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RELEASE IMMEDIATELY



Aung San Suu Kyi

[Aung San Suu Kyi with her first-born son, Alexander, in Nepal, 1973]

We have all entered this struggle for democracy because we believe that we can win. So also if someone were to ask me whether I believe we can win in our fight for democracy, I should reply honestly, "Yes, we can, and because I believe we can, I have chosen to take part".

- Aung San Suu Kyi

EDITORIAL

BURMA: OUR CONCERN

South Asian Exchange deals specifically with human rights in exceptionally difficult circumstances in the South Asian regions. Though Burma does not belong to South Asia, we cannot remain silent about it where human rights have been grossly violated. It is also extremely difficult to work inside Burma for the protection and promotion of human rights and, therefore, as an organisation dedicated to the cause of human rights in difficult circumstances, we cannot remain indifferent to the issue existing in Burma as well as elsewhere in the world where human rights has been undergoing setback.

Many powerful nations, which always plead for human rights, seem to have different attitudes when the issue for economic interest is involved. It can be seen and observed from Burma situation how they defect from the cause of human rights.

The rulers of powerful nations always use to advocate human rights issue in the third world if their economy strategy flops. Moreover, if their economic interest is in their favour, they only provide lip service to human rights issue.

As for Burma issue, the countries of South Asia differ in their attitudes. They do not seem to have firm attitude toward Burma. However, the Prime Minister of Nepal has expressed concern over human rights violation in Burma. Similarly, the Bangladesh government is coming with bold attitude towards Burmese refugees in Bangladesh. In this regard, we urge the governments of South Asian Association for Regional Cooperation (SAARC) to follow an intensive measure against Burma issue. They should pressurise the Burma military junta to hand over power to people's elected representatives.

Furthermore, we urge the people and human rights organisations of South Asian countries to take Burma issue seriously and make campaigns

against human rights violation in the country. We request the South Asian human rights organisations to keep pressure on their governments to pay their attention to Burma issue as it is also a neighbouring country of South Asia.

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BURMA

HUMAN RIGHTS IN BURMA (MYANMAR)

A: VITAL STATISTICS

Size: 676,552 square kilometres
Population: approx. 39 million (last census 1931), including 26 million ethnic Burmans, 9% Shan, 7% Karen, 4% Arakanese and others including Chinese.

Indian, Chin, Pachtun, Pa Oh and more
Annual Growth Rate: 2.1%
Religion: Buddhist 85%, Muslim, Christian animist and others 13%

Literacy: 66%

Government: Military rule

Foreign Debt: (1989) US\$ 5.98 billion

Foreign Reserves: (1989) US\$ 12 million

GNP: (1987) US\$ 8.3 billion

Economy Status: UN: Least Developed Country Status since October 1987.

1. BACKGROUND

Renamed Myanmar by the ruling military junta, Burma is a country of 41 million people, bordering Bangladesh, India, China, Laos and Thailand. The country was not fully incorporated into the British Empire until 1886. As a colony, Burma was considered a province of British-India until 1937, which meant primarily that Indians, not Burmans, were employed as the civil servants of the British administration. As a result, a middle class of technocrats never really developed. The ethnic nationality areas were administered under a separate system, with a greater proportion of indigenous officials, so that Burmese were further alienated from the ethnic group (Shan, Karen, Kachin, Pa-O- etl) which make up a third of the total population.

After a disastrous war during which both the retreating British and later Japanese forces used scorched earth policies, negotiations for independence finally began in early 1947. These were led by the national leader, General Aung San, who had the loyalty of the army and had begun to win the confidence of the ethnic nationalities. However, Aung San, and most of his cabinet, were assassinated whilst the negotiations were still unfinished. The post-independence government of U Nu was unable to develop such relations, and the alienation of the ethnic nationalities from Rangoon and of the army from the civilian rulers grew from this time. The army's loyalty lay increasingly with its commander, General New Win.

Finally, General New Win took over power in a military coup putatively to preserve national unity. The perceived enemies of unity were the ethnic nationalities and the Communist Party of Burma (CPB). In attempting to solve these problems militarily rather than by negotiation the army intensified and extended the civil war which, even now, still provides the *man raison d'être* for the military. It is also a major reason for the collapse of the economy with military spending constituting 35-50% of the GNP.

2. HUMAN RIGHTS

Human Rights problems in Burma, intensified during the quarter-century rule of General Ne Win, have become wide-spread since the September 1988 coup led by General Saw Maung.

On July 23, 1988, in response to a nationwide democracy movement, General Ne Win relinquished the chair of Burma's Socialist Lanzin Party. In a startling reversal, he condemned the single-party socialism established after his 1962 coup and advocated a multiparty free enterprise democracy. However, the following day the

military chief of staff General Sein Lwin took power and began 18 days of terror. Thousands were killed before Sein Lwin was retired to be replaced by General Saw Maung.

On September 18, 1988 General Saw Maung declared martial law and swept any pretence of civilian government aside. Since then Burma has been ruled by the State Law and Order Restoration Council (SLORC). This 19-member group governs on a day-go-day basis through a nine-member cabinet of senior military officials. While civilian courts have been reopened, most justice is meted out through military tribunals dominated by SLORC and its subordinate bodies Local Law and Order Restoration Councils (LLORC).

SLORC justifies the need for martial law because of ongoing insurgencies that threaten the central government. Both SLORC and the Ne Win regime operated with the same premise: Burma should be organised around a strong central government.

3. ELECTION AND POLITICAL OPPOSITION

Due to the pressure of international community and impact of the mass movement of July 23, 1988, the military junta held elections throughout Burma on May 27, 1990. Nearly three quarters of the registered voters cast ballots. Despite official conniving and obstacles, 80% of those elected belonged to the opposition National League for Democracy (NLD) led by Aung San Suu Kyi.

SLORC sanctioned the elections, then proceeded to isolate, imprison and torture many of those elected, as well as activist students. There are now an estimated 69 elected MPs in jail, in addition to several hundred NLD party workers. The political opposition within the country is either in detention or cowed into silence.

Political opposition within the country being effectively smothered, Dr Sein Win and his

colleagues are the only free voice of the elected representatives of the Burmese people. They are currently in the US asking the international community to exert whatever pressure they can on the Burmese military to persuade them to transfer power to the people's elected representatives.

Since the elections, the SLORC has presented a series of excuses justifying the military's continued rule. On July 29, 1990, the SLORC indicated that the assembly could not convene until after a new constitution had been adopted. Criteria for the constitution would be set out by the SLORC beforehand, and the final version would be submitted to a national referendum and need SLORC approval. A year later the SLORC announced that a transfer of power to a civilian government could not occur because "we cannot find any organisation that can govern the country in a peaceful and stable manner". In September 1991, a SLORC official made it clear that the regime had no intention of transferring power to civilian rule any time soon: "We cannot say for how long we will be in charge of the state administration", he said over state radio. "It might be five years or ten".

4. HUMAN RIGHTS ABUSE

Report of extrajudicial executions, disappearances, torture, detention without trial, the forced relocation of up to a half million persons, and thus of coerced civilians as human minesweepers have continued to flow from Burma over the past three years.

4.1 Extrajudicial Executions

Army gunfire directed at peaceful pro-democracy demonstrators in September 1988 led to many deaths: SLORC acknowledges 263, but unofficial sources estimate as many as 1,500 to 3,000 casualties. Numerous cases have been reported in

which persons have died in detention, after beatings, other brutality or denial of medical care.

4.2 Arrests

In all, since the elections, as many as 3,500 persons have been reported arrested for their **political activities in Burma**. Amnesty International has identified more than 350 of these persons as prisoners of conscience. Many were held without charge or trial. Others were charged with violating specific status.

4.3 Buddhist Monks

Following the August 1990 demonstration led by monks in memory of the 1988 protests, security forces beat or arrested 17 monks, and eight others were shot down by security forces. In October-November 1990, an estimated 40-300 Buddhist monks were arrested. Reportedly, Army units invaded Buddhist monasteries and beat, imprisoned and disrobed the monks. Authorities accused the monks of crimes for withholding religious services from members of the armed forces and for refusing to follow Government orders.

4.4 Aung Sang Suu Kyi

Opposition leader Aung San Suu Kyi, 46, daughter of Burma's independence leader General Aung San, 1991 Nobel Prize Winner, has been under house arrest in military custody since July 1989. She has not been charged with any crime, but military leaders justify her continued house arrest by arguing that she insulted the army. She was forbidden to run for office in the May 1990 elections and was not freed after her party's victory.

Aung Sang Suu Kyi once had been in Nepal in 1973.

4.5 Torture

Particularly gruesome ~~forms of~~ torture of detainees continue to be reported as widespread and common practice: among them, electric shocks to the genitals, near drowning, the rolling of iron bars p and down the legs until the skin peels off, and cigarette burns.

4.6 Freedom of Assembly and Expression

Martial Law order 2/88, still in force, prohibits gatherings of more than five people, and notification 8/88 prohibits public criticism of the military. Numerous arrests on these grounds have occurred.

4.7 Refugees

On the Burma/Bangladesh border, clashes between Burmese and Bangladeshi forces followed an incursion by Burmese troops into Bangladesh in December 1991. There is now a military build-up on both sides which negotiations have so far failed to halt. 75,000 Burmese troops are reported to be digging in on the border and refurbishing World War II military airfields. The Bangladeshi army has been placed on full alert and on the 3rd February Bangladeshi authorities said that they were "ready to face any situation" and have "taken all necessary steps to defend our border" while hoping to negotiate settlement.

On Burma/India border Naga tribe people fleeing the Burmese army have crossed into India. The Indian Government has formally complained to the Burmese authorities.

Bangladesh Prime Minister Khaleda Zia's recent visit to Burmese refugee camps and her appeal for world pressure on Rangoon has given a new dimension to an issue that could threaten regional peace.

Zia, who visited refugee camps near the southeastern border (on March 13, 1992) for the first time since the influx of Muslim refugees from Burma began last year, appealed to the international community to put pressure on Burma's junta to solve the refugee problem peacefully and to ensure their safe repatriation.

"We are trying our best to resolve the problem bilaterally, but at the same time we seek international assistance", she said after a day-long visit to the camps housing the refugees.

"I also appeal to the international community to put pressure on Burma so that they take their people back home soon", she said. One Western diplomat said "Zia's trip, followed by her appeal, was an indication that Dhaka's initial hope of resolving the issue with Rangoon through bilateral and diplomatic channels was fading".

Refugee officials at the camps near Teknaf along the Burmese border told Zia the number of refugees had swelled to 145,000 by Thursday (March 12, 1992), when some 3,800 additional Burmese nationals arrived after fleeing their homes, alleging atrocities by government troops. They said more refugees were continuing to arrive daily and that their number could exceed 200,000 within two weeks.

Refugees have fled into neighbouring countries since the coup of 1988: 10,000 into China, 70,000 into Thailand, 145,000 into Bangladesh and about 35,000 into India. Similarly, tens of thousands are illegal aliens in Europe, North America, Japan, Australia and other countries.

5. INTERNATIONAL RESPONSE

5.1 Economic and Military Sanctions

With a week of the SLORC takeover in September 1988, the United States, Japan and most Western

European countries denounced the military takeover and the widespread violations of human rights. Most western governments suspended all economic assistance and refused their resumption until the human rights situation improved and fair elections held. Japan and Australia continued funding partially completed projects but placed a freeze on new projects. The termination of foreign assistance resulted in cutting off 90 percent of Burma's foreign exchange. Nearly \$500 million a year in aid, including \$300 million from Japan, \$100 from West Germany and \$12 million from the United States, was suspended. The Burmese government was forced to cancel plans to pay off its \$4-billion debt.

After September 1988, the United States, Japan, Australia and the European Community imposed embargoes against the sale of weapons to the Burmese government. Yet the SLORC continued to purchase arms from China, Singapore and others. Weapons and military equipment from China, estimated at more than \$1 billion in the last year alone, have fuelled the expansion and modernization of the Burmese army. Other shipments of arms include artillery from Pakistan, helicopters from Poland, and patrol boats and attack aircraft from Yugoslavia. Burma's defence budget continues to rise and is currently estimated at more than 60% of the total national budget.

The revamped armed forces have been deployed almost entirely against non violent political activists and against ethnic minority insurgents in the border areas, causing devastation to local communities. In calling for an end to arms sales to Rangoon at the ASEAN ministerial meeting in June 1991, British Foreign Secretary Douglas Hurd called it "grotesque that such a poor country should devote such a high proportion of its budget to weaponry when it is not the subject of any external threat". Similar concerns were raised by the EC in its July 29, 1991 formal declaration of an international arms embargo against Burma.

5.2 Continuing Trade and Investment

Several governments, including Thailand, Singapore and China, have promoted private investment in Burma by domestic corporations. In March 1990 the SLORC reported that 39 foreign companies and 376 joint venture firms had registered with the Trade Ministry and the licenses had been issued to 216 importers. By 1991 foreign firms had invested in at least 34 projects and had invested more than \$661 million in the country. Foreign exchange reserves have skyrocketed to at least \$310 million and perhaps as high as \$900 million.

Similarly U.S. has direct investment in Burma by four companies: Amoco and Unocal Myanmar Oil Co., which are both involved in oil exploration; Pepsico, which entered into a joint venture to open a Pepsi bottling plant; and Miriam Marshal Associates, which in 1991 concluded an agreement for a joint fishing venture.

5.3 Unilateral Actions

China: In recent years, relations between Burma and People's Republic of China have improved considerably. One result has been a tremendous expansion in trade between the two countries. According to the Chinese government, the total volume of trade between Burma and China was about \$300 million in 1990. By all measures, China is the largest outside source of military weapons and equipment for the Burmese government. In addition to its military sales, China has also provided training services for Burmese military personnel.

Japan: More than any other country, Japan has sent conflicting signals regarding its policy towards the SLORC government. On the one hand, Japan has banned all new economic assistance to Burma; the first time Japan's aid program was suspended for human rights reasons,

while, on the other, Japan continues to fund ongoing development projects in Burma and to forgive past loans. While some Japanese officials have been outspoken in their criticism of the SLORC, others have hinted at the renewal of Japanese assistance.

Prior to the September 1988 coup, Japan was by far the largest aid donor to Burma, providing roughly 80% of Burma's total foreign assistance.

Thailand: Since Burma opened its borders to trade and investment in 1988, Thailand has significantly increased its diplomatic, military and economic ties with Burma. Thai businessmen, government officials and military officers were among the first to take advantage of new laws in Burma that opened up the country to foreign investment. In light of a 1988 ban on logging in Thailand, local logging companies were anxious to explore the market of their western neighbours. As early as November 1988, a Thai delegation led by then army chief of staff Gen. Chaovalit Yongchaiyut visited Burma and negotiated fishing and logging concessions for Thai companies; a second such delegation travelled to Burma in April 1989. Among the contracts signed were 20 timber concession areas along the Thai-Burmese border, with estimated revenues of \$112 million annually. By 1990, Thai-Burmese trade was estimated at \$120 million and direct Thai investment reached \$160 million.

The renewed Thai-Burmese friendship has been most dramatic at the military level. During the SLORC's 1989 dry season offensive against ethnic minority and student rebels on the border, the Thai army allowed Burmese forces to cross the Thai border so as to attack the rebel base camps from the rear. Since then, Burmese-Thai Joint Coordinating Committees have been set up to have major interests in the logging companies that have benefitted from the concessions. Moreover, the Thai government is ignoring and

breaking its international obligation. Since 1989, many Burmese students fled from the Thai-Burma border to Thailand, especially Bangkok. Presently UNHCR has recognised the asylum status of 1,600 Burmese students. However, the Thai government does not recognise them as political refugees but as illegal immigrants. Everyday they are subjected to arrest, detention, deportation and even killing by Thai police. For instance, Min Thein, 24, a Burmese student activist, and three other Burmese students recognised as refugees by the UNHCR were arrested on July 29, 1991 for "illegal immigration". The arrest came as part of a crack-down by Thai authorities on asylum-seekers from Burma. This crack-down was announced on July 8, 1991 after asylum-seekers from Burma held peaceful demonstrations in Bangkok, demanding treatment according to international human rights standards and that the international community accord them proper protection of their human rights. Since April 1991 there have been three deportations of Burmese students to Burma. The students have been reported to be put in prison and be tortured after they returned to Burma.

United States: The United States has adopted various measures to halt foreign assistance and ban military sales to the Burmese military government. US efforts, including those aimed at gaining multinational compliance with sanctions, have exceeded those of any other country. Nevertheless, despite the passage of legislation in 1990 strong economic sanctions against Burma, the Bush administration has refrained from imposing sanctions against investment of trade in Burma by US corporations.

However, bilateral trade between the United States and Burma, nominal in real terms, increased significantly since the military takeover. Burmese exports to the United States increased from \$11.6 million in 1988 to \$17.0 million in 1989, and to \$22.7 million in 1990.

5.4 Multilateral Actions

United Nations: The United Nations has acted in response to the disparate aims of the international community with respect to Burma. Stronger actions against Burma sought by many Western states have been blocked diluted by states, especially in Asia, who oppose either an active UN stance on Burma or on human rights issues generally. Thus the UN Commission on Human Rights could agree in 1990 and 1991 to send an independent expert to Burma to file a confidential report, but would not approve the appointment of a Special Rapporteur to report publicly.

ASEAN: The six-member Association of Southeast Asian Nations (ASEAN), which includes Malaysia, Singapore, Thailand, the Philippines, Indonesia and Brunei, has maintained normal diplomatic and economic relations with the SLORC regime. These ties have been a major obstacle to the multilateral enforcement of economic and military sanctions against Burma.

ASEAN has largely resisted international efforts to compel the Burmese government to improve human rights. During a meeting with the European Community on May 31, 1991, ASEAN rejected calls by the EC to join in imposing international pressure arguing that economic sanctions and other actions would close off all chances for reform in Burma. ASEAN representatives said that they preferred a strategy of economic cooperation which would encourage the Burmese authorities to be more responsible to political reform. Thailand's Foreign Minister Arsa Sarasin said that ASEAN's policy towards Burma "must also be guided by the reality of our geographic proximity...which means we cannot simply ignore the existence of the present regime".

As to be expected, ASEAN and the EC adopted policies towards Burma that have reflected the

positions of their constituent states. Thus while the EC has been a vocal advocate of international sanctions against Burma, ASEAN has generally opposed multilateral actions, arguing instead for a policy of "constructive engagement".

European Community: The European Community has been outspoken in its criticism of the human rights situation in Burma. It suspended all official non-emergency bilateral aid to Burma in September 1988. Although there was no bilateral agreement between the EC and Burma, financial and technical cooperation had developed gradually since 1977, and included five development projects valued at 17.4 million European Currency Units. The projects covered aquaculture, palm tree cultivation, pumped irrigation, water supplies and drainage work in rural areas and a programme to fight foot-and-mouth disease. Before all such aid was suspended in 1988, the Community had expressed its intent to increase financial and technical development assistance to Burma.

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BANGLADESH

Chittagong Hill Tracts

Death in Custody / Disappearance

On the one hand the government of Bangladesh has been refusing human rights violation of tribal people of Chittagong Hill Tracts (CHT), while, on the other, various human rights organisations are carrying out the report of human rights violation in CHT.

Amnesty International in its urgent actions reports: "On January 14, 1992, during the campaign for local elections, some 15 tribal people were reportedly arrested and taken to Baraitali Army Camp by members of the Bangladesh military stationed in the CHT under the command of Camp Commander Nazrul Kabir. On the following day Kina Chandra Chakma, the father of Abiran Chakma, was called to the camp. He was not permitted to take the body home for burial. Instead it was buried in the camp compound and was repeatedly shot at before being lowered into the grave. On January 18, 1992, Kina Chandra Chakma sent a statement to the District Commissioner, the Prime Minister and other government authorities stating his belief that his son had died as a result of excessive beating. The two tribal MPs from Khagrachari and Baghaichari also made statements about this event to the government, but there has been no response to any of the protests and appeals to set up a commission of enquiry. It is concerned that Abiran Chakma may have died in military custody as a result of torture.

While most of the tribal people arrested on 14 January were released subsequently, three of them, Kanti Charan Chakma, Bandi Charan Chakma and Tungo Chakma, are still missing. Their relatives have not been able to ascertain

their whereabouts. They may have been tortured and that their lives may be in danger.

Similarly, on January 23 some military personnel were said to have entered the Balukaram Boudha Bihar, a Buddhist temple in Baghaichari District without showing proper respect for the sanctity of the place. When the monk Bashu Mitra Bhikku requested them, as is the custom, to remove their shoes, he was beaten unconscious. He was taken by the military personnel to the local hospital, but a recommended transfer to the district hospital was refused. Bashu Mitra Bikkhu has been discharged from hospital but he is reported to continue to suffer from his injuries".

Father Timm Questioned

Recently, Minority Rights Group (MRG) has published a book entitled "Adhivasi" in Bangladesh. The book deals with the tribal/indigenous people of CHT, Bangladesh. The book was written by Father R.W. Timm, Chairman of commission for Peace and Justice, Bangladesh. In this regard, we came to know that the Bangladesh representative in Geneva has complained to MRG, London, about the tribal study of Fr. Timm.

Commission Report Replied

Similarly, the Bangladesh government on December 31, 1991, held a meeting with Ambassadors of EEC countries resident in Dhaka and handed over a detailed report in response to the CHT Commission's report "Life is not Our — Land and Human Rights in the CHT". Commenting on the Commission's report the government's reply mentions, "Unfortunately, the members of the Commission, after their visit to CHT, didn't consult our authorities about their findings... Our democratic government cannot be held responsible for the policies and strategies

pursued in the past nine years by an oppressive autocracy... The democratic government of our is very much conscious of its human rights obligations as enshrined in our Constitution and is unequivocally wedded to principles of rule of law..."

BHUTAN

Release

Recently, on February 4, 1992, the Bhutanese government has released 313 political prisoners.

Among those released on February 4 were also Jogen Gazmere and Sushil Pokhrel. However, Mr Tek Nath Rizal, who was abducted from Nepal with Jogen Gazmere and Sushil Pokhrel, has not been released. Mr Rizal has been in prison since last three years without trial. Yet there are a large number of political prisoners under false and fabricated charge and without trial for alleged anti-national activities.

INSEC welcomes the initiation of releasing political prisoners by Bhutan government following an amnesty declared by the King of Bhutan. However, it has been concerned at reports of human rights violation in Bhutan.

Torture

Accordingly the political detainees in Bhutan are treated inhumanly. They have been manhandled and forced to live in degrading conditions. Mr Biswanath Chhetri, one of the released persons on December 17, 1991, narrates his story as follows: "After arrest, I was taken to the Tashigang Police station, handcuffed and made to sleep on the floor for the whole night. On the third day of my arrest I was taken to Thimpu where I was put into the police mess. There Major Sangay Thinley,

Royal Body guard and the police Chief Col. Tandin interrogated me with threats. They took my photographs and finger prints forcefully. On December 18, 1989, I was taken to the Central Jail Thimpu, shackled, handcuffed and dumped into the emergency cell for fifteen days for having refused to give the information they wanted. On Feb. 6, 1990, I was dumped into a van, handcuffed, tied with ropes and moved to the Rubuna prison where they shackled my legs, stripped my clothes and snatched my shoes. I was held incommunicado... After my release I came to know that the government has demolished my house and confiscated my properties in the absence of my parents. The government is still planning to sell my land and orchards. The army personnel in civil dress often used to spy the place of my residence".

A Mission

Human rights situation in Bhutan is attracting world's concern. The government has increased its degree of suppression, says one of the Bhutanese in exile. As a result, a large number of Bhutanese are forced to leave the country day by day. They were taking shelter either in Nepal and India as refugees.

Recently on March 8, 1992, Mr Girija P. Koirala, Prime Minister of Nepal, informing the parliamentary session, said that, "the number of Bhutanese refugees had reached 20,000 in Nepal. The number of refugees had been increasing at a rate of 100 to 200 everyday". Noting that the government was responsible towards the Bhutanese refugees, he said that it was not possible for HMG to meet all the requirements of the Bhutanese refugees as their number is very large. However, HMG has the policy of extending all possible cooperation to the refugees, he added. [The Rising Nepal, government-owned English Daily, March 9, 1992].

Releasing a pre-statement after the first time visit, the delegate of Amnesty International says, "The Amnesty International delegation expressed concern about the prolonged detention without charge or trial of suspected government opponents and reports of torture and ill-treatment, deaths in custody and the practice of keeping prisoners in shackles... The February releases bring the number of political prisoners whose release the government has announced in successive amnesties since early 1990 to 1348. The organisation continues to be concerned that between 200 to 300 political detainees are still held without charge or trial for alleged 'anti-national' activities".

The Western as well as South Asian media are widely covering the human rights situation report of Bhutan. INSEC is also receiving a lot of reports through Bhutanese in exile.

The Bhutan issue has been raised in many seminars, workshops and international forums and we are asked to provide factual information. Regarding this, INSEC along with International Centre for Law in Development (ICLD), New York, discussed with different human rights organisations as well as individual human rights activists. Consequently, it is decided that a Team of prominent jurists together with two human rights activists will try to visit Bhutan to get actual information and facts.

In this regard, on February 25, 1992, INSEC has requested His Majesty the King of Bhutan Jigme Singye Wangchuk by fax-letter through Royal Bhutan Embassy in New Delhi, India. However, INSEC has received no response yet (March 1992).

The proposed Team will comprise three former

justices with two human rights activists:

1. Justice V.I. Krishna Iyer
 - Former Judge, Supreme Court of India
2. Justice Subhan
 - Former Judge, Supreme Court of Bangladesh
3. Justice Patel
 - Former Judge, Supreme Court of Pakistan
4. Dr Clarence J. Dias
 - President, International Centre for Law in Development (ICLD), New York
5. Prakash Kaphley
 - Director, Informal Sector Service Centre (INSEC), Nepal

INDIA

Kashmir

A Land Ruled by Guns

Kashmir reminds one of a story about Khwaja Nasruddin. One day Nasruddin was sitting in the court. The King was complaining that his subjects were untruthful. "I will make people tell the truth and thus establish the habit of being truthful". When the city gates were opened the next morning gallows had been erected in front of them, presided over by the Kotwal. A herald announced "whoever would enter the city must first answer the truth to a question which will be put to him by the kotwal". Nasruddin who had been waiting outside stepped forward first. The kotwal spoke: "Where are you going? Tell the truth — the alternative is death by hanging".

"I am going", said Nasruddin, "to be hanged on those gallows". "I don't believe you" answered the kotwal. "Very well," said Nasruddin, "If I spoke a lie, hang me!". "But that would make it

the truth!" "Exactly", said Nasruddin "Your truth".

A team comprising Tapan Bose, Sumanto Bannerjee and Gautam Navlakha led by Committee for Initiative on Kashmir visited Jammu and Kashmir in December 1991 and has prepared a on-the-spot report on Kashmir. Since India independence Kashmir issue has been coming up with different problems and questions. A land of beauty nowadays bathes in blood. Though there has been some information on Kashmir through first world, but there are very few reports on the situation of Kashmir by its own patriots. The three members came up with an extensive report on Kashmir which clearly gives a real picture of Kashmir. Here we are reproducing some findings from the report:

It is clear from the discussions that we held with the senior police officials and bureaucrats that the arrested persons are often kept in the custody of the Army, BSF and the CRPF for several days in their camps. For weeks and months these persons are not accounted for by any of these forces. It is also true that several such arrested persons have died in those camps. The High Court advocate G.N. Hagroo and the trade unionist H.N. Wanchu have compiled a list of 58 such missing persons. A writ is now pending in front of the J&K High Court about these persons. It is, therefore, obvious that the state administration which is supposed to supervise and coordinate the work of all the security forces in J&K is blissfully unaware of the actual number of arrests in the state. We also learnt that the CRPF and BSF hardly ever maintain any movement diary or record of arrests. The record is created at the local police stations only when a body is handed over or some one is released.

The report not only examines present situation of Kashmir but also goes in depth to find out the root cause of the problem and India central policy towards the states:

In 1958, the Home Minister of India had piloted the Armed Forces Special Powers Bill in the Lok Sabha with the objective of conferring upon the armed forces the powers to arrest, interrogate, confine and even to shoot, to kill any person in such areas which were to be declared as "disturbed" by a notification issued by the competent authority. The Home Minister had promised that this was to be purely temporary measure required to deal with rather dangerous situation created in the north east by Naga insurgents. The Naga insurgency was four years old and the armed forces were already deployed in sufficient strength. [Please see South Asian Exchange Vol. 2 No. 1 about Naga issue in detail].

The annual report of the Ministry of Defence 1990-91 says "There are certain developments that have cast their shadow on the security environment of our region. Terrorism, religious extremism and ethnic chauvinism have fomented separatist tendencies. In many cases these have received support from external sources, aggravating the problem and complicating the search for political solutions". It goes on to say that the "traffic in narcotics has markedly increased in our neighbourhood, and its coupling with terrorism has created serious problem for national security especially where narco-terrorism has sought to exploit religious and ethnic ideological linkages".

Since Kashmir situation has attracted a lot of human rights organisations for the severe violation of human rights, now many governments also show their concern at the human rights situation in Kashmir. Therefore the Foreign Ministry of India is sometimes compelled to speak on Kashmir issue. Furthermore, the report clearly examines the United States policy towards Kashmir issue:

The External Affairs Ministry report 1990-91, therefore, says: "A series of high-level visits and exchange of views (between India and US) have brought about a better appreciation of India's standpoint on a wide range of issues including the situation in Punjab and J&K in the context of Pakistan's role in aggravating the situation".

Consequently, the Defence Minister Sharad Pawar recently boasted (October 27, 1991) that the evidence of improved Indo-US relations is noticeable in US decision not to allow internationalisation of Kashmir issue at UN, and US was kept informed about Pakistan's "nefarious" designs to bring turmoil to India. There is some basis for this boast. The US deputy assistant secretary of state for Near East and South Asia, Terestia C Schlaffere, in her testimony to the Congress made the following comments on India:

"The US has publicly expressed its distress at the level of violence (in Kashmir). We are categorical in our opposition to terrorist activity, there or elsewhere. We have consistently called upon all outside parties not to support individual or organisations engaged in terrorism. We are equally firm however, in opposing the use of lethal force against unarmed demonstrators. Good faith, political dialogue between the Government of India and the Kashmiris is critical to a durable solution". (The Hindu, November 4, 1991).

The upshot is that the Indian government sees in it an endorsement of its policy and to ensure that this appreciation of its approach is maintained; it seeks to improve its news management so as to ensure that use of "lethal force" against unarmed civilians does not get reported and if it does then the organisations doing so are adequately discredited.

The importance of Admiral Charles Larson led 10 member US delegation's visit to Kashmir for

full five days can thus be understood in its context. And the context is that US has formally made its position known on Kashmir. Where it has accepted the argument that UN resolutions from 1948-49 are dated and the issue of Kashmir can only be settled between India and Pakistan within the parameters of the Simla Agreement of 1972. People of Kashmir do not figure in this as one of the parties. To be sure it is not out of any interest of India at heart which motivated this shift officially. In the post-Cold War environment US administration does not see an identifiable enemy but instead talks of "regional flareups". One such situation discussed was the impact of Soviet Union's breakup on Central Asian republics. US Under-secretary of State Robert B Zoellick reportedly told a congressional hearing that a breakup of Soviet Union would help consolidate Islamic fundamentalism which "could have far reaching spill over effect...in nearby multi-ethnic nation like India". The visit then is perceived by the Government of India as indicating that US administration will appreciate the position and policy of the Government of India if the latter could brand all the various militant outfits and dissidents in Kashmir with a single brush stroke as 'Islamic fundamentalists'.

This line of argument is contained in the speech delivered by Rajiv Gandhi's last defence Minister K.C. Pant's recently at Harvard about Islamic fundamentalism spilling over borders and becoming source of intrigue, subversion and plain terrorism in India. (The Statesman, October 8, 1991). This fear of Islamic fundamentalism is shared by a wide number of European countries. From European Community to even a non-member such as Switzerland have expressed concern over rise of fundamentalism in the Mediterranean, Middle East Asia and beyond and called for India to "do everything to combat the symptom of fundamentalism". (Vice President of Switzerland during his official visit to India as reported by Times of India on October 8, 1991).

Others have been more discreet. This obsession with Islamic fundamentalism is intrinsic in the policy followed in Kashmir by the Indian government.

The report further adds:

We have elsewhere tried to point out how the people running the administration not only are indifferent to the plight of the Kashmiris but generally share the deep hostility towards the Kashmiri Muslims. We have also tried to stress that these officers subscribe to policy of attrition. Governor has for the first time openly called for Indians to prepare mentally to a possibility that Kashmir problem will take longer to solve than Mizoram or Nagaland. Of course it is a moot point whether the "problem" in Mizoram or Nagaland has at all been solved. But that apart the brutality with which the security forces conduct themselves makes it inevitable that the perpetuation of this regime in Kashmir probably is bringing it closer to the kind of solution advocated by RSS and its allies.

What is worse is that there is not political force in India which takes this threat seriously. The lessons of Bhagalpur, Maliana, Bhiwandi, and now Varanasi are forgotten as so many unconnected sporadic events. The Left/Liberals closer to the ground reality believe that there is unnecessary violence. CPI, CPM and Janata Dal advocate restoring the pre-1953 status by honouring the Delhi Agreement of 1952, insisting, therefore, that a more sensible course of action is to restore civilian control over the "anti-insurgency" campaign by the security forces. In practical term, however, the restoration of the civil administration becomes an adjunct, and only an adjunct, to the para-military regime. Alarmist as this appears there is little cause for comfort when one comes face to face with hostility towards Kashmiri Muslims among the senior officials of the civil administration and their dismissive

attitude towards account after account of the acts of violence of the Indian security forces.

There exists, consequently, a logical link between the jingoistic passions whipped up by the RSS and encouraged by the government through its acts of omission and commission. It leads not only to digging of pitches at Wankhede stadium as a way of fighting war against Pakistan but also in creating an environment where "final solutions" acquire legitimacy and as a corollary Kashmiri Muslims may be driven to leave their homes and hearths for sheer physical survival. There is also the attempt by the government to seek US support and sanction for increased militarisation in Kashmir by projecting the popular disaffection there as inspired by Pakistan and Islamic fundamentalism, thereby ignoring the need to address the cry for 'azadi' and solve the basic grievances of the Kashmiri people.

The convergence of these various interests in Kashmir poses a grave threat to the Indian people's struggle to create a democratic and secular India.

It is our conviction that unless the Left/Liberal parties take on the responsibility to counter the convergence of these international and national vested interests the democratic aspirations of our people will be dealt an irreparable blow. Born out of this concern we, as citizens of this country, request these parties to take the initiative in demanding a reversal in the policy followed by the Government of India towards Kashmir. We appeal to them to understand and resolutely counter the diabolic game plan of the RSS and its fronts.

Visit to Rainwari

Rainwari is one of the oldest settlements of Srinagar. A vast sprawling residential colony with narrow lanes (4-6 ft. wide at most) Cris-

crossed by canals, connected by wooden bridges. There is not Kashmiri Pundit locality as such. They were dispersed in every locality giving the impression of being well integrated. Scores of temples are located which remained undisturbed. It was here on August 30 that BSF moved in occupied houses of migrants and built bunkers. In Rainwari these BSF camps far from providing security for people living there are seen as a constant reminder of the presence of alien and hostile security forces. It is also a presence which poignantly brings out the emerging communal divide. As in the entire valley the local post office exists no more. Nor does the bank. In fact no letter is delivered or deposited. Those who worked in post offices were most Kashmiri Pundits and their migration has simply meant a total disruption of this service. A sizable population has moved out of the area taking shelter at Jama Masjid or elsewhere, especially those living next door to BSF camps in various mohallas (18 such camps) in vacant Kashmiri Pundit houses. Outside these camps and close to chair with legs stretched out thus blocking the narrow passage making it particularly inconvenient for women to venture out.

The local people told us that the presence of such huge number of BSF jawans in their midst is just not acceptable to them. It is a serious violation of their privacy. The soldiers have also imposed several restrictions on the movement of the residents. The area is put under curfew at 6 pm when the rest of the city goes under curfew after 10 pm. All visitors to the area have to report themselves to the local BSF bunker. Failure results in the arrest of the visitors and the house owner. The BSF jawans insist on searching all bags carried by the people be it the school bag of children or the bag containing the day's purchase of vegetables, etc. by the housewife. We ourselves saw many such searches in progress. We also saw one coffin being opened by a BSF jawan to make sure that it was a real dead body.

Near Jogi Lankar bridge a funeral procession was stopped and a BSF soldier asked them to open the coffin. Since we happened to be around local people told us "Go and see how BSF behaves with us". As we watched the coffin was lowered on the ground and opened for inspection. Body was covered in white cloth. The soldier wanted them to remove the cloth. An old man intervened and said that they could not do it. Because once they removed the cloth the body would have to be washed once again and new cloth wrapped around. The soldier insisted that he didn't care for all he knew; there could be anything inside. The Jawan was insisting that the white shroud covering the body should be opened so that he could satisfy himself. The families of the dead were pleading that they could not do so as it was against their custom. The old man pointed out that the best way out was for the soldier to feel and see if there was anything. The soldier was clearly disinclined. By this time he noticed our presence, especially attempt to take photographs and told the crowd to move along and let the coffin pass.

When we narrated this incident to the officials we were told that it had to be done as they had information that some of the kidnapped persons were transported in such coffins.

The place was dead after 5:30-6:00 pm. It looked desolate even during the day. But from the official point of view it was a tremendous success in combating the militants. Considering that in private officials were quite unconstrained about their sheer indifference bordering on contempt for the Kashmiri Muslims to us Rainawari appeared as a comment on what the government is out to achieve.

A lone Pundit woman living in Rainwari who teaches in a local women's college complained that students were not attending classes since they were afraid of going past BSF camps. She also said that local BSF officer had repeatedly

asked her to leave Rainawari since Kashmiri Muslims could not be trusted. But she was stayed. She added, "Had Pundits stayed back thing wouldn't have turned so bad". Why did they leave? We asked. She claimed that letters were sent to temples asking the Pundits to leave the valley. She said that her three brothers-in-law had left her with her three children despite her plea.

Comments on Book entitled "South Asia: Human Rights in Difficult Circumstance".

Recently, Punjab Human Rights Organisation (PHRO) headed by D.S. Gill, chairman, has sent his comment on the book entitled "South Asia: Human Rights in Difficult Circumstance", published by INSEC. In his letter of January 6, 1992 Mr G.S. Gill says, "With reference to your book "South Asia and Human Rights, you might recollect that we sent a rejoinder to the speech of the former Justice Ajit Singh Bains who spoke at your convention, wrongly positioned Chairman of the PHRO. Not only we took objection to his ideas about the state of affairs and the reaction of the people in the Punjab several other public spirited Sikh Organisations of repute have also reacted to the contents of his speech. We the activists of the PHRO are quite upset about the remarks made by the careerist Mr Bains as the people ask us very awkward questions about the bonafides of the PHRO". In this regard, the Sikh Vichar Manch has also published a book entitled "Pro-struggle or Careerist?" commenting on the speech of Justice Bains in Kathmandu Meeting.

NEPAL

Human Rights in General : After Formation of Elected Government

The general election of May 1991 was held generally in peaceful, free and fair manner despite some violent incidents on the polling day. The Nepali Congress (NC) gained simple majority and formed government.

After coming to power the NC government assured people to restore law and order and protection and promotion of human rights. In spite of the government's repeated assurance for the protection and promotion of human rights, a number of violent incidents like killing by police and army, death in custody, political-natured killing, firing, etc. have been occurring. These incidents in brief have been mentioned in the following chart.

False Charges

Besides those mentioned in the chart, the government seems to be suppressing dissidents by imposing false and fabricated charges. Mostly, the government is imposing false charge under Some Public (Crime and Punishment) Act. In this regard, in Dhanusha district alone, as CPN (UML) informed to INSEC, "to date December 30, 1991, more than 295 cadres of CPN (UML) are suffering under this Act; however, not a single cadre of NC is under this Act where NC workers were also involved in the same incident in which CPN (UML) cadres were involved". (for details, please see INSEC bulletin, Vol. 1, No. 5).

Similarly, according to Nepal Civil Servants' Organisation (NCSO), during the course of civil servants' agitation last year, more than 5000 employees were asked clarification, 2000 suspended, 2500 charged with false cases and hundreds arrested under Public Crime and Punishment Act and later released on bail.

Though the government has affirmed its policy not to take revenge, it is taking action continuously against civil servants using all unfair means. After the adjourning of the movement by NCSO, to date February 24, 1992, the government has sacked about 200 temporary including 215 permanent employees from their job. All of them are the members of NCSO including 3 Central Executive Committee members, namely, Prem Dangal (Chairman), Govinda Mishra (Member) and Mangal P. Shrestha (Member). Furthermore, the government is treating the employees revengefully, though they were not the members of NCSO but participated in protest programmes as announced by NCSO, either by decreasing grade or demoting them by "one post" down.

By-election

Moreover, the government does not seem in respecting the values and norms of democracy. Recently, on February 9, 1992, by-election was held in two constituencies — Kathmandu-5 and Sunsari-3. Regarding this by-election, the members of the observation team, who visited Sunsari-3 for observation, said, "If we are to say frankly and without any prejudice, there was 'no election' in some polling centres. It is a shame to call it an 'election'. The entire southern area of Sunsari-3 was under the grip of hooligans. It is very interesting to note that a single person casted vote for 25 times (a video film has also been made) in favour of NC candidate".

The by-election of Sunsari-3 was full of highhandedness and all the possible means were used by NC to win the election. This clearly reveals that the government does not respect human rights culture. However, the Election Commission announced the result as if the by-election was held peacefully.

Bullet Incidents

Nepal is very much unfamiliar with the frequent firing. Even during the autocratic Panchayat

system, where fundamental rights were circumscribed by the regime, incidents like killing, firing, etc. were always taken as a serious issue by people. Now, people are free to enjoy their civil and political rights without any obstacle. However, the police, who were badly educated during the Panchayat system, are using same means which they were using during the Panchayat system as if there is restriction for peaceful assembly. Due to the lack of human rights sense, the firing is very common. Besides, the government is not trying to educate the police. Instead, it is supporting police action. Therefore, in essence the fact shown below indicates that politics is heading towards violence.

On March 12, 1992, police suddenly resorted to firing on a crowd at Belbari of Morang district. Three persons, namely, Kama Bahadur Dorji, Rajendra Timilsina and Murari Manandhar were injured on the spot by firing. Rajendra Timilsina, who was seriously injured, later succumbed to death in the Koshi Zonal Hospital while undergoing treatment. He was a member of ANNFSU, one of the students' unions.

According to the report the incident occurred as follows: In the morning of March 12, a bus unfortunately hit a group of people leaving Maghraj Adhikari, a campus student, dead and other two, namely, Shova Niraula and Kyan Niraula, injured. Ignoring peoples request to admit the injured persons to hospital immediately, the bus driver entered into nearby police station. Again, people repeated their request to police. Police also ignored their request. The crowd increased considerably. They started shouting and became excited. Instead of pacifying the crowd, police suddenly resorted to firing.

Similarly, on March 17, 1992, according to a report published in the Rising Nepal (government-owned English Daily), the police charged with staves and fired two shots in the air Tuesday

when local people and students, demanding the driver of a truck that killed a girl student surrounded the Surunga police post and tried to set fire to the truck kept at the premises there.

The crowd had gathered after the truck overran the girl at Surunga, Jhapa. The girl was Susmita Shrestha, 7, a student of Dipjyoti Vidya Mandir in Sanischara village development committee.

Arrest, Torture and Release

On the one hand the government has been assuring and expressing "commitment" to consolidate democracy and protect human rights, while, on the other, innocent people have been arrested under fake and fabricated charges and become the victims of inhuman torture.

Recently, on February 19, 1992, a group of people made a protest against Prime Minister and the King while they were observing Democracy Day in Open Air Theatre, Kathmandu. Police even used lathi-charge to disperse the crowd. In this connection, the administration has arrested 5 persons under Public Crime and Punishment Act accusing them of participating in protest programme. They are learnt to have been released on March 12, 1992 on bail.

In this regard, on March 11, 1992, the volunteers of Informal Sector Service Centre (INSEC) visited the detainees and made an inquiry. Police were present while talking with detainees. They denied all the charges imposed by the government. According to them they were not the members of the group who made the protest nor did they themselves participate in the protest programme. Some of them were arrested outside of the spot where the incident occurred. They reported that they were severely tortured physically as well as mentally. They had been kept in a small congested room separately along with other criminals under "C" grade. "Police used to beat us with stick and boot while we were sleeping", they said. They

**INSEC HUMAN RIGHTS FACT-SHEET ON
ARREST, TORTURE, DEATH REPORT (IN NEPAL)
AFTER THE FORMATION OF ELECTED GOVERNMENT
(MAY 1991 - MARCH 17, 1992)**

Event Description	No. of Victim	No. of Firing (?)	Name of Dead Person	No. of Injured (Firing)	Incident Occurred Place	Initial date mm/dd/yy	Current Status	Remarks
ARMY KILLING (BEATING)	1	0	Tej Bahadur Gurung	0	DANG	/ /	DEAD	
ARMY KILLING (BEATING)	1	0	Ratna Subba	0	DHANKUTA	10/14/91	DEAD	
ARREST	10	0		0	JANAKPUR	/ /	NOT KNOWN	
ARREST	4	0		0	TAPLEJUNG	/ /	MURDER CASE	
ARREST	4	0		0	KATHMANDU	08/13/91	RELEASED	MPs (CPN-UML)
ARREST	13	0		0	NEPALGUNJ	12/22/91	RELEASED	
ARREST	50	0		0	NAWALPARASI	02/10/92	NOT KNOWN	
ARREST / POLICE INJUSTICE	1	0		0	MORANG	11/30/91	RELEASED	
ARREST / TORTURE	1	0		0	JANAKPUR	06/01/91	NOT KNOWN	
ARREST / TORTURE	2	0	Buddha Lama (Dead)	0	KATHMANDU	10/07/91	DEAD AFTER RELEASE	
ARREST / TORTURE	1	0		0	MORANG	12/15/91	RELEASED	
ARREST / TORTURE	24	0		0	BAGLUNG	01/15/92	DETAINED	MURDER CASE
ARREST / TORTURE	27	0		0	BAJURA	01/23/92	RELEASED	
ARREST / TORTURE	1	0		0	RUPENDEHI	01/25/92	RELEASED	
ARREST / TORTURE	5	0		0	KATHMANDU	02/19/92	RELEASED	
DEATH IN CUSTODY	1	0		0	JHAPA	09/26/91	DEAD	WOMAN
KILLING (POLITICAL NATURE)	1	0	Shiva B. Thakuri	0	SINDHULI	06/05/91	DEAD	NNTO MEMBER
KILLING (POLITICAL NATURE)	1	0	Anil Rai	0	ILAM	01/19/92	DEAD	CPN (UML)
KILLING (POLITICAL NATURE)	1	0	Kalu Upreti	0	DOLAKHA	07/05/91	DEAD	NC ACTIVIST
KILLING (POLITICAL NATURE)	1	0	Bala Bahadur	0	ARGAKHACHI	07/28/91	DEAD	CPN (UML)
KILLING (POLITICAL NATURE)	1	0	Tara B. Katuwal	0	BHOJPUR	09/08/91	DEAD	NC ACTIVIST
POLICE FIRING	1	1	Jayadhan Chaudhari	0	RAUTAHAT	01/10/92	DEAD	
POLICE FIRING	2	1	Satya N. Rajbansi	1	MORANG	02/21/92	DEAD / INJURED	
POLICE FIRING	4	1	Basir Miya	3	ARGAKHACHI	07/07/91	DEAD / INJURED	
POLICE FIRING	0	0		0	JHAPA	03/09/92	NO VICTIM	
POLICE FIRING	5	0		5	PALPA	12/30/91	INJURED (BY LATHI-CHARGE)	
POLICE FIRING	2	1	Laxmi Chaudhari	1	BARA	01/23/92	DEAD / INJURED	
POLICE FIRING	0	0		0	SUNSARI	02/09/92	NO VICTIM	
POLICE FIRING	2	1	Manoj Joshi	1	KHOTANG	07/31/91	DEAD / INJURED	ANNFSU SUPPORTER
POLICE FIRING	0	0		0	JANAKPUR	03/10/92	NO VICTIM	
POLICE FIRING	3	1	Rajendra Timilsina	2	MORANG	03/12/92	DEAD / INJURED	ANNFSU
POLICE FIRING / ARREST	4	0		2	TAPLEJUNG	06/16/91	NOT KNOWN	ARRESTED-1
POLICE FIRING /	5	0		5	KATHMANDU	09/16/91	PRISONERS REVOLT	
POLICE FIRING /	32	0		2	JUMLA	08/12/91		LATHI-CHARGE
TORTURE (LATER COMMITTED SUICIDE)	1	0	Nara B. Budhathoki	0	KAILALI	12/17/91	DEAD	

(Sources: INSEC Report, Different Newspapers, FOPHUR Report)

[Note: This chart does not include those who were detained during civil servants' movement as well those who are suffering under Public Crime & Punishment Act in different districts].

were forced to confess. "Police themselves wrote a statement and forced to sign; otherwise, we were threatened to torture", said one of the detainees. "We used to hear such a police brutality only during the dictatorial Panchayat regime which we are facing now", they informed. They could not tell all the details due to police presence while talking with them.

Personal background and the situation during arrest of the detainees are given below:

Name : Tashi Sherpa; Age : 18; Sex : M
Occupation : Householder; Affiliation : x
Situation : Arrested while going to hospital to see a patient.

Name : Tika Pathak
Age : 20
Sex : M
Occupation : Labour
Affiliation/Supporter : Labour Union;
Situation : Arrested while returning home having observed Democracy Day

Name : Saroj P. Pandey;
Age : 19;
Sex : M
Occupation : Student;
Affiliation : x
Situation: Arrested while walking on the street through Open Theatre

Name : Ganesh Chaudhary;
Age : 18;
Sex : M
Occupation : Shopkeeper;
Affiliation : x
Situation : Arrested near the street of Open Theatre while going to see his niece who was sick

Name : Pralhad Khatiwada;
Age : 17;
Sex : M
Occupation : Student; Affiliation : ANNFSU
Situation : Arrested while he was leaving place when police used lathi-charge

Release

In our bulletin South Asian Exchange, Vol. 2 No. 1, we had published a report about the arrest and torture of Mr Dilip Dharewa, a Nepal Sadbhavana Party leader. Recently, we received a report that he has been released a few weeks ago.

HUMAN RIGHTS & HUMAN CRY

INDIA

Kashmiri Victims of Army Torture

At the SMHS hospital the team members met the senior civil surgeon who allowed the team members to talk to three victims of army torture currently undertreatment at the hospital. All these people were from Patan area of the valley. They alleged that they were tortured by the Dogra II Regiment of the Indian Army currently stationed at Humre Cantonment. We saw burn marks on their buttocks, thighs, wrists and ankle joints. They were all given the roller treatment. In case of one victim a rod was inserted into his rectum and pushed up so forcefully that it punctured his intestines.

Manzoor Ahmed Naikoo (SMHS MRD No. 464853) was a shopkeeper and had earlier on April 23, 1991, been picked up for interrogation by first Jat Regiment and released on April 27, 1991. Needless to add, he was tortured but mercifully escaped serious damage. But when on September 28 the men were asked to gather at Palhallan by the army he was confident he would

be spared. But an army officer wearing dark glasses, with a slight limp grabbed him and ordered the soldiers to take him away. They told him they weren't interested in any information they just wanted him to pull down his pants. Soldiers picked up a duster, tore it into pieces, soaked a piece in kerosene, tied it around his genitals and lit fire and then made to walk towards his house. His house was locked. They asked him to open it. He cried. They could break the house. He had nothing left to live for. They broke open the door and threw him on the floor. A jawan brought a bucket full of water. The officer picked him by his hair and put his head inside. His lungs full of water gasping for breath his torture had only begun. They next tied his hands and hung him upside down. A baton was then inserted in his rectum. This resulted in perforating his intestines. They left him bleeding. Next day he was released and his family brought him to SMHS where he was operated. When we met him, he kept on sobbing. Why did they do this? What had he done to deserve this?

Ghulam Nabi Khanday (SMHS MRD No. 464906) was picked up on September 28 and was one of the 20 persons selected at Khandemohalla for interrogation. He was taken to Palhalan government high school and was accused of being in possession of weapons. He pleaded with them that he was a central government employee working as Assistant Instructor for the Handicrafts section in the Ministry of Textiles. Instead he was abused and beaten. Thereafter they proceeded to torture him damaging both his legs and then gave electric shock. The pain was unbearable and he fainted. He was revived and then given the roller treatment and when the torturers finished he was left to lie on a bed of stones. He was released on September 29 and brought to the SMHS hospital by the local police.

The same treatment was meted out to Mushtaq

Ahmed Butt (SMHS MRD No. 464877). However, he was taken to the army camp at Hamre cantonment and released from there after torture on September 29 and brought then to the SMHS hospital.

[Source : Committee for Initiative on Kashmir]

BONDED LABOUR IN SOUTH ASIA

Recently, on March 2, 1992, the representatives of Bonded Labour Liberation Front of India, Pakistan and Sweden and Co-ordinator of INSEC, Nepal organised a meeting and also held a press conference. Brit Marie Klang, general secretary, BLLF, from Sweden; Kaylash Satyarthi, general secretary, BLLF, from India; Ehsan Ullah Khan, president, BLLF, from Pakistan and Mr Sushil Pyakurel, Co-ordinator of Informal Sector Service Centre (INSEC), Nepal, participated in the meeting.

Addressing the press they are learnt to have said that they would demand for an appointment of a special reporter for bonded and child labour in SAARC countries.

About 0.5 million children aged 5 to 10 years are engaged in Pakistan carpet industry while 0.4 million and 0.1 are in India and Nepal, respectively.

60 percent of bonded labourers in Pakistan are children (on brick-kilns, in carpet weaving industry, mine working, agricultural work, rag picking, etc.).

Bonded Labour in India

Lack of employment in their villages and difficulty in tilling their meagre holdings make the poor people fall into the quarry trap. The contractors' agents, most of them belonging to their own villages, approach them with offers of "advances"

varying between Rs 1000 and Rs 5000. Once they accept this, they are under an unwritten agreement to work for the contractor. Even their women and little ones are not spared from the hard labour. And they can leave the contractor only when they repay him fully and this becomes possible only when some other contractor's agent comes with a bigger offer. This labour then pays off the previous contractor and moves over the next quarry with his family. The cycle goes on...

In India, bonded labour was banned under the 1950 Constitution. This being ineffective, Abolition Enforcement Act was introduced in 1976 and monitoring committees established. So far, some 250,000 bonded persons have been identified as such and freed. The process continues.

Bonded Labour in Nepal

In Nepal, Informal Sector Service Centre (INSEC) has recently conducted an in-depth research on bonded labour. The research was conducted in three districts, viz. Kailali, Kanchanpur and Bardia, far-western region of Nepal. The report is being prepared.

"KAMAIYA", a very well-known word especially in western part of Nepal, is a different form of slavery system. The Universal Declaration of Human Rights in its article 4 says, "No one shall be held in slavery or servitude. Slavery and the slave trade be prohibited in all their forms". Hence, Nepal is also a signatory of Universal Declaration of Human Rights and is obliged to this article too.

According to the researchers there are about 100,000 bonded labourers in three districts. The exact number of bonded labour in three districts is still unknown as the research forms are under process of computer analyses.

The form filled during the research period is under processing. The exact number of bonded labour may increase or decreased because the types of bonded labour is still to be identified while undergoing processing. The complete report is expected to come soon. Data analyses is under process. Report writing process is completed. The report will be made available upon request to all individuals and organisations concerned.

Bonded Labour Law

Both countries — India and Pakistan — have already adopted "The Bonded Labour System (Abolition) Act". Similarly, non-governmental organisations such as Bonded Labour Liberation Front of Pakistan and Bonded Labour Liberation Front of India have done an in-depth research as well as worked for emancipation of bonded labour.

The Constitution of Nepal in its article 20 clearly states that, "Traffic in human beings, slavery, serfdom or forced labour in any form is prohibited. Any violation of this provision is punishable by law but nothing mentioned herein shall bar the provision for compulsory public service by law".

Regarding bonded labour issue in Nepal, there is no protection against bonded labour despite the recent provision enshrined in the new Constitution. Furthermore, there is no law though the Constitution says, "...Any violation of this provision is punishable by law".

However, only the law cannot protect the rights of the slaves. The governments should take strong and serious steps to implement the law in the country, because slavery, the bondage, is deep-rooted in South Asian countries.

[Sources: (1) Pakistan Meeting Papers (2) "Bonded Labour in India" published by Rural Labour Cell, New Delhi and (3) For the Record: Indigenous Peoples and Slavery in the United Nations — by Human Rights Internet, Canada].

IRAQ

A Cry for Justice

On January 31st of this year, the United Nations Security Council issued a declaration concerning "the responsibility of the Council in the maintenance of international peace and security". In this formal document, the Council expounded upon its hopes for a "more humane world", pledging their commitment to international law, the U.N. Charter, and an expressed "concern for the humanitarian situation of the innocent civilian population of Iraq". And yet, as we gather here today, the Security Council's continuing economic sanctions against Iraq (Resolution 661) are killing the people of that nation and subsequently placed the United Nations in direct violation of its own Charter, the Geneva Convention, and the Nuremberg Principles.

For the people of Iraq, the war is far from over. This past year, a group of Harvard physicians concluded that 55,000 children have already died in Iraq from severe malnutrition, diarrhoea, and unmanageable outbreaks of typhoid fever, hepatitis, meningitis, and cholera. Without access to sanitized water and lacking the availability of much-needed antibiotics, vaccines, and infant formulas, these physicians estimate that at least 170,000 more will die within the next year. These deaths are one of the many indirect results of the Bush Administration's immoral act of war against the Iraqi people and a direct result of the continuing sanctions imposed on Iraq by the United Nations.

Although these sanctions do allow for the sale by Iraq of its oil resources, all sales are to be strictly controlled by the trade restrictions

imposed by the UN, demanding that one-third of the revenues be used in the US corporate-backed restoration of Kuwait. Similarly, although the sanctions allow for the importation of medicine and food, all pharmaceutical companies have adopted a "cash in advance" policy to Iraq for procuring drugs, with the nation's Ministry of Health having no money to purchase the life-giving medicines needed. And although some Security Council members have proposed modifying the embargo slightly by allowing anyone to send food, clothing, blankets, and much-needed spare parts for electrical water and sewage pumps, the United States is blocking even this slight change (see N.Y. Times, 2/6/92). We as people sharing this earth must realize at this moment that the maintaining of these sanctions against the people of Iraq is not performed in context of the stated hopes of the Security Council's "more humane world", but rather is a crime against humanity and the sanctity of all life.

We call on the United Nations to honor its defined moral commitment to the lives of Iraqi children by immediately lifting its economic sanctions on that country. We also call on the United States Government and the Bush Administration to cease its criminal behaviour in its continued persecution of these innocent lives.

As deep believers in God's law of justice and righteousness on the Earth through love of others, we pray for the cessation of the slaughter of innocents in Iraq, a slaughter which is ultimately the continued persecution of God-on-Earth.

[Source: Atlantic Life Community/Kairos Community].

**BY AIR MAIL
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