



LAW watch

The conditions in the Jenin refugee camp A humanitarian catastrophe

ASIAN HUMAN RIGHTS COMMISSION

If an earthquake takes place these days, the first thing we hear from all over the world is the need to send humanitarian assistance to remove the rubble of the buildings so that if there are any living persons they can be saved, and the dead can be taken out with dignity. The government of Ariel Sharon is preventing even this minimum regarding the destroyed area of Jenin.

What is being witnessed in this refugee camp is:

- a clear crime against humanity as far as death and destruction is concerned; and
- a clear violation of the international law in deliberate prevention of humanitarian assistance to the victims.

In recent history, there has been no situation like this.

The international community is faced with an enormous challenge. If it keeps quiet at this moment, it will cease to have a moral right to speak about other massacres and crimes against humanity without being accused of practicing double standards. On the other hand, if the international community does not force its way, it is not likely to be allowed by the Israeli government to carry out the its duties under the international law. The time is running out for the resolution of this grave dilemma. It has to be stated that the United States of America has played a role in ensuring the delay in resolving this problem. The people of the United States and the international community have a clear duty to point out the gravity of this situation to the Bush administration.

UN Secretary General Kofi Annan made his proposal to the Security Council for the sending of an international force to the Occupied Palestinian Territories, saying 'the situation is so dangerous, that the international community has an obligation to provide this assistance.' Obviously, this is a necessary and unavoidable intervention. We hope that the international community will support the Secretary General in this move.

A summary of the report of UN Special Envoy Terje Roed-Larsen on the prevailing situation from

ABC, as well as three UN Press Statements are reproduced below:

- details of Kofi Annan's plan for a multilateral peacekeeping force

- Mary Robinson's appeal to allow her to visit the occupied territories

- official news from the two Special Envoys.

Summary of UN special envoy's report

A UN special envoy to the Middle East has described the devastation of Jenin refugee camp, invaded by

"There are people all over the place digging with their hands looking for their relatives and dear ones."

Until now the army has been restricting the movement of aid workers and medical teams when it let them into the camp at all. A pull-out is also underway in the city of Nablus but the troops will remain around the Church of the Nativity in Bethlehem and Yasser Arafat's compound in Ramallah.

[Source: ABC (Australian Broadcasting Corporation)]

robust mandate, credible strength and be large enough to carry it out."

The Secretary-General stressed that he contemplated not a United Nations contingent, but rather "a multinational force formed by a coalition of the willing" that was authorized by the Council under the UN Charter's Chapter VII, which provides for the use of force.

Such an operation would not be risk-free, he added. "However, the situation is so dangerous, that the international community has an obligation to provide this assistance."

before 28 September 2000, in accordance with a plan put forward by CIA Director George Tenet.

The second goal would be to gradually create secure conditions in the occupied territories for the resumption of normal economic activity and the unimpeded delivery of humanitarian and development assistance. The force, working with the international donor community, would also create conditions to allow the Palestinian Authority to rebuild its institutions, including those dealing with law and order, which have been damaged or

"It is time for the international community to pursue such an option in a pro-active way, rather than waiting for the parties to arrive at this conclusion on their own," Mr. Annan said. "A multinational force is essential to a gradual restoration of trust between the two sides, which is so vital if further steps toward a broad framework for a comprehensive, just and lasting peace are to be taken."

Before briefing the Council on the force, the Secretary-General told the 15-member body that he was deeply disturbed by the infor-

The Commission on Human Rights on 5 April 2002 had requested that a visiting mission travel urgently and report on the human rights situation in the occupied Palestinian territories. Mr. Felipe González, former Prime Minister of Spain and Mr. Cyril Ramaphosa, former Secretary-General of the African National Congress of South Africa, had both agreed to join Mary Robinson in undertaking this mission. Both had spent time in Geneva over the past eight days in briefings by the Office

recent days, the situation of the local population, and actual casualty figures.

Mary Robinson said "it is important that the visiting mission should be able to leave as soon as possible, meet with people from both sides of the conflict as well as United Nations, non-governmental and other bodies on the ground, and report back to the Commission on Human Rights before it completes its current Session at the end of next week".

Two UN envoys tell of 'horrific' devastation in Jenin camp

United Nations Secretary-General Kofi Annan on 18 April said he was deeply disturbed by the report of "horrific" devastation he received from two top UN officials in the Middle East who had visited parts of the Jenin refugee camp earlier on Thursday.

