

Ethics in Action

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Cover photo: People's tribunal for weavers and artisans, Varanasi
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The spread of tuberculosis amongst Varanasi's out-of-work weavers

Jin Ju, Researcher, Asian Human Rights Commission

After suffering from tuberculosis for approximately 10 months, 15-year-old Iqbal Ahman died with a rawboned body in August 2007. Prior to his death, Iqbal worked as a weaver in a sari shop and earned 700 rupees a month (USD 17.8). Iqbal's father died of tuberculosis eight years ago, while his mother died of cancer two years ago.

As Iqbal was unable to attend the local tuberculosis centre which was too far from his home, he sought medical attention from the government hospital, as suggested by his neighbors. There, he was asked to pay for his treatment and medicine since he had no red or white ration card¹ signifying his poor economic condition. However, regardless of their ration cards, many government doctors demand additional money—in the name of treatment cost—from patients.



Iqbal, two months before he died

Iqbal's yellow ration card only allowed him to obtain kerosene, but no food. After Iqbal was infected with tuberculosis, he could not work anymore. He was living with his 10-year-old sister and two old aunts, who were making tassels for saris. His aunts were each getting 20 rupees (1 USD = 39 rupees) a day, while his sister was paid 10 rupees a day. Although Iqbal applied for a white ration card in April 2007, it was never issued.

Their miserable living conditions made it difficult for Iqbal's family to manage his treatment as well as one meal a day, eventually leading to his death. Unfortunately, these conditions are far from unique to Iqbal's family. The decline of India's weaving industry, particularly the hand woven sari trade of Varanasi—which once enjoyed great prosperity—has led to many deaths, from hunger and tuberculosis. The Asian Human Rights Commission (AHRC) has reported numerous such cases over 2006-07.² While the cases involving malnutrition and starvation clearly indicate the complete failure of India's food distribution system and relevant government bureaucracies, the cases of tuberculosis infection spotlight the country's failing health care system. It is impossible—and of little use—to view the two systems separately, or to analyze them in isolation from government corruption and India's overall rule of law system.

Who is exposed to tuberculosis?

According to the Revised National Tuberculosis Control Programme's 2007 report, the usual victims of tuberculosis are migrant labourers, slum dwellers, residents of backward areas, and tribal groups. Known as the disease of the poor, tuberculosis often appears where malnutrition, shanty housing, and overcrowding are common. Despite treatment for the infectious disease, living and working in a small space without adequate ventilation can seriously affect patients suffering from tuberculosis. It is therefore no surprise that so many weavers are infected with tuberculosis; working in closed spaces filled with dust and thrums (from their looms and cloth) for a prolonged period has great risk of infection. Moreover, the cure for tuberculosis requires the consistent intake of a large number of drugs, which is difficult to manage for many patients.

Since 1929, when India became a member of the International Union Against Tuberculosis (IUAT), there have been attempts to eradicate the disease, including the establishment of several research centers. Most recently, the government introduced the Revised National Tuberculosis Control Programme (RNTCP) in 1992, moving its focus from the development of medicines to the "weakness in the process of practice". In particular, the introduction of DOTS (Directly Observed Treatment-Short course) was a hope for keeping people away from tuberculosis. It literally means that a doctor or health worker will supervise the tuberculosis patient's medication until the patient is completely cured. According to the RNTCP's report, more than 6.7 million patients have been put on DOTS, which has geographically expanded to achieve nation-wide coverage in March 2006, while maintaining a success rate higher than the global target of 85%. Moreover all government health facilities, sub-centres, and an increasing number of community volunteers including Anganwadi (child care center) workers, private doctors and NGOs, have been involved in the provision of DOTS. Accredited Social Health Activists (ASHA) under the National Rural Health Mission (NRHM) are also being trained to participate as DOT providers in rural areas.

The darker side of the system however, reveals a failure of tuberculosis diagnosis, inefficient and inadequate health service and a failure in reaching rural areas where there is greater poverty and where people—including the weavers of Varanasi—are at greater risk of infection. Systemic corruption is another key issue; in 2006 the World Bank reduced its health care funding—including for tuberculosis—in the country, after observing fabricated reports and corruption within the system.³

People's tribunal

To hear the stories of these weavers firsthand, a people's tribunal for weaver's and artisans was organized by the Varanasi-based People's Vigilance Committee (PVCHR), in collaboration with Action Aid International India (AAIA), the AHRC and Bunkar Dastakar Adhikar Manch (BDAM) on 18 December 2007.



People's tribunal panel members

The Paradkar Smriti Bhawan press club was filled with several hundred weavers from the villages of Lohta, Bagerdiha, Lalapura and Mohan Sarai, among others. They all wanted to share the threat and despair under which they have been living. They noted that not only did government schemes regarding tuberculosis fail to reach them, but that there have been cases where doctors have misdiagnosed or refused to treat the disease, indicating a failing health system and untrained workers. Their stories



Weavers listening to stories and testimonies

made few distinctions between Muslim, Hindu or Dalit; yesterday your Muslim husband died of tuberculosis, and tomorrow it may be my Dalit child.

'Not tuberculosis'



Mrs Mobina and her baby

"My husband died of tuberculosis, but he was not diagnosed by the doctor as a tuberculosis patient." With anger for her husband's death, Mrs Mobina Bibi appealed to the tribunal members and other weavers. Far from being treated, her husband was not even diagnosed as suffering from tuberculosis, which resulted in his death. Carrying her baby, Mrs Mobina worried as to how she would obtain daily food.

No livelihood, no ration card; no survival

Sirajuddin, a 47-year-old traditional weaver from Bagerdeeha, has not worked for the past two years, since he was infected with tuberculosis. He underwent surgery twice, which merely left him with two gaping holes in his back; Sirajuddin hobbles around and can no longer walk erect. His elder daughter sews clothes and earns around 30-35 rupees a day. Despite such hardship, Sirajuddin has not been issued with a red ration card allowing him to get food and medicine at a low cost.

**Sirajuddin**

Like Sirajuddin, many weavers are facing a vicious circle of poverty and tuberculosis, which is threatening their lives. As Sirajuddin's case indicates, they are deserted by the government, belonging neither to the official class of poor, nor seen as a particular working group at risk of an infectious disease.

Industry decline

The decline of the handloom weaving industry—caused by the introduction of the power loom, cheap imports and a lack of government intervention—has led to many weavers being out of work. These weavers were proud of their occupation, which was a family trade, passed on through several generations. One such weaver, Jamaluddin, who has been working as a weaver for about 20 years, is racked with illness and weakening eyesight. He has now given up weaving and taken to carpentry, a trade alien to him. He earns only 20 -25 rupees a day, with which he cannot make ends meet. His child is also sick, but he cannot afford medical treatment for his child or himself. Jamaluddin told the tribunal that he burns up all the medical prescriptions in rage and frustration.

**Jamaluddin****'No government policy'**

Weaving has also been a family occupation for Sumsulhakh, whose father, grandfather and great grandfathers were all weavers. "When my parents weaved for a living, we had good food and clothes. I had meat every other day when I was young, but now we eat meat twice a month. It is the worst time for us to survive. My father had a lot of work and got about 100 rupees for one sari at that time."

**Sumsulhakh**

Sumsulhakh's brother was also a weaver but quit due to the lack of work. Now he works irregularly as a casual laborer, which earns him 70 rupees a day. However, Sumsulhakh notes that his brother is only paid 35-50 rupees, while the rest of his payment is kept by the building contractor as a 'deposit'.

