R. Geelani, who was acquitted in the Parliament attack case, broke his silence today — a week after being shot at by unidentified assailants.

The Delhi University lecturer, who is recovering at the All India Institute of Medical Sciences from injuries sustained in the attack outside Nandita Haksar's residence on February 8, issued a written statement through the lawyer pointing a finger at the role of the special cell of Delhi police.

Geelani, who was today questioned by sleuths after doctors declared him fit, alleged in the statement issued to the media that Delhi police had tried to frame him in the attack on the House on December 13, 2001, and is now out to harm him.

The lecturer's statement established that there was only one attacker. "That night, I parked near the park. I got down from my car and checked whether or not the doors were locked," he said.

"Then I saw a man standing on the other side with a pistol or revolver held in both hands. He was of medium height, wearing trousers and shirt, with a wheatish complexion, trimmed hair and unshaven. He did not have spectacles," said the statement.

Geelani raised doubts about the role of the Delhi police special cell over the attack on him.

"I do not, obviously, know for certain whether it was a policeman of the special branch who tried to kill me on February 8, 2005. But there are certain facts that need to be investigated."

The lecturer alleged that his phones are being tapped and his movements watched. No one other than Haksar knew that he would be going to the lawyer's house, pointed out the lecturer.

Geelani said he had been attacked when in Tihar jail and alleged that there has been no attempt to investigate this. "There has been no probe on the incident despite the All India Defence Committee filing a complaint before the National Human Rights Commission," he said.

Geelani disputed police statements that he was not giving a statement and said he "never had any intention of not giving" his statement.

"Till Sunday, February 13, 2005, my wound had not been stitched. All these days, I had several tubes sticking into various parts of my body and I had not had even a drop of water on the day the police tried to pressure me into giving a statement," he said.

"I was feeling very weak and not feeling up to giving any statement when they gave out the news that I had 'refused' to give my statement," said the lecturer.

Geelani alleged that he and his family, who are in shock, are being harassed by the police. The lecturer has protested over the manner in which the police have seized his car, PAN card, bank documents and computer.

"Naturally, I will be asked whom I do suspect. I do not have any personal enmity with anyone. I am saddened to read that the police have tried to blame Mohammad Afzal and Shaukat (co-accused in the House attack case). It was Afzal who told the media that I was being framed and the police told him not to speak about me," he said.

15 FEB 2005

Geelani version today

Delhi Police to grill him on the attack

HT Correspondent
New Delhi, February 10

THE CONDITION of SAR Geelani — the Zakir Hussain College lecturer who was shot on Tuesday night — improved on Thursday. Delhi Police hope they can question him on Friday and unravel the mystery behind the attack.

The police are probing whether Geelani was attacked by an unstable religious fundamentalist upset at his being acquitted in the Parliament attack case, but haven't ruled out the 'personal enmity' angle, either.

On Thursday, Geelani's friends and relatives sounded less critical of Delhi Police — with some of them conceding that the police were not necessarily involved in the attack.

On Wednesday, Geelani's lawyer, Nandita Haksar, outside whose house Geelani was shot, had reportedly said that Delhi Police's Special Branch had masterminded the attack.

But the police bitterly complained about the delay in informing them about the incident. Haksar only called the police after she and her

husband rushed Geelani to the AIIMS.

Crime Branch officers said they would get a better picture of the sequence of events only after they spoke to Geelani.

They want to know what happened from the time Geelani parked his car near Haksar's home in Vasant Enclave till the time he reached her doorstep after sustaining three bullet wounds. The police said Geelani's escape was providential. "He was hit thrice — and five bullets were fired at him. The men, or man, were clearly out to kill him", said a senior officer. Officers also said it was not uncommon for a victim not to bleed after being hit.

"The bullets are 7.65 bore. These only puncture the body — unlike the .303, which would burst and lead to profuse bleeding. Also, he was wearing winter clothes and this may have prevented blood from dropping on the ground", said an officer.

The Crime Branch's inter-state cell is investigating the case and has constituted 10 teams, some of which have been dispatched outside Delhi, as well.

Life hasn't been easy

HT Correspondent
New Delhi, February 10

DECEMBER 13, 2001. The day that changed Syed Abdul Rehman (SAR) Geelani's life forever.

When the Zakir Hussain College lecturer was lodged in jail while his case was being heard by the court, Geelani alleged that the policemen were after his life. Even after he was acquitted by Delhi High Court, Geelani often found it difficult to find an auto to go back home, say his colleagues at the college. "We'd wait till late after college to ensure that he got his ride home. Sometimes, it would take almost an hour simply to catch a three-wheeler", said Zakir Hussain (Evening) staff association president Mahmood Fayyaz.

Geelani had expressed fear the day he stepped out of Tihar after his acquittal. "The danger isn't over and I fear for my life..." he had said in his first-ever media interaction on October 30, 2003.



SAR Geelani

"Attempts were made on my life while I was in the prison, though I was kept in a high-security cell. They (the police) tried to poison me", he had alleged. His colleagues said Geelani was forced to buy a car as he felt several intelligence agencies were keeping a watch on him. Geelani was escorted by his students to and from college to his house till many days after acquittal.

SC seeks report on Geelani

Statesman News Service

NEW DELHI, Feb. 9. — A day after the attempt on the life of SAR Geelani, the Capital was rocked by protests and demonstrations by academicians and human rights activists. Geelani's wife Arifa blamed the police for carrying out the attack, and the Delhi Police had a tough time explaining its side of the story.

A Supreme Court Division Bench (coram, Reddi, Naloekar, JJ) directed the Delhi Police to file a report on the incident within a week. The Supreme Court is already hearing the Parliament attack case. Delhi Police has filed an appeal against Geelani's acquittal in Delhi High Court.

As soon as the Bench assembled, senior counsel Mr Ram Jethmalani, appearing on behalf of Geelani, pointed out that

he had filed an affidavit on 14 March last year expressing apprehensions that his client might be killed in a false encounter. He submitted that ultimately his client was shot at and seriously injured. Alleging that the prosecuting agency (police) itself was involved in the incident, Mr Jethmalani sought a direction for a CBI probe into the matter. The Bench, however, sought a report from the Delhi Police. At the AIIMS, Geelani's condition was stated to be critical but out of danger. Doctors extracted three bullets from his body.

Police maintained that Geelani neither asked for security cover nor told them about any threat to his life. Officers also denied that his and his lawyer's phones were being tapped. Delhi Police commissioner Dr KK Paul briefed the Union home minister who met the Prime Minister in the evening.

রাষ্ট্র, কল্যাণ, নিরাপত্তা

কেন্দ্রীয় স্বরাষ্ট্র মন্ত্রী শিবরাজ পাটিল দুইটি গুরুত্বপূর্ণ কথা বলিয়াছেন। এক, নকশাল জঙ্গিদের সমস্যা নিছক আইনশৃঙ্খলার সমস্যা নয়, প্রান্তিক এলাকা ও উন্নয়নহীনতার সমস্যা। দুই, পুলিশ বা আধা-সেনাদের সহিত জঙ্গিদের 'সাজানো সংঘর্ষ' অচিরে বন্ধ হওয়া দরকার, জঙ্গি দমনে নিরাপত্তা বাহিনীর আরও মানবিক হওয়াও দরকার। উচ্চারণ দুইটি গুরুত্বপূর্ণ, কেননা ইতিপূর্বে সরকারের তরফে আনুষ্ঠানিক ভাবে কখনও এ সব স্বীকার করা হয় নাই। পুলিশ ও নিরাপত্তা রক্ষীরা যে জেলখানার ভিতরে কিংবা বাহিরে নিরস্ত্র রাজনৈতিক বন্দিদের গুলি করিয়া হত্যা করিয়া 'সংঘর্ষে মৃত্যু'র তত্ত্ব সাজায়, এই মর্মে বিভিন্ন মানবাধিকার সংগঠন দীর্ঘ কাল ধরিয়াই অভিযোগ করিয়া আসিয়াছে। রাষ্ট্রযন্ত্রের তরফে এই আচরণ রাষ্ট্রকে কল্যাণকামী একটি প্রতিষ্ঠানের পরিবর্তে পীড়ন ও হত্যার একটি যন্ত্র রূপে জনচক্ষে প্রতিভাত করে। তাহাতে কেবল যে গণতন্ত্রের মূল ভাবনাটিতে অন্তর্ঘাত ঘটানো হয় তাহাই নয়, রাষ্ট্রের চরিত্র ও শ্রেণি সম্পর্কে জঙ্গিদের তত্ত্ব ও প্রচারই জনমনে বৈধতা পায়। স্বরাষ্ট্র মন্ত্রী এই অবস্থার পরিবর্তন চাহেন। ইহা অভিনন্দনযোগ্য।

প্রসঙ্গত অভিষেকের পরেই কাশ্মীর ও অন্যান্য উপক্রত অঞ্চলের জঙ্গিদের মোকাবিলায় দেশের নূতন সেনাধ্যক্ষের মানবিক উচ্চারণটিও প্রণিধানযোগ্য। জেনারেল যোগীন্দর যশোবন্ত সিংহ জওয়ানদের জানাইয়া দিয়াছেন, অতঃপর তাঁহারা কতজন জঙ্গিকে হত্যা করিতে পারিয়াছেন এবং কত জনকে গ্রেফতার, তাহার উপর তাঁহাদের পদোন্নতি নির্ভর করিবে না। সেই সঙ্গে বন্দুকের নল জনসাধারণের দিকে তাক না করিয়া নীচে মাটির দিকে মুখ করিয়া নামাইয়া রাখার নির্দেশও দিয়াছেন তিনি। আপাতদৃষ্টিতে এই নির্দেশকে প্রতীকী মনে হইলেও উপক্রত এলাকায় জঙ্গি মোকাবিলায় ব্যাপৃত জওয়ানদের কাছে এবং তাঁহাদের মুখোমুখি দণ্ডায়মান বিক্ষুব্ধ জনগোষ্ঠীর কাছে এই নির্দেশের তাৎপর্য দূরপ্রসারী হইতে পারে। এখানেও রাষ্ট্র যে জনসাধারণকে পীড়নের দমনযন্ত্র নয়, তাহার সম্পর্কে ভীত হওয়ার যে প্রয়োজন নাই, এই ব্যতীতি প্রচার করার চেষ্টা লক্ষণীয়। স্বরাষ্ট্র মন্ত্রীর উচ্চারণকে সেনাপ্রধানের নির্দেশের সহিত মিলাইয়া পড়িলে মনমোহন সিংহ সরকারের স্বরাষ্ট্র নীতির মানবিক অবয়বটি স্পষ্ট হইয়া উঠিতে বাধ্য। লক্ষণীয়, এই মানবিক দৃষ্টিভঙ্গি অবলম্বনের জন্য সরকারকে প্রধান বিরোধী দল বিজেপির বিরূপ সমালোচনার মুখে পড়িতে হইয়াছে। জঙ্গি দমনে কঠোর মনোভাব না লওয়ার জন্য উগ্র জাতীয়তাবাদীরাও সরকারের প্রতি খড়্গহস্ত হইয়াছেন। কিন্তু তথাপি সরকার সমালোচনা অগ্রাহ্য করার সংসাহস দেখাইয়াছে। জঙ্গি সমস্যাকে প্রান্তিক জনগোষ্ঠীর উন্নয়নহীনতার সমস্যা রূপে শনাক্ত করার মধ্যেও বিচক্ষণতার পরিচয় আছে। যে সব অঞ্চলে অতীতে নকশাল আন্দোলন দানা বাধিয়াছে কিংবা পরবর্তী কালে জনজাতীয় জঙ্গি সন্ত্রাস মাথা চাড়া দিয়াছে, সেই সব এলাকায়ই অসম অর্থনৈতিক বিকাশের শিকার। উন্নয়ন এবং পরিকাঠামোর বিকাশই জনসাধারণের বিকল্প সম্মানের তাগিদ প্রশমিত করিতে পারে। স্বরাষ্ট্র মন্ত্রী তাই সঠিক ভাবেই উপক্রত অঞ্চলগুলির উন্নয়নের উপর জোর দিয়াছেন।

Pak human rights record 'abysmal'

HTF 9
9/2

HT Correspondent
New Delhi, February 8

"THE WORST incidents of sectarian madness took place in 2004," says the latest report of the Human Rights Commission of Pakistan (HCRP), "with attacks in Quetta, Karachi, Lahore, Multan, Sialkot and Gilgit (in 2005)", a damning indictment of Islamabad's efforts to find fault with venues like Ahmedabad for the forthcoming tour of the Pakistani cricket team to this country. The report, released last week, has come as a major blow to Pakistan, which takes pride in perennially flaunting what it calls India's poor record on human rights in Jammu and Kashmir.

Islamabad's intolerance of, and growing impatience with, any form of dissent was one of the major factors responsible for what the report, released last week, calls the deteriorat-

ing human rights situation in Pakistan. This was increasingly evident in attempts to restrict political freedoms, including the right of assembly and the freedom of expression (Javed Hashmi, Shahbaz Sharif, Asif Zardari being major examples). The use of force, according to the report, is the first option pursued and governance "was marked by a near total lack of transparency", with details of armed action and casualties in South Waziristan kept secret.

The report, 'State of Human Rights in Pakistan 2004', the release of which was delayed because "some of the problems which Pakistan faces also affect the HCRP", the main concerns have been the "serious increase in sectarian violence", and the 'helpless' government has no apparatus to control the sectarian violence". Physical boundaries of sectarian violence

in Pakistan coincide with the geographical boundaries of the country. There was no attempt, according to the authors of the report, to address 'root causes of militancy to assess why immature young men choose to link up with extremist forces, or to rehabilitate militants who had taken up the cause over the years, under policies patronized by the state. Hundreds of militants continued to be trained in seminaries", and "there appears to be a general 'hatred' in people".

While the year began with high hopes, there has been a general absence of peace, the authors, including Tahir Muhammad Khan, I.A. Rahman, Afrasayab Khattak and Nasreen Azhar, said, "In the region, all sides were waiting for statesmanship from leaders, so that people can be taken out of the 'fear' situation they find themselves in".

Guantanamo Bay Briton may sue U.K.

By Hasan Suroor

LONDON, FEB. 6. One of the five Britons, freed from the U.S. detention centre in Guantanamo Bay last month, reportedly plans to sue the British Government for its alleged role in his arrest and incarceration for nearly three years without charge.

Martin Mubanga (32), who holds dual British and Zambian nationality has alleged in an interview with *The Observer* newspaper that an M16 agent was instrumental in consigning him to Guantanamo Bay where, according to him, he was tortured and kept in inhumane

conditions.

His solicitor Louise Christian said: "We are hoping to issue proceedings for the malfeasance of (British) officials who colluded with the Americans in effectively kidnapping him and taking him to Guantanamo Bay."

The Foreign Office would not comment on the activities of intelligence agencies and a spokesman was quoted as saying that Mr. Mubanga's "transfer to Guantanamo Bay is a matter for the Zambian and American authorities".

In his interview, Mr. Mubanga, a former motorcycle courier in London, said that he was fal-

sely accused of being an Al-Qaeda activist. He said he had nothing to do with the Al-Qaeda and condemned the September 11 terror attacks.

"I do not approve the killing of innocent men, women and children," he said.

Mr. Mubanga said that he went to Afghanistan at the end of 2001 to study Islam and when the war broke out he fled to Pakistan. But his British passport was stolen, and he used his Zambian passport to go to Zambia where he was later arrested and accused of terrorist activities, he said.

He claimed that a Briton who introduced himself as "Martin"

and said he worked for M16 interrogated him and confronted him with his British passport. He said he was told that the passport and some incriminating documents, purported to be in his handwriting, were found in a cave in Afghanistan.

"Mubanga pointed out that his handwriting was nothing like that ...and said he had never seen the documents before, or been to any caves," *The Observer* said adding that a few days later he was "loaded on to a planeand flown to Guantanamo Bay".

Mr. Mubanga gave graphic details of his ill-treatment at Guantanamo Bay.

THE HINDU

07 FEB 2005



A picture released by a British court martial on Tuesday in Germany claims to show Lance Corporal Darren Larkin standing on an Iraqi detenu and Corporal Daniel Kenyon taking a photograph in the rear. This is to be used in the court martial of three British soldiers from the Royal Regiment of Fusiliers facing allegations that they mistreated Iraqis. — AP/British court martial/hand-out

Blair calls abuse photos “shocking”

By Hasan Suroor

LONDON, JAN 19. The British Army has been accused of re-enacting the U.S.-inspired horrors of Abu Ghraib prison after the publication of a series of photographs of its soldiers allegedly torturing and sexually abusing Iraqi civilians.

An embarrassed Prime Minister Tony Blair admitted in the Commons on Wednesday that the photographs were “shocking” and assured MPs that “everything” would be done to establish the circumstances in which the alleged incidents took place. Mr. Blair said he shared the widespread “disgust” caused by the photographs taken in May 2003 in a British-run

camp outside Basra.

“We do not tolerate such activities in any shape or form,” he said but insisted that the “vast majority” of British soldiers in Iraq had served with “distinction” and the conduct of a few should not be allowed to overshadow their work.

The chief of army staff Sir Mike Jackson also condemned the alleged abuse by his soldiers but argued that “only a small number” were said to have been involved. “We condemn utterly all acts of abuse. Where there is evidence of abuse this is investigated immediately.”

Labour as well as Opposition MPs were concerned that the scandal could fuel anger against the occupation forces in Iraq in

the run-up to the elections. Commentators said Britain had now lost the high moral ground it had taken about the conduct of its troops vis-à-vis American soldiers when they were accused of Abu Ghraib excesses.

Charles Kennedy, leader of the Liberal Democrats, said the pictures — widely seen across the Arab world — were likely to “increase the danger” to British troops. The Tory leader Michael Howard said the soldiers, accused of abuse, had brought “shame to our army” and wanted to know what steps the Government proposed to take to deal with it.

The photographs, produced on Tuesday at a court martial of three British soldiers for alleged-

ly abusing Iraqi civilians in the weeks following the fall of Saddam Hussein, dominated the front pages. *The Independent* reproduced nine pictures on its front page calling them “A Catalogue of British Abuse” and *The Times* led with the headline, “Army’s Shame”, over a picture of a soldier standing on a blindfolded and cowering Iraqi. Other images included one depicting two Iraqis being forced to simulate sex, and in another a man is tied to a forklift. The victims were rounded up after incidents of “looting” at a storage depot. The accused soldiers — Daniel Kenyon, Mark Cooley and Darren Larkin — face dismissal from the Army and a jail term of up to 10 years if they are found guilty.

Abu Ghraib abuse leader gets 10 yrs

Associated Press
Fort Hood, January 16

ARMY SPC. Charles Graner Jr. — who grinned in photos of Iraqi prisoners being sexually humiliated but told jurors, "I didn't enjoy what I did there" — was sentenced on Saturday to 10 years behind bars in the first court-martial stemming from the Abu Ghraib prison scandal.

Graner, labelled the leader of a band of rogue guards at the Baghdad prison in late-2003, could have received 15 years.

Asked if he felt remorse after the sentence was handed down, Graner said, "There's a war on. Bad things happen".

Graner will be dishonourably discharged when his sentence is completed. He was also demoted to private and ordered to forfeit all pay and benefits.

A day after convicting him, the jury of four army officers and six senior enlisted men deliberated for about two hours to determine Graner's sentence.

Graner, who had been free prior to his trial, was taken into custody after the sentence was read. He gave his mother, Irma, a big hug and his father, Charles Sr., a firm handshake before the jury foreman read the sentence. "He's scared to death", Irma Graner said later.

Graner was accused of stacking naked prisoners in a human pyramid and later ordering them to masturbate while other soldiers took photographs. He also allegedly punched one man



AFP
Charles Graner is escorted to military prison in shackles after his court-martial in Fort Hood, Texas, on Saturday.

in the head hard enough to knock him out, and struck an injured prisoner with a collapsible metal stick.

Defence lawyer Guy Womack said his client and the six other Abu Ghraib guards charged with abuses were being made scapegoats, but added that he thought the jury did its job well.

"I firmly believe there should've been reasonable doubt, but we respect their decision", he said outside the courthouse. He added that he had feared Graner could have received a harsher sentence than the 10-year term.

Prosecutors Maj. Michael Holley and Capt. Chris Graveline would not speak to reporters, but they said in a joint statement: "We

Try higher-ups: Graner mother

THE MOTHER of Spc Charles Graner, jailed for 10 years, said his superiors should be put on trial and claimed President George W. Bush had convicted the MP before his court-martial had even started. Graner was punished "for something he was told to do", his mother said on Saturday as her son was led away from the courtroom in hand and leg shackles. "You know it's the higher-ups that should be on trial ... they let the little guys take the fall for them".

AFP, Fort Hood

think it's important that the world was able to observe this court-martial".

Under military court rules, Graner's case will be automatically appealed to the Army Court of Criminal Appeals. Graner did not testify at his trial, but, during the sentencing phase on Saturday, he took the witness stand to repeat the defence claim the jury clearly rejected: that he had been ordered by intelligence agents at Abu Ghraib to abuse the prisoners to make them easier to interrogate.

Womack asked him why he was smiling in the infamous photos, some of which were shown while Graner spoke. "I'm smiling now, and that's a nervous smile," Graner said.

NHRC upset with junior seer arrest

EXPRESS NEWS SERVICE
NEW DELHI, JANUARY 13

THE NHRC, which had so far chosen to ignore the arrests of the Sankaracharyas of the Kanchi Mutt by the Jayalalithaa government, has finally jumped into it.

The Commission today took strong exception to the manner in which junior Sankaracharya Vijeyendra Swaraswati was arrested and asked the Tamil Nadu government to explain the circumstances surrounding it.

Interestingly, the commission took cognizance of the media reports about the episode while no petition was

95-3
14/1
filed by anyone.

The NHRC's objection is also about the 'selective leakage' of the video footage of the interrogation of Sankracharaya Jayendra Saraswati by the Tamil Nadu police through TV channels.

The Commission said this "raises an issue about the right of a person facing investigation to a fair trial—a constitutional imperative." It questioned the Tamil Nadu government's hasty move of arresting the junior Sankaracharya Vijeyendra Swarswati "within hours of the Supreme Court granting the bail to the senior Sankracharaya."

NHRC seeks report on 'selective leakage' of video on Acharya

AD-13 By J. Venkatesan 12/1

NEW DELHI, JAN. 13. The National Human Rights Commission today asked the Tamil Nadu Government to send a report on the "selective leakage" through some television channels of video excerpts of the alleged police interrogation of the Kanchi Sankaracharya, Sri Jayendra Saraswathi, on Wednesday.

In a suo motu action, the Commission headed by the Chairperson, Justice A.S. Anand, while considering the telecast of the video excerpts selectively leaked by the police through some television chan-

nels, said, "it raises an issue about the rights of a person facing investigation to a fair trial — a Constitutional imperative."

The Commission therefore called upon the Chief Secretary, Tamil Nadu, and the Director-General of Police to furnish a factual report on the selective leakage of the video excerpts.

It also said that from various reports appearing in the media, both print and electronic, it had come to the Commission's notice that within hours of the order of the Supreme Court directing the release on bail of Sri Jayendra Saraswathi in the "Sankararaman murder case,"

the junior Sankaracharya, who was offering puja in the Kanchi Mutt, was told by the police that he was being taken into custody.

It was reported that the police entered the Mutt, a place of worship, without any permission. Further, the devotees of the Mutt felt that the absence of both Sri Jayendra Saraswathi and Sri Vijayendra Saraswathi would affect the centuries-old tradition of offering daily pujas and had hurt their sentiments. The Commission also sought a report from the State Government within two weeks on the arrest of the junior Acharya.

US soldier laughed during abuse

Associated Press
Texas, January 12

18/11
A SYRIAN inmate at Abu Ghraib prison has testified on videotape played for a jury that Army Spc. Charles Graner merrily whistled, sang and laughed while brutalising him and forced him to eat pork and drink alcohol in violation of his Muslim faith.

Amin al-Sheikh, in a deposition played at Graner's court-martial, said Graner threatened more than once to kill him and told him to thank Jesus for keeping him alive.

The inmate also said he listened through his cell wall as

ABU GHRAIB TALE

Graner and other Americans forced a Yemeni prisoner to eat from a toilet.

Asked if Graner appeared to enjoy hurting him, al-Sheikh said through an interpreter: "He was laughing. ... He laughed. He was whistling. He was singing."

He described Graner as the "primary torturer" and "a naturally aggressive man" — a characterisation that led Graner, sitting in the courtroom, to roll his eyes and chuckle.

Graner is the first soldier ac-

cused in the Abu Ghraib scandal to go on trial.

Prosecutors allege the Army reservist was the ringleader of the abuse. Three fellow guards from the 372nd Military Police Company have pleaded guilty to abusing detainees.

Graner is charged with conspiracy, assault, committing indecent acts and other offenses. He could get to 17 1/2 years in a military prison if convicted.

Al-Sheikh said he went to Iraq in 2003 to fight US-led forces, and he was taken to Abu Ghraib after being captured with AK-47 assault rifles, grenades and bomb-making material.