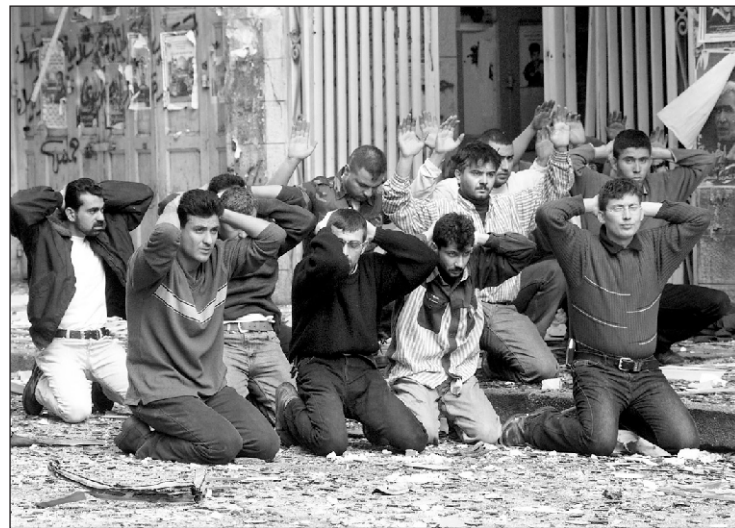
Addressing a closed-door meeting of the Security Council this morning, the Secretary-General said that Terje Roed-Larsen, the UN Special Coordinator for the Middle East Peace Process, and Peter Hansen, the Commissioner-General of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), had described scenes of massive destruction that had a "devastating" impact on the civilian population.

"They witnessed people digging out corpses from the rubble with bare hands," Mr. Annan said, according to the text of his remarks that was made available after the closed session of the Council. "Meanwhile no major rescue operation has been allowed to begin."

On 9 April, the Ambassador of Israel, Mr. Yaakov Levy wrote to Mary Robinson indicating that the request was "under consideration". The letter also cited "other important pending visits" as a relevant factor in the Government's considerations.

According to reports, Secretary of State Powell, who has been in the region since last week, is due to depart Israel tonight.

The High Commissioner also referred to growing concerns over recent events in Jenin and the wide discrepancy between reported accounts of what transpired over



Israeli troops arrest Palestinians in the West Bank town of Jenin 10 April 2002. The Israeli army took control of the refugee camp of Jenin, scene of the fiercest fighting in Israel's 13-day offensive in the West Bank, an Israeli army spokesman said, as top Palestinian official Saeb Erakat accused Israel of having killed around 500 Palestinians in the offensive, saying Israeli Prime Minister Ariel Sharon had gone "crazy" (Left). A Palestinian boy looks on, as adults argue with an Israeli soldier at the roadblock in Kalandia, between the West Bank town of Ramallah and Jerusalem, 11 November 2001 (Middle). Palestinian men give themselves up to Israeli troops 30 March 2002 in the West Bank city of Ramallah following an all-night street battle between armed Palestinians and Israeli troops. Palestinian leader Yasser Arafat remained under Israeli siege amid intense international efforts to ease the escalating Middle East crisis (Right).



PHOTO:AFP

the Israel army, as "horrific beyond belief".

UN special envoy Terje Roed-Larsen says 2,000 people are without a roof over their heads and the devastation at the heart of the refugee camp is nearly total. He says nothing can justify the colossal suffering of women, children, and the elderly.

"I think it's one of the saddest and most terrible experiences I have ever had," he said. "The stench of decaying corpses are all over the place. I saw personally about a 12-year-old boy being dug out, his body totally destroyed. I saw two brothers digging under the rubble for their father and their brothers.

Kofi Annan's plan for a multinational force

Expanding on the concept of a multinational force he had floated last week in response to the spiraling Middle East violence, United Nations Secretary-General Kofi Annan on 18 April told a private meeting of the Security Council that the latest tragic developments in the region gave additional urgency to the consideration of his idea and outlined the goals, nature and functions of such a force.

"The force must be impartial and capable of taking decisive action," Mr. Annan told the closed-door session of the Council, according to a copy of his remarks made available to the press. "It must have a

UN Special Envoy Terje Roed-Larsen:

"There are people all over the place digging with their hands looking for their relatives and dear ones."