Although Sumsulhakh is unaware of any government policy towards the weaving industry, he says that Varanasi's sari weaving should be revived. In his village of Lohta, many weavers had to quit weaving and have been suffering from tuberculosis. Some of these cases have previously been documented by the AHRC.⁴

"I am still weaving since I have no other means of living. I have been sick for the past three years due to tuberculosis. I have just restarted weaving three months ago. I have done a little work today. Usually I work 5-6 hours a day since I am not fully recovered. It takes 10 days for me to finish one sari. While I couldn't work, my wife and eldest daughter used to work for a living. They make 35-40 rupees a day."

In 2006, Sumsulhakh obtained a health insurance card for weavers. He had to pay 200 rupees to the community leader who helped him get the card, which expired in January 2007. Although he applied for a renewal of the card, there has been no response so far.

"I went to the government hospital after that health card has been issued. I used to go to the private hospital which is 1km away from our village, whereas the government hospital is 10km away. When I went to the government hospital for the treatment of tuberculosis, I had to pay 40 rupees for transportation, 5 rupees for registration, 5 rupees for X-ray examination and 2 rupees for other examinations. I was provided medicine as well, and have been treated for four months. However, I am still weak and not completely recovered.

"Over the past two years, I have taken a loan of 8,000 rupees from a middle merchant and a bank because my wife, children and I were all sick and weak, and I could not work at all. Six months ago, my wife and children were hospitalized for five days. My youngest son has been recently admitted at the hospital for four days due to malnutrition. I spent 2,500 rupees for his treatment. I tried to save money by eating less. We have a yellow ration card with which we can only buy kerosene."

As written in his ration card of 2006, Sumsulhakh's yearly income is 18,000 rupees. Since he was unable to work for the past three years, his family's irregular income of 30-40 rupees a day is much less than 18,000 a year. On the contrary, Sumsulhakh is getting deeper into debt while illness and poverty continue to haunt his family. No government policy for the poor or for weavers has reached them.



Sumsulhakh's wife and youngest son

However, according to Anil Kumar Srivastava, field officer of the Handloom Department, Uttar Pradesh there are several government health schemes for handloom weavers. He explained these schemes at the tribunal, including the Mahatma Gandhi health Scheme, ICICI Lombard health scheme, Integrated Handloom Cluster Development Scheme.⁵

Needless to say, the weavers attending the people's tribunal said they have never met even one staff working on those schemes in the field.

According to the RNTCP report, successful cases of curing tuberculosis indicate that patients require help in regularly obtaining medicine from the hospital, and need to take time off from work during their treatment. In the experiences described above, patients found it difficult to find doctors and health workers adequately trained in the treatment of tuberculosis, let alone obtaining consistent help from them.

The relevant government policies need to be more active in approaching and detecting patients, rather than waiting for patients to show up. This is particularly true in rural areas. These policies should also take into account possible groups at risk of infection, such as the weavers in Varanasi. By aligning its health and social policies, the government would be more successful at eradicating tuberculosis as well as alleviating poverty.

As an immediate attempt to help this community, and to fill the gap in the public health system, the AHRC has called for qualified local doctors to assist in the identification and treatment of tuberculosis in Varanasi.⁶

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- 1 According to the Public food distribution system (PDS) of India, people can be issued three types of ration cards. The yellow card is issued to those living above the poverty line, and only allows individuals to obtain kerosene oil at a low price. The white and red cards (Antyodaya Anna Yojana; AAY) are issued to those living below the poverty line, of which the red card is issued to the most marginalized individuals. With both cards, people can buy rations like rice, wheat, sugar and kerosene oil from the ration shop at a lower price than with the yellow ration card. Both white and red cards also provide largely free medicine and treatment at government hospitals. The issue of ration cards ultimately depends on the different states.
 - 2 For more cases regarding hunger and tuberculosis, see the following the hunger alerts and statements issued by the AHRC: HAC-001-2008, HU-005-2007, HA-012-2007, UG-003-2007, AS-172-2007.
 - 3 See 'World Bank 'uncovers India fraud'', *BBC News South Asia*, 11 January 2008, at http://news.bbc.co.uk/2/hi/south_asia/7184345.stm and Ramesh Menon, 'TB: gravest danger to India – II', *India Together*, 22 November 2006 at <http://www.indiatogether.org/2006/nov/hlt-tbdanger2.htm>.
 - 4 Please refer to HU-005-2007 and HA-012-2007.
 - 5 These three schemes were introduced in 2005-2006 by the Indian government for the handloom weavers. Under the Mahatma Gandhi Health Insurance Scheme (Mahatma Gandhi Bunkar Bima Yojana), the weaver who dies of natural causes gets 50,000 rupees (1,278 USD) and the weaver who dies by accident gets 80,000 rupees (2,045 USD). The Health Insurance Scheme provides 15,000 rupees for four family members in medical treatment a year. Under the weavers cluster scheme, the handloom weavers are provided rayon at a subsidized price, but according to the weavers, in practice the price is more expensive.
 - 6 See the AHRC's announcement, AHRC-ANM-002-2008.

Application invited for doctors to assist tuberculosis patients in Uttar Pradesh, India

Asian Human Rights Commission

Announcement by the Asian Human Rights Commission: ANM-002-2008

The Asian Human Rights Commission (AHRC) invites applications from qualified Indian doctors for full-time field work in a project to help the identification and treatment of tuberculosis patients in and around Varanasi, India. The initial phase of the contract will be for a period of six months, preferably starting from the first week of February 2008.

The AHRC is concerned about widespread tuberculosis infection in the area, particularly among the weaver community in Varanasi. In the recent past, the AHRC has repeatedly called upon the state government to take immediate steps to address this issue. For further information, please see [AHRC-OL-036-2007](#). The AHRC is worried about the inadequacies of the public health services provided by the state government in addressing this issue. The intention of the AHRC initiative is to continue the voluntary health services for tuberculosis patients in and around Varanasi until the state government takes appropriate action to address this issue and provide necessary services for those who require immediate medical assistance.

There are large numbers of persons infected with tuberculosis in Varanasi who are unable to get even basic facilities for treating tuberculosis, like x-rays or other medication for treating the disease. The state government on the contrary has claimed that it has allocated funds and made other arrangements to treat tuberculosis patients. This claim however, is not felt among the people. For example, in Lohta village of Varanasi District, there are large numbers of persons suffering from tuberculosis who have been denied even proper diagnosis by the state government-run public health centre.

The voluntary project by the AHRC would involve free consultations and develop programmes to provide the patients with appropriate medication. This project is to prevent further deterioration of the health conditions of people who have already been identified as being infected with tuberculosis. Remuneration and other service conditions will not be an impediment for the right candidate and are negotiable. The ideal candidate will be a

doctor from Uttar Pradesh state who can also read and write Hindi and Bhojpuri. Please mail your application with a cover letter and resume with the expected remuneration to the address provided below, to reach Hong Kong by 30 January 2008.

Applications can be sent to:

South Asia Desk
The Asian Human Rights Commission
19/F Go-Up Commercial Bldg
998 Canton Road
Mongkok, Kowloon
Hong Kong SAR.

Fax: (852) 26986367

A 'defining year': Munir Malik shares thoughts on Pakistan's judiciary, politics and democracy movement

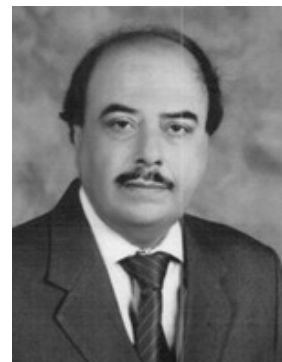
Baber Ayaz, for the Asian Human Rights Commission

Then president of Pakistan's Supreme Court Bar Association, Munir Malik, launched the incredible lawyers' movement in March 2007 for the independence of the judiciary and the reinstatement of Chief Justice Iftekhar Chaudhry. On 20 July 2007, its victory was celebrated by all democratic forces in the country, when the Supreme Court ruled that Justice Iftekhar's removal by President Musharraf was unconstitutional, and he was reappointed. But the gains of the movement were short lived. On November 3, President Musharraf imposed emergency rule in Pakistan and got rid of all the independent judges. The struggle started again, with a long way to go.

Munir Malik was imprisoned immediately after emergency was declared, and given drugs under the pretext of painkillers, which caused him renal failure and liver damage. He has since been released and undergone treatment, and continues to be an inspiration for the independence of the judiciary and the rule of law in Pakistan. His insights will be helpful in understanding the movement of lawyers as well as the movement of democracy that is taking place in Pakistan now. He was interviewed by Baber Ayaz on behalf of the Asian Human Rights Commission.

Baber Ayaz (BA): The removal of the Chief Justice was not an issue when you were elected to the Supreme Court Bar Association; what was your agenda at that time?

Munir Malik (MM): Well, I had contested the [Bar Association] election precisely because I thought that this would be a defining year. There were a number of issues that were likely to come up in this defining year, for instance, elections were supposed to be held; the issue of whether an army general can be elected as a president, whether he can hold two offices of the president and army chief at the same time, was to be decided. There was



also the issue of the holding of dual nationality by members of parliament and cabinet ministers, and whether they could swear allegiance to two constitutions. There was the issue of madaris' degrees [degrees from Islamic seminaries]; whether these graduates were at par with regular college graduates.

Furthermore, by this time Malik Qayyum [the sitting Attorney General] and Sharifuddin Pirzada [legal advisor to the President] were recognized as supporters of the establishment. They were very close to Chief Justice Iftikhar. On the other hand, there was a feeling that the Supreme Court is trying to improve its moral or public image by taking *suo motto* notices [taking cases on the court's own initiative] of popular issues, including the Steel Mills case, where a decision was given against the government. It was feared that with this improved image, the Supreme Court would give decisions favoring the government on crucial petitions, like those related to the President's election or prices of pharmaceutical products.

So I was certain that we need an independent Bar to keep a watch on the Supreme Court itself. I was certain in my mind that it would be a defining year. The very first step was that the Bar Association passed a resolution demanding the restoration of the constitution as it was before Musharraf's takeover in 1999.

At that time, the Chief Justice was largely unpopular within the legal community, mainly because of his arrogance, as well as the perception that he dispenses cases according to the lawyers appearing before him. If the lawyer was Sharifuddin Pirzada, he was all sugar and honey, whereas if the lawyer was not an important figure, he would be otherwise. I think he was overzealous in clearing the backlog of cases, even at the cost of miscarriage of justice. Lawyers from Karachi, Quetta, Peshawar and Lahore would be given notice in the evening that their cases are fixed in Islamabad tomorrow. This roster problem was agitating the lawyers, so I was ready to raise this issue with him, as I believe justice hurried is justice buried.

BA: But you had condemned the letter written by lawyer Naeem Bokhari [to the Bar Association and the judges of the Supreme Court in complaint of the Chief Justice] before the President took action against the Chief Justice; why?

MM: When Naeem Bokhari's letter appeared in mid-February 2007, it was applauded in the Bar rooms. My view however, was that he should not weaken the judiciary by making these allegations in the press.

But I was still trying to get my pound of flesh; I wanted the Chief Justice to fix the roster problem troubling the lawyers, in return for which I would vocally support him. I gave a statement of support that became front page news in *Dawn*. In one of his speeches in

February, Chief Justice Iftkhar said that Munir Malik has promised to give me his unconditional support. When it was my turn to speak, I said that my support was there as long as the court moves in the direction of judicial independence.

Then came the bolt of 9 March 2007; the President's removal of Chief Justice Iftkhar. I was in Islamabad then, it was a Friday, and I was contacted by the press at about 5:30pm or so, asking for my views. The television had broadcast pictures of Chief Justice Iftkhar at the Army House, where the President, in military uniform, asked him to resign. It was clear to me that this is a direct assault on the third organ of the state, and we must resist it.

BA: The President has a constitutional right to send a reference [a constitutional provision under which any complaint against judges of the senior court is to be sent to the Supreme Judicial Council, who will decide how to proceed] against a judge of the superior court. Was your reaction against the inappropriate manner in which it was done, or because of the reference itself?

MM: My reaction was based on three grounds. First, the manner in which he was summoned and detained at the army camp office; the message it sent was that the judiciary is not an independent organ of the state and a uniformed President can do as he pleases. Furthermore, by implication, the legal community was also helpless. The second reason was that Pervez Musharraf could not constitutionally make a judge dysfunctional. An executive order was issued, by the 'royal secretary' at 5:03pm, stating that Chief Justice Iftkhar had been suspended and an acting Chief Justice sworn in. This was a complete negation of the principle of separation of powers. Every judge would have felt insecure; all you had to do was send a reference. While it would be subsequently determined whether the reference was of substance or not, the harm to a judge's reputation would have been done. The third reason was that the Supreme Judicial Council was convened on the same day with unholy haste; one of the judges was flown in via special plane, while another was tipped off in Lahore. Without any hearing, the Council imposed a restraint upon the Chief Justice.

BA: So if the President had acted in a constitutional manner, you would have had no objection?

MM: He should have sent the reference to the Supreme Judicial Council to handle, as and when they saw fit. Another issue was the manner in which the Chief Justice was held incommunicado, together with members of his family. His entire domestic staff was replaced by ISI [military intelligence] agents; about 20-25 of them were in his living room, in his lawn. His cars were fork lifted, no visitors were permitted, only those who had security clearance; I think Asghar Khan was the first to be permitted.

BA: There was a tremendous response to the call of the Supreme Court Bar Association

when you launched the movement for the restoration of the Chief Justice. Were you confident of such strong public support or was that also a pleasant surprise?

MM: There was a wave of indignation at the manner of his dismissal; everyone I talked to from the legal community said that although the Chief Justice was not a nice man, what had been done to him was not right. I simply channelled this boiling wave of indignation; the Supreme Court Bar coordinated it, and the master strategy of having everyone gather around the Supreme Court building everytime Chief Justice Iftekhar was produced, worked. The administration over-reacted, they sealed all roads leading to the Supreme Court, and I had to walk two kilometres before I could get into the building.

On March 13 the Chief Justice was supposed to be produced at 1:30pm and at 1pm images were shown on TV of him being dragged by his hair. This agitated the lawyers practising in Islamabad, Rawalpindi and other adjoining courts, and they all started converging at the Supreme Court. I had given a call for a sit-in at the Supreme Judicial Council, but I was not sure where it would meet because it was supposed to be in camera.

BA: So one of the reasons that your movement received such a big response could be the contribution of the media?

MM: Absolutely, this was the difference between 2000 and 2007. In 2000, when six Supreme Court judges resigned, they were also detained in their houses and prevented from coming to the Supreme Court building. But at that time the print media had not given much importance to this and there was no independent electronic media. I don't think Chief Justice Iftekhar would have been reinstated without the support of the media.

Another key factor was that even though before March 9 the Chief Justice was only paying lip service to the cases of missing persons, their families and other concerned persons continued to demonstrate at the Supreme Court daily. This issue attracted civil society.

BA: Benazir Bhutto and Nawaz Sharif both humiliated and attacked the judiciary in their second terms of power, but there was no massive movement then. What was different this time?

MM: Historically, the judiciary has always been a collaborator with the ruling elite. It has been the 'B' team of the army. It retains the old, imperial mindset that it is there to serve the government. If a high court judge was called by the president, he would probably put on his best suit and take a camera with him; it would be an event for him to remember, that he has been summoned by the president or prime minister. In Bhutto's white paper published after 1977, Zulfiqar Ali Bhutto in one of his side notes remarked, 'they [judges] will come to you for petty favours'; for a diplomatic passport, an admission for a child, a posting for

a relative. Basically, the judges were part of the establishment, they had no moral credibility. If a man in uniform said something, it was the law. You could sense that if there was a case involving the core commanders [senior military officers] or cantonment land [land under military control], the judge would think that before the commander says something to me, I should oblige him. Such judges did not inspire public support.

This time however, the media brought to our drawing rooms a man saying 'no' to the establishment, a man standing up to the military, saying 'I will not resign, I am innocent'. So I think both the legal community and civil society felt they had to support him.

BA: You mentioned earlier that there was a scheme to build up the image of the Chief Justice and the Supreme Court, and then getting crucial cases such as the presidential election through; this means that the Chief Justice was cooperating. So then why did the establishment decide to remove him?

MM: The Chief Justice was cooperating with the President, but not with the government. The conspiracy against Justice Iftkhar as he tells me, was drawn out by Prime Minister Shaukat Aziz, General Javed Hamid, the then Chief Justice of Lahore High Court Iftkhar Hussain, his brother who was a Cabinet Minister and Law Secretary Mansoor. The Chief Justice had stopped Mansoor's appointment to the Commonwealth, he was not on speaking terms with Justice Hussain and Shaukat Aziz was very upset with the judgement quashing the Steel Mills' privatization. Furthermore, Chief Justice Iftkhar would humiliate civilian officers. Although he never summoned General Musharraf, he would summon the inspector general of police or other senior civil officers, who would take their gripes to Prime Minister Aziz.

According to President Pervez Musharraf, he had good family relations with Chief Justice Iftkhar; so this reference came from the civilian section of the establishment. The President was given the impression that this man is going to be Pakistan's Chief Justice until 2013 and he has already started showing his colours. I think Musharraf was misled. What was Shaukat Aziz doing in the army camp office? He was there on March 9, before the Chief Justice had arrived.

BA: After July 20, when the Supreme Court was restored, you said the next struggle would be to bring independence to the lower judiciary and to remove corruption. However, then came the slogan for removing the president. There is a view that this was an ambitious call without consolidating the gains; that the judiciary and legal community became too adventurous and ended up with the situation of October 9 [when the court suggested that election results could not be announced until after the court had decided upon Musharraf's eligibility to stand for elections]. How do you see this?

MM: Yes, I was very conscious of that. As a matter of fact, I have stated that if the Supreme Court is burdened with political cases, it will collapse under its own weight. The problem was that the politicians always wanted to fire from the shoulder of the Supreme Court, they wouldn't take the battle to the streets of Pakistan. So you had Qazi Hussain Ahmed and Imran Khan's petitions before the Court, challenging the holding of dual offices by the President. The Chief Justice cannot dismiss petitions without hearing them.

BA: Is it correct that Musharraf was worried that Justice Iftekhar would give a judgement against him?

MM: You will notice that neither the Supreme Court Bar Association nor the Pakistan Bar Council intervened in these proceedings. We had held out an olive branch; we said the Chief Justice was not a vindictive man, he will not sit on benches hearing cases against Pervez Musharraf, and counsels who had been his lawyers during his removal would not appear before him.

The one issue in which we took a firm stand however, was the cases of disappearances, so the Chief Justice was under considerable pressure to hear these cases. In the aftermath of the March 9 movement, he stated that it was the responsibility of the state to account for every disappeared person. It was not so much that we went after Pervez Musharraf that antagonized Washington DC, but that we went to look for the disappeared persons; they thought that the courts would now be throwing a spanner in the war on terror.

All the signals that came from the Chief Justice—that is the way he constituted benches on these constitutional cases—suggested that he would go slow. The 6-3 verdict that came against the Qazi Hussain and Imran Khan petitions was inevitable; one could have looked at the bench and said that it would be in favour of Musharraf. Even in Justice Wajihuddin's case against Musharraf standing for election, we would have lost that petition because we didn't have a majority. However, the reports that went to President Musharraf from his intelligence people said the Supreme Court would decide against him—that is why he imposed Emergency.

In a sense you are correct; certain political issues for which the Supreme Court was not ready were brought before it, but the momentum of the events were such that if the Court did not make an attempt to address them, it would have become like the old Supreme Court, which was not worth fighting for.

Also, it must be noted that from March 9 to July 20 we were able to rally lawyers of different political persuasions on the largest common denominator—independence of the judiciary, restoration of the Chief Justice and supremacy of the rule of law. After July 20 though, lawyers belonging to different political parties brought their own political agendas forward, and over that we had no control.

Chief Justice Iftikhar's attitude was that I have reached the position of the Chief Justice, now I don't care what they do to me. His words to me were, "I will go down in history as the Chief Justice who took a stand, the title is something that comes and goes, I will remain in history."

BA: Had everyone moved more cautiously, do you think the November 3 onslaught on the senior judiciary could have been avoided?

MM: This was a catch-22 situation. If the judiciary did nothing, its public image would suffer, with the impression that this was a fight only for the Chief Justice, not for the independence of the judiciary. This would result in a weakening of the judiciary. The expectations from the people and the legal community were such that there was no turning back without eroding your credibility; once your credibility was eroded, they would attack again.

In retrospect, perhaps the Court should not have stayed the notification of the presidential elections. Fifty per cent of the battle had been won with the reinstatement of the Chief Justice and the President's assurance that he will take off the uniform before taking oath. The stay order suggested to the President's camp that the Court's next step would be to declare the elections invalid.

BA: Most of the judges who refused to take oaths under the emergency Provisional Constitution Order in November, had taken the oath in February 2000, when Musharraf overthrew a constitutional government. Why does everybody support them now?

MM: Even Chief Justice Iftikhar had taken an oath under the Provisional Constitution Order in February 2000. Though judges say that they are not influenced by public opinion, that is not in fact true. Judges do not sit in ivory towers. One of my favourite quotes is from the New York Court of Appeal's Chief Justice Cardozo, who said, "the great tides and the currents which engulf the rest of men do not in their course turn aside and pass the judges by". On March 9 no one came to meet the Chief Justice, but when the movement started, it had a domino effect. As soon as people started coming out on the streets, one fell, then another, then another.

The courts themselves say that they interpret the constitution according to the changing times; it is an organic document, not a static one. When the people came out on the streets, they showed them that these are the changing times. There is an old dictum: 'Better late than never'.

BA: Do you see any chance of the restoration of these judges, and how would it be constitutionally possible under the current situation?

MM: I think the ball is now in the parliament's court. Historically, usurpers have sought parliamentary indemnity for their deviant behaviour. We cannot now go before the present Supreme Court and expect a restoration of judges. In fact, it has already been ruled that November 3 Provisional Constitutional Order amendments are a valid part of the constitution, and will not require further parliamentary approval. Moreover, the onus has been shifted onto the parliament: removing the amendments requires a 2/3 majority.

So this war will now be fought in the new parliament or in the streets.

BA: In other words, if the political parties don't get a 2/3 majority, they cannot repeal the amendments?

MM: No sir, let's take this scenario, supposing the Pakistan People's Party (PPP) gains a simple majority, forms the government and the speaker asks to lay the constitution of Pakistan before the house, which one will they present, the amended one, or the old one from before Musharraf took over?

BA: Can they do it legally?

MM: Illahi Baksh Soomro (former speaker of the national assembly) did it when the 2002 Parliament sat; he asked for the 1973 Constitution to administer the oath. So this is a political leadership game.

BA: The government says the Supreme Court was getting in its way of fighting terrorism. We all know that the problem of terrorism is there and that the executive needs certain powers or a certain space to deal with this extraordinary issue. How should we fight terrorism, and how can the judiciary contribute?

MM: The executive should not shift the entire onus to the judiciary. I concede that citizens' rights need to be balanced against the interest of state security. The question is, where do we draw this balance and who draws this balance? The balance is to be drawn by the parliament, and then the executive will implement the law. If the law states that they can keep a suspect incommunicado for seven days, fine, keep me incommunicado for seven days, but on the eighth day I should be produced before a magistrate. To decide whether the executive has transgressed the law is the function of the judiciary.

In England they had the same problem, but their parliament enacted a law, they have adopted specific regulations after 7/7. We, on the other hand, haven't been able to define terrorism yet. What is terrorism? What is a terrorist act? The definition we have, as found in the Anti Terrorist Act, is something liable to scare the general public.

The classic definition of terrorism is state terrorism, where the state uses its coercive power to repress its citizens. Assuming that Al-Qaeda is a state within a state and it has to be dealt with, then the international community must come up with a framework of rules. Now tell me, supposing they pick you up on a charge of national security, doesn't your family have a right to know that they have you in their custody? The state must account for persons. When they pick you up on preventive detention it is not a substantive charge, but they say we have picked him up. They don't present you before a court but at least a person doesn't disappear.

BA: In the aftermath of November 3, the movement is gradually dying down. How do you see its future?

MM: Well, we've gone off the front pages for several reasons. Important events such as the return of exiled leadership, the assassination of Ms Bhutto and presidential elections are getting prominent newspaper space. The problem is that we have few legal options without a court to turn to. Before July 20, the struggle was inside and outside the courts; the movement outside the courts focused on pressuring and sensitizing them.

We are now rethinking our strategy. The entire leadership of the Bar Association was arrested; Aitzaz Ahsan, Tariq Mehmood and Ali Ahmed Kurd are still under detention.

BA: Let us move to a more personal question. Were you mistreated during your arrest and detention?

MM: I was not mistreated at Adiala Jail, I only had the inconvenience of being shifted at 3am to Attock Jail on the third day. In Attock, the civilian jail staff bent over backwards to do anything for me, but it was the intelligence officers leading them. They would be present at every meeting, at every visitation; they decided when the cell would open and when it would be closed. They would supervise and torture me psychologically. The medical treatment facilities were inadequate; I would get medicines after three days. At that time I was on painkillers and according to my doctors from the Pakistan Institute of Medical Sciences (PIMS) and the Sindh Institution of Urology and Transplantation (SIUT), the painkillers given to me would have killed a healthy man.

BA: Were you on any medication then?

MM: No, just painkillers. My problem was that they'd shut me in at 4pm and open the cell at 7am. There was only enough space to lie on a mattress and the bathroom was right there too. There was nothing to do, all reading and writing material was confiscated, there was no newspaper and for the first four days I was in solitary confinement. I would go to the

toilet to urinate every hour on the hour. I went to the jail doctor and he gave me some medicine, which he changed after there was no improvement in two days.

Eventually my kidneys shut down, and my liver was also not functioning properly. This resulted in the accumulation of fluid in my body. Fortunately, I was not disoriented mentally, although I don't recall the events after November 23. I only remember an SSP came and called Islamabad saying my health was bad and I should be transferred. I recall being in an ambulance. I don't think I would have survived Saturday. Once I recovered partially with the help of the PIMS doctors in Islamabad, I was moved to SIUT in Karachi where I recovered pretty fast and now I am off dialysis.

Two leading Pakistani lawyers to receive 3rd Asian Human Rights Defender Award

Asian Human Rights Commission

Statement by the Asian Human Rights Commission: AHRC-STM-022-2008

Today, 23 January 2008, the Board of Directors of the Asian Human Rights Commission (AHRC) is pleased to announce that it has decided to grant its 3rd Asian Human Rights Defender Award jointly to Munir Malik, former President of the Pakistan Supreme Court Bar Association, together with his successor, Choudhry Aitezaz Ahsan.

The award is in recognition of the historic leadership role that the lawyers of Pakistan have had in fighting against military dictatorship there during the past year, spearheading the protests against General Pervez Musharraf's unconstitutional removal and illegal confinement of Chief Justice Iftekhar M Chaudhary on 9 March 2007.

The lawyers' movement has attracted interest and immense support of people from all walks of life in Pakistan and the scheme to remove the chief justice was thwarted, although he was again illegally removed from his post, along with 55 other senior judges, including 13 from the Supreme Court, when Musharraf seized power through an unconstitutional declaration of emergency rule at the end of the year.

The lawyers, judges and others of Pakistan have been making great sacrifices to defend the independence of their judiciary as a last bastion against the otherwise unchallenged power of the military. This struggle is continuing today.

The 3rd Asian Human Rights Defenders Award is thus awarded to these two leading lawyers both in recognition of their personal sacrifices as well as to them as representatives of the entire people's movement against dictatorship in Pakistan.

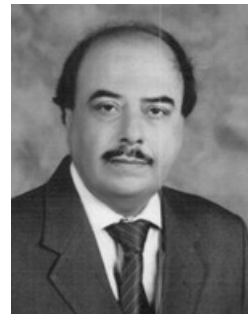
For his leading role in fighting against the removal of the chief justice and promoting the struggle for an independent judiciary, Munir Malik was arrested and drugged, causing him to suffer renal failure. He is still recovering today. Choudhry Aitezaz Ahsan has been kept under detention since the emergency was imposed on 3 November 2007.

The two lawyers' leadership, courage and unswerving commitment to their profession, their integrity and their country are strongly symbolic of their cause. In them we acknowledge and award all of the lawyers, judges and others who have refused to bow down to the immoral pressure of military force, including all of those dismissed from their posts and kept in their houses. They stand today as the representatives of civilized society and institutional commonsense in Pakistan, in stark contrast to the barbarism and primitive feudal order represented by Musharraf and his allies.

By making this award we also again emphasize that the international community is obliged to support the people of Pakistan at a time that they are faced with the very real threat of being subjected to the sole authority of a merciless and self-interested executive authority. We call upon others to join with us in open expression of support for these lawyers and their struggle.

ABOUT THE AWARDEES

Munir A Malik was President of the Supreme Court Bar Association of Pakistan from October 2006 to October 2007. He has fought for the independence of the judiciary and independence of the legal profession consistently. When Chief Justice Iftikhar M Chaudhary was removed unconstitutionally by General Musharraf, he was among the senior lawyers who openly defied the move and led his peers in their struggle to oppose it, which swelled into a massive outpouring of dissent against military dictatorship from people in all quarters and professions. As a result, he was arrested and imprisoned. While held in the notorious Attock Jail under supervision of the ISI, the military intelligence agency, he was given drugs that he was told were painkillers. Thereafter he suffered renal failure. His life was saved only due to massive local and international pressure that led to the authorities acquiescing to the needed medical intervention. He is still undergoing treatment.



Choudhry Aitezaz Ahsan is the serving President of the Supreme Court Bar Association of Pakistan and he too has consistently fought for the independence of judiciary and lawyers. He also led the protests against the attack on the chief justice. He successfully represented the chief justice in the case for his reappointment, despite heavy pressure being brought upon him not to do so. He was put under house arrest together with senior judges and other lawyers when the emergency was imposed illegally on 3 November 2007 and remains there to this day.



ABOUT THE ASIAN HUMAN RIGHTS DEFENDER AWARD

The Asian Human Rights Commission recognizes that human rights and liberties are expanded most by persons willing to make a sacrifice in the defence of these principles. Society is obliged to recognize and honor such sacrifices. For these reasons it has chosen to present awards to human rights defenders at opportune moments. Nominees must be exemplary human rights defenders with whom—or on behalf of whom—the AHRC has worked intensely over some time, and for whom the symbolic act of receiving the award will be significant. Nominations may be submitted to the AHRC executive director by anyone, at any time. The Board of Directors reserves the exclusive right to accept or reject any nomination.

The inaugural AHRC Human Rights Defender Award was presented to Michael Anthony Fernando in 2003, in recognition of his struggle for basic freedoms in Sri Lanka. Fernando served a nine-month jail term for contempt of court arising from a fundamental rights case in the Supreme Court of Sri Lanka. He was jailed because of his determination to uphold principles of liberty with an uncommon sense of courage, seriousness and self-sacrifice. The UN Human Rights Committee ultimately held that his imprisonment was a violation of his rights under international law. See further: <http://campaigns.ahrchk.net/tonyfernando>.

The second Human Rights Defenders Award was made posthumously to Somchai Neelaphaijit, a lawyer from Thailand, for his work on behalf of torture victims as a result of which he was abducted and forcibly disappeared by a group of police officers who have never been punished. The award was made in recognition both of his work as well as the emerging movement in Thailand, led by Somchai's wife, Angkhana, to acknowledge and establish a system of accountability relating to disappearances in Thailand. See further: <http://campaigns.ahrchk.net/somchai>.

I know

Florence Manegdeg

I do not know

What you mean by Human Rights
When in your time
My loving, gentle husband-comprehensive friend
Was assassinated with 22 gun-shot-wounds
Despite his cries and pleas for mercy.

I do not know

What you mean by Modernization
When He who worked for upliftment
Of the toiling farmers and the sweating workers
Was placed in the order of cattle,
Hounded, demonized, and treacherously murdered

I do not know

What you mean by Peace
When you draft more public funds
For bullets and bombs
Even as you hand tokens of food bags
To those who despair in abject poverty.

I do not know

To which God you pray
When you kneel so saintly
And pledge to kill, maim and rid my land
Of terrorists and communists
That you yourself attract and create.

I do not know

What breeding you have been made of
When you parade your royal family
In my Sacred lands yet oblivious of history

And with much pomp and pretense
Your entourage splurge on bloody people's tax.

I do not know

Where your neurosis and greed
Would lead you and your generals
Compulsively obsessed with positions of power
Mongering for war and celebrating victory
For the slaughter of my children's father.

I DO KNOW

That no bullets nor golden coins
Could ever silence nor conceal
the Cosmic, Divine and Humane Spirit
of TRUTH, ETERNAL LOVE and LIBERTY
That I breathe, I live and I cherish
Forever.



** This poem was written by Florence (above, second left) on 9 January 2008, to remember her husband Jose Managdeg III (above, right), a layworker of the Rural Missionary of the Philippines, who was killed by the military on 28 November 2005. The AHRC has issued numerous statements and urgent appeals regarding his case, as well as other cases of the killings of human rights activists; please see <http://philippines.ahrchk.net/> for details.

Philippines: The killing of a priest and a judge

Asian Human Rights Commission

(This is the edited text of a statement issued by the Asian Human Rights Commission: AHRC-STM-016-2008)

The killing of a Catholic priest, Jesus Reynaldo Roda of Tawi Tawi and a judge, Roberto Navidad of Calbayog City illustrates how miserable the lives of citizens have become in an environment on the brink of lawlessness. Father Reynaldo was shot on Tuesday while praying in a chapel by gunmen who were trying to abduct him. Judge Roberto was killed by a lone gunman in public on Monday soon after boarding his car.

Perpetrators can today go around killing their victims in private or in public. It is not that they have no fear of being identified and arrested; rather, it is the improbability of being held to account that emboldens them. While the killings are shocking, they also follow a pattern; like other victims, both Father Reynaldo and Judge Roberto had been receiving threats to their lives. Their subsequent murders can hardly be unexpected.

Targeted killing of persons is nothing new in the Philippines; over the past few years this phenomenon has claimed hundreds of lives. Few of the perpetrators have ever been prosecuted and punished, however. The government has continuously failed to ensure that investigations are properly carried out to ensure the possibility of effective prosecution. It also refuses to acknowledge that the inability of the police and prosecutor to hold the perpetrators to account has allowed these killings to continue, particularly of persons involved in social activism.

Father Reynaldo was a member of Oblate of Mary Immaculate (OMI). His congregation is known for their work on peace and development in the conflict areas of Mindanao. Priests and religious leaders have long been targets of killings there.

Judge Roberto is the 15th judge to be murdered since 1999, according to a Supreme Court press release. His murder, similar to previous cases, is reported to have had a connection to court cases he had decided. None of the perpetrators in the murders of these judges have been convicted; in fact, their cases largely remain unsolved.

The attack on Judge Roberto is an attack on the entire judicial institution. The message is clear: do not abide by the rule of law. Here was a member of the judiciary performing his duties to uphold the rule of law becoming a target of persons who refused to be ruled by the law. Following the incidents of extrajudicial killings in recent times, the Supreme Court has been prompted to strengthen the security arrangement for justices and judges at all court levels. They have held training sessions for security, improved internal security and issued licensed firearms to judges and government lawyers.

This raises serious questions about the authorities, particularly the ability of the law enforcement agencies to protect members of the judiciary and legal professionals, as well as ordinary citizens. Carrying firearms is clearly not a reasonable long term solution to the continuing insecurity within the country. Moreover, it is the responsibility of the state to protect the security of its citizens. The issuance of firearms to judges and lawyers just illustrates how cruel and absurd the country has become.

Although Chief Justice Reynato Puno has demanded that the police “expedite their investigation” into Judge Roberto’s murder, it is unlikely for the outcome to be substantial. With only two convictions in cases involving extrajudicial killings and none involving the murder of judges, the police’s capability of dealing with this case is in serious question.

The police’s past record reveals that they are largely unable to identify the perpetrators because of their inability to produce and protect credible witnesses. Neither can they ensure that the evidence they gather is sufficient to ensure a conviction. The failure of the police in these areas has even resulted in witnesses and families of the dead being subsequently targeted as well. If the cases of murdered judges go unsolved and perpetrators remain unpunished, how can public confidence be restored in the policing institution, particularly in its ability to resolve cases of the hundreds of victims of extrajudicial killings and enforced disappearance?

Targeting of families of the dead has also been experienced by relatives of Judge Nathaniel Pattugalan, who was murdered in Quezon City in January 2007. He too, had received death threats before he was killed; in fact, he had survived an earlier attempt on his life before his murder. It is reported that those responsible for his murder had connections with one of the cases he handled. His family had expressed concern for their safety and security after his murder; however, no known protection has been afforded to them.

The murder of judges and lawyers performing their duties to uphold rule of law illustrates how entrenched the lack of security and lawless the situation has become in the Philippines. Perpetrators no longer need to think twice before committing crimes; they know that the chances of being held accountable are practically nil. This situation can sow fear in members of the judiciary and prevent them from performing their duties. This in turn effectively undermines the judicial institution. It also sends a strong message that nobody is safe.

Can human rights work bring change: The story of one Dalit movement

Bijo Francis, Asian Human Rights Commission

Caste-based discrimination is one of the severest human rights concerns in India, prompting over a thousand human rights groups, locally and abroad, to address the issue. Caste is the ultimate denominator deciding human conduct and status in the country. While this centuries old practice has its roots deeply imbedded in India, its branches have spread across the region, influencing human conduct even in some East Asian countries. Royal ceremonies in Thailand for instance, continue to incorporate Brahmins.

Although members of the upper caste, such as the Brahmins, are a relative minority compared to the populous lower castes, they have historically enjoyed positions of power and privilege. Their association with the ruling elite has been used to exploit the lower caste.

India continues to practice brutal forms of caste-based discrimination, despite it being specifically prohibited under article 15 of the country's constitution. In fact, caste is even the yardstick for receiving benefits through government sponsored welfare programmes. This makes a mockery of article 17 of the constitution which prohibits untouchability; article 19, which guarantees freedom of speech; article 23, which prohibits bonded labour; and article 46, which requires the government to promote educational and economic interests of Scheduled Castes, Scheduled Tribes and other vulnerable groups. Under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act of 1989, special courts and investigative and prosecutorial functions are outlined for dealing with crimes committed against members of scheduled castes or tribes. Nevertheless, individuals belonging to these communities continue to face severe discrimination throughout the country.



**Dalit house in Raup village,
Sonbadra district, Uttar Pradesh**

Hunger and starvation

Over the past 10 years, the Asian Human Rights Commission (AHRC)'s work on caste-based discrimination has brought it in contact with several local and international human rights groups engaged in commendable work. Since 2006, the AHRC started receiving cases of starvation and malnutrition from Uttar Pradesh, through the People's Vigilance Committee on Human Rights (PVCHR). The PVCHR, a local human rights group, became acquainted with the AHRC's work after one of their staff attended a meeting jointly held by the AHRC. The PVCHR subsequently began to send cases to be issued through the AHRC's Urgent Appeals system.

Each time an appeal was issued, the PVCHR made a conscious attempt to publicize the case through its own network and encouraged the local media to report about the case, remarking that "the Hong Kong based human rights group is concerned about...". For each case taken up, the PVCHR wrote letters calling for action from the state and central governments, underlining both groups' commitment. The Urgent Appeals documentation also enabled the PVCHR to register the cases at the National Human Rights Commission, and have them reported through local and international media.

Meanwhile, the AHRC began digging deeper to find the root cause for starvation and malnutrition in Uttar Pradesh: India, as a country rich in food supply and with a well drafted public food distribution system, should not have citizens facing starvation or malnutrition. Moreover, the country's Supreme Court had already appointed 'right to food commissioners' to report on the compliance of the Court's 2001 order directing the government to guarantee the right to food as part of the right to life, guaranteed under article 21 of the Constitution.

In fact, it was established that it is the lower caste—known as Dalits—who suffer from starvation and malnutrition within Uttar Pradesh, due to systemic discrimination. Although the state administration initially denied this, the number of reported cases forced it to intervene, albeit in a limited manner. The government finally admitted that its citizens' right to food needs to be realized, and provided interim relief to some victims.



Mukesh, before the PVCHR/AHRC intervention in November 2007



Mukesh, after treatment, January 2008

The cases of hunger also exposed the corrupt and criminal behavior of local feudal chiefs and landlords, and their close connections with government officials. International pressure built up, resulting in direct intervention by the United Nations Special Procedure mechanisms. In one case, three United Nations Special Rapporteurs wrote to the Indian government expressing concern regarding cases reported from Uttar Pradesh. The local administration, which had previously supported the *status quo*, now backed off, leaving the feudal chiefs to fight on their own.

The pressure faced by the local chiefs led to threats and intimidation against the PVCHR. A local human rights group did not have the muscle power of the feudal lords. What it did have however, was the power of communication. After the threats were widely reported through the Urgent Appeals system, local police were forced to register criminal cases against the feudal chiefs. This was a great success for the Dalits, who had thus far been afraid to even step on these persons' shadows.

Government action

The attention given to the individual cases also meant awareness for wider issues. The Dalit village of Belwa, which had no road for the past 60 years, saw a road built. A school was also built, which had been denied to the village for more than 20 years due to the absence of proper land—the land was acquired by the government from the upper caste village head, who had been illegally occupying it. Male members of Dalit families who were forced to work as bonded laborers were released and cases registered against their employers. Individuals and organizations started offering help in cash and kind for development work to be carried out in the villages by the PVCHR. Despite all this, starvation continued in the villages, because the people did not have any land to cultivate.

The issue of hunger, which had until now remained within the walls of a Dalit hut, took the shape of a statewide political debate. After the case of three-year-old Mukesh, a Dalit child with severe malnutrition, was issued as an Urgent Appeal, Mr Rahul Gandhi, national secretary of the youth wing of the Indian National Congress, India's largest political party and currently the largest stakeholder in the ruling coalition, intervened. Mukesh was taken to New Delhi and treated at the All India Institute of Medical Sciences, a hospital where even India's wealthiest cannot get admission without months of waiting. This was seen as a challenge by the Uttar Pradesh state administration, which began



Varanasi district hospital, before announcement of surprise visit by Chief Minister

intervening in each case of hunger, leaving no opportunity for action by the central administration.

Hospitals where there were no beds and medicines faced surprise inspections by none less than the state Chief Minister. An order was issued that any case of starvation, malnutrition or discrimination practiced in providing treatment to Dalits would lead to a suspension of the District Magistrate. A live debate on these issues between the Chief Minister and PVCHR staff was telecast nationwide.

This provoked the thus far ignorant electronic media to air special investigative reports on cases of bonded labour, caste based discrimination and starvation.



Varanasi district hospital, after announcement of surprise visit by Chief Minister

Folk schools

To continue support and solidarity with the ordinary people, the AHRC and the PVCHR started conducting regular folk school sessions in Dalit villages. The folk schools were a forum for the Dalits to meet, where they were treated equally and where they could freely voice their problems and concerns.

The first such session was held in the village of Belwa in January 2007. The news regarding the folk school spread, and soon residents of other villages also began attending. Many participants returned home to try the same concept in their own villages. Even senior government officers attended the folk school sessions; on one occasion, the District Commissioner participated, while on another, a member of the State Commission for Scheduled Castes and Scheduled Tribes participated.

As of today, there are at least a few thousand people associated with the PVCHR and AHRC's work in Uttar Pradesh. The struggle has just begun and there is a long way to go. What has been done however, has broken the veil of silence and fear. With or without other



A Raup villager learning to write his name during the Belwa folk school

support, villagers themselves can now push for further redress with the state administration as well as against the feudal chiefs. What the AHRC and the PVCHR has started off is a movement—a mass movement against centuries of injustice practiced against large sections of society by a minority upper caste, and supported by a corrupt administration. What the ordinary Indian has learned in this short but intense process is to speak, without fear and without the threat of humiliation.

Bangladesh officials ignore food crisis

Rater Zonaki

“The price of rice is so high that it is beyond my capacity. We are forced to eat only one meal a day, but the problems are with the children: they cannot starve like the adults.” Thus is the life of Muhammad Yunus Bahari, a senior teacher of a school in Chittagong, the second largest city in Bangladesh, as he described his life to the media.

Yunus is not the only person who has this problem. Haren Sirker, a carpenter in Faridpur District, needs at least four kilograms of rice per day. However, he is only able to buy three kilograms using all the money he has. Haren is worried how his family will manage as he has no money left to buy other necessities. Jinnat Ali, a transport laborer who says he has already forgotten the taste of fish due to the price hike, is worried whether his family will be able to afford the cost of vegetables as he has spent all his money to buy rice.

All of Bangladesh faces the same problem as the nation moves into the new year of 2008 accompanied by an avoidable food crisis. The problem not only concerns rice: almost all staple foodstuffs, including wheat, edible oil, potatoes and vegetables, are virtually beyond the affordability of ordinary middle-class people. The government’s immediate response, however, has been less than satisfactory.

The adviser for the Ministry of Food, Tapan Chowdhury, told the media on January 1 that the government has nothing to do with the situation: the people have to become accustomed to this reality! No additional words are required to explain the level of efficiency of this adviser, or of the military-backed government.

Bangladesh suffered from floods on two occasions last year that caused huge damage to crops. In addition, a devastating cyclone destroyed homes and livelihoods in the southeastern coastal areas of the country about two months ago.

People do not understand why the government cannot realize there is a shortage of foodstuffs, including rice, wheat and flour, when the whole country suffered floods causing widespread damage to crops. They wonder what the Trading Corp. of Bangladesh—which is supposed to import foodstuffs on behalf of the government under directions from the concerned ministries—is doing, which is nothing. What is the point of having such an institution in the country?

When the average income of the majority of the population is below 150 taka per day (about USD2), how can a person in Bangladesh dream of buying one kilogram of rice or

wheat at a price of 40 taka to 45 taka per kilo (USD 0.58 to USD 0.66) when they need about three kilos to four kilos in a day? Even families which earn 15,000 takas (USD 219) per month, although the majority of the population earn below this amount, are thrown into a crisis when they try to meet their food costs and the cost of education of their children.

Of course, those who have ample opportunity for corruption in either the public or private sector will be excluded from those who struggle with the hard realities of life and, at the same time, seek to uphold honesty in their personal and social lives. Is it not a mockery of the dignity and rights of the people when the concerned official representing the top level of the government asks the people to become accustomed to starvation?

Unfortunately, the people of Bangladesh, who have been forced to endure such nonsensical behavior by their rulers, are scarcely surprised to see such a person as the adviser to the Ministry of Food make such comments while the military-backed government itself struggles to maintain its legitimacy to stay in power.

If the government had had the minimum foresight and commitment to address the basic and dire needs of the country's people, it should have had prior plans and programs in place to avoid such a situation as the tragedy now prevailing in Bangladesh. Government policymakers could have assessed the expected shortfall of basic foodstuffs due to the large loss of crops during the country's natural disasters. Accordingly, the concerned institutions could have looked for opportunities to import required commodities to ensure the availability of food in local markets.

Instead of creating employment opportunities for the people and increasing people's incomes as well as controlling and monitoring price hikes, the government has been blaming private business groups, which are allegedly making money by storing the imported as well as the locally available foodstuffs.

If the business groups do so, then why is there still a government? Let the businessmen make money however they choose! Should not the government have a monitoring and surveying system to discern the existing conditions in the economic sector of the country? Does a government only exist in order to overwhelm the prisons by ignoring the laws of the land and militarizing the institutions of the country? By saying that "the government has nothing to do," do the authorities mean that they have everything to undo?

The government should understand its role and responsibilities. An interim caretaker government should have been established to hold an acceptable general election in the country and to maintain the routine work of government in order to keep the institutions functioning. People do not require anything more from the present government. They hope it will limit its actions and go away!

This article was originally published on 7 January 2008 for a column entitled *Humanity or Humor?* at http://www.upiasiaonline.com/Human_Rights/.

Human lives matter

Basil Fernando

On Wednesday the Sri Lankan government ended the ceasefire agreement that the previous government had entered into with the Liberation Tigers of Tamil Eelam. On the morning of the same day, 26 people were killed and 67 seriously injured following the detonation of a claymore mine in Buttala in Monaragala District.

This attack in the southeastern part of the country is naturally being perceived as a violent act of the LTTE. This incident is perhaps an omen of the sad beginning of the killings that are to come in the days ahead.

Simply stating that the ceasefire has ended and the war has begun means that now killings will begin on a large scale. The LTTE will try to legitimize their killings on the basis of their claim for a territory of their own; the government and elements associated with it will claim their right to kill in order to defend their territory and prevent it from being lost. To both parties in this conflict, human lives seem not to matter at all.

The center of a dispute in any civilization needs to be the safeguarding of human lives, a principle that cannot be sacrificed without endangering the very fabric of the society within which the dispute takes place. The people who died in this attack are ordinary citizens who are part of this society.

The LTTE will naturally claim that many Tamil citizens too have been killed by military action. However, by engaging in such equations, they are in fact undermining the fundamental human discourse. Instead of pursuing a path to eliminate and restrain killings on both sides, both are seeking to maximize killings to achieve the goals they claim to be the aims of their struggles.

For decades, the political leadership representing both parties to the conflict has failed to allow this dispute to be resolved through democratic discourse. One blames the other as unworthy of trust and incapable of dealing with the issue through mutual understanding and compromise within a framework of principles.

The result of decades of disregarding discourse based on valid democratic principles has eroded the basic framework of the country itself, where respect for the Constitution has been lost. That loss affects not only the combatants but the society as a whole. Now the

principles that hold a human society together and preserve respect for human life, the most precious objective of a social organization, have been seriously eroded.

Those who are to die in this senseless conflict and their family members will not be satisfied by the explanations offered by either party as to why they and their loved ones have to die. The questions of these families need to be answered. No decent way of life can survive without serious answers for these human beings who are members of Sri Lankan society.

There has been no attempt at all to explain to families why their relatives had to die. This society has lost interest in preserving the basic principles that safeguard human life and human dignity.

Naturally, there would be little point in preaching to the ideologues and leaders who have no qualms about the loss of life. The questions must be asked by the people themselves as to what is happening to their society and why they have to take the risk of being victims of this conflict. Only then may responsible reactions arise to resist all killings.

This responsibility is not just the task of the people of Sri Lanka. It is also the responsibility of all human beings who value human life above all things. Louise Arbour, the U.N. high commissioner for human rights, has expressed her own concerns on this issue. It is time for everyone else to take this matter up as an issue of conscience. The prevention of killings and the preservation of human life are obligations that each human being has a responsibility to uphold.

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Practicing Ethics in Action

Ethics in Action begins with the realization that both law and morality have failed the people of many countries, who are today facing incredible forms of cruelty that they have little power to eradicate. Despite all the rhetoric of empowerment, the reality witnessed in most Asian countries is desperation and powerlessness. The two ingredients necessary for any real empowerment of ordinary people are law and morality. If living conditions are to improve, defective legal systems and the failures of upholding ethics and morality cannot be ignored. *article 2*, a bimonthly publication of the Asian Legal Resource Centre, sister organization of the Asian Human Rights Commission, is devoted to discussing matters relating to defective legal systems obstructing the implementation of human rights. *Ethics in Action* will be devoted to discussing how movements and leaderships claiming to uphold ethics and morality have failed to promote and protect human rights.

Other regular publications by the Asian Human Rights Commission:

Article 2 – This bi-monthly publication covers issues relating to the implementation of human rights standards as proposed by article 2 of the International Covenant on Civil and Political Rights.

Human Rights Solidarity – Also a bi-monthly publication and available both in hard copy (from July 2007) and on-line. This publication covers stories and analysis of human rights violations in Asia.

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