Richard Cook, Director of UNRWA operations in the West Bank:

"The reports we are getting are of wholesale destruction of a kind more normally associated with natural disasters such as earthquakes.... We implore the Israeli authorities to open up the camp to allow our relief teams to help its desperate population."

According to Mr. Annan, the force would have four key objectives. Firstly, it would work with the parties to end the violence, in part through monitoring the withdrawal and redeployment of Israeli Defence Forces (IDF) to positions held

destroyed in the current military campaign.

Finally, the multinational force would work to create a stable environment to permit the resumption of negotiations aimed at achieving a political settlement.

He had just received from Terje Roed-Larsen, his Special Coordinator for the Middle East Peace Process, and Peter Hansen, the head of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), who had visited the Jenin refugee camp today and described the situation there as "horrific."

Mary Robinson calls for speedy access to occupied territories

United Nations High Commissioner for Human Rights, Mary Robinson, on 17 April indicated that her Office was maintaining daily contact with the Israeli Authorities concerning her proposed mission to the area.

of the High Commissioner and international agencies on the human rights situation in the area.

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HUMAN RIGHTS monitor

Cry, the beloved country Reflections on the Gujarat massacre

HARSH MANDER

NUMBED with disgust and horror, I return from Gujarat ten days after the terror and massacre that convulsed the state. My heart is sickened, my soul wearied, my shoulders aching with the burdens of guilt and shame.

As you walk through the camps of riot survivors in Ahmedabad, in which an estimated 53,000 women, men and children are huddled in 29 temporary settlements, displays of overt grief are unusual. People clutch small bundles of relief materials, all that they now own in the world, with dry and glassy eyes. Some talk in low voices, others busy themselves with the tasks of everyday living in these most basic of shelters, looking for food and milk for children, tending the wounds of the injured. But once you sit anywhere in these camps, people begin to speak and their words are like masses of pus released by slitting large festering wounds.

The horrors that they speak of are so macabre, that my pen falters in the writing. The pitiless brutality against women and small children by organised bands of armed young men is more savage than anything witnessed in the riots that have shamed this nation from time to time during the past century.

I force myself to write a small fraction of all that I heard and saw, because it is important that we all know. Or maybe also because I need to share my own burdens. What can you say about a woman eight months pregnant who begged to be spared? Her assailants instead slit open her stomach, pulled out her foetus and slaughtered it before her eyes. What can you say about a family of nineteen being killed by flooding their house with water and then electrocuting them with high-tension electricity? What can you say? A small boy of six in Juhapura camp described how his mother and six brothers and sisters were battered to death before his eyes. He survived only because he fell unconscious, and was taken for dead. A family escaping from Naroda-Patiya, one of the worst-hit settlements in Ahmedabad, spoke of losing a young woman and her three month old son, because a police constable directed her to 'safety' and she found herself instead surrounded by a mob which doused her with kerosene and set her and her baby on fire. I have never known a riot, which has used the sexual subjugation of women so widely as an instrument of violence in the recent mass barbarity in Gujarat. There are reports every where of gang-rape, of young girls and women, often in the presence of members of their families, followed by their murder by burning alive, or by bludgeoning with a hammer and in one case with a screw driver. Women in the Aman Chowk shelter told appalling stories about how armed men disrobed themselves in front of a group of terrified women to cover them down further.

In Ahmedabad, most people I met - social workers, journalists, survivors - agree that what Gujarat witnessed was not a riot, but a terrorist attack followed by a systematic, planned massacre, a pogrom. Everyone spoke of the pillage and plunder, being organised like a military operation against an external armed enemy. An initial truck would arrive broadcasting inflammatory slogans, soon followed by more trucks, which disgorged young men, mostly in khaki shorts and saffron shashes. They were armed with sophisticated explosive materials, country weapons, daggers and trishuls. They also carried water bottles, to sustain them in their exertions. The leaders were seen communicating on mobile telephones from the riot venues, receiving instructions from and reporting back to a co-ordinating centre. Some were seen with documents and computer sheets listing Muslim families and their properties. They had detailed precise knowledge about buildings and businesses held by members of the minority community, such as who were partners say in a restaurant business, or which Muslim homes had Hindu spouses were married who should be spared in the violence.

This was not a spontaneous upsurge of mass anger. It was a carefully planned pogrom. The trucks carried quantities of gas cylinders. Rich Muslim homes and business establishments were first systematically looted, stripped down of all their valuables, then cooking gas was released from cylinders into the buildings for several minutes. A trained member of the group then lit the flame, which efficiently engulfed the building. In some cases, acetylene gas, which is used for welding steel, was employed to explode large concrete buildings. Mosques and dargahs were razed, and were replaced by statues of Hanuman and saffron flags. Some dargahs in Ahmedabad city crossings have overnight been demolished and their sites

covered with road building material, and bulldozed so efficiently that these spots are indistinguishable from the rest of the road. Traffic now plies over these former dargahs, as though they never existed.

The unconscionable failures and active connivance of the state police and administrative machinery is also now widely acknowledged. The police are known to have misguided people straight into the hands of rioting mobs. They provided protective shields to crowds bent on pillage, arson, rape and murder, and were deaf to the pleas of the desperate Muslim victims, many them women and children. There have been many reports of police firing



PHOTO:AFP

Baseeribi, with burns on her face, holds her nephew, Ilyas, at Mehshan civil hospital, 02 March 2002, some 50 kms from Ahmedabad. Baseeribi's sister was among 29 Muslims who were slaughtered at the village of Shardashpur.

directly mostly at the minority community, which was the target of most of the mob violence. The large majority of arrests are also from the same community, which was the main victim of the pogrom.

As one who has served in the Indian Administrative Service for over two decades, I feel great shame at the abdication of duty of my peers in the civil and police administration. The law did not require any of them to wait

orders from their political supervisors before they organised the decisive use of force to prevent the brutal escalation of violence, and to protect vulnerable women and children from the organised, murderous mobs. The law instead required them to act independently, fearlessly, impartially, decisively, with courage and compassion. If even one official had so acted in Ahmedabad, she or he could have deployed the police forces and called in the army to halt the violence and protect the people in a matter of hours.

No riot can continue beyond a few hours without the active connivance of the local police and magistracy. The blood of hundreds of innocents is on the hands of the police and civil authorities of Gujarat, and by sharing in a conspiracy of silence, on the entire higher bureaucracy of the country. I have heard senior officials blame also the communalism of the police constabulary for their connivance in the violence. This too is a thin and disgraceful alibi. The same forces have been known to act with impartiality and courage when led by officers of professionalism and integrity. The failure is clearly of the leadership of the police and civil services, not of the subordinate men and women in khaki who are trained to obey their orders.

Where also, amidst this savagery, injustice, and human suffering is the 'civil society', the Gandhians, the development workers, the NGOs, the fabled spontaneous Gujarathi philanthropy which was so much in evidence in the earthquake in Kutch and Ahmedabad? The newspapers reported that at the peak of the pogrom, the gates of Sabarmati Asram were closed to protect its properties; it should instead have been the city's major sanctuary. Which Gandhian leaders, or NGO managers, staked their lives to halt the death-dealing throngs? It is one more shame that we as citizens of this country must carry on our already burdened backs that the camps for the Muslim riot victims in Ahmedabad are being run almost exclusively by Muslim organisations. It is as though the monumental pain, loss, betrayal and injustice suffered by the Muslim people are the concern only of other Muslim people, and the rest of us have no share in the responsibility to assuage, to heal and rebuild. The state, which bears the primary responsibility to extend both protection and relief to its vulnerable citizens, was nowhere in evidence in any of the camps, to manage, organise the security, or even to provide the resources that are required to feed the tens of thousands of defenceless women, men and children huddled in these camps for safety. The only passing moments of pride and hope that I experienced in Gujarat, were when I saw men like Mujid Ahmed and women like Roshan Bahen who served in these camps with tireless, dogged humanism amidst the ruins around them.

In the Aman Chowk camp, women blessed the young band of volunteers who worked from four in the morning until after midnight to ensure that none of their children went without food or milk, or that their wounds remained untreated. Their leader Mujid Ahmed is a graduate, his small chemical dyes factory has been burnt down, but he has had no time to worry about his own loss. Each day he has to find 1600 kilograms of food grain to feed some 5000 people who have taken shelter in the camp. The challenge is even greater for Roshan Bahen, almost 60, who wipes her eyes each time she hears the stories of horror by the residents in Juapara camp.

As I walked through the camps, I wondered what Gandhiji would have done in these dark hours. I recall the story of the Calcutta riots, when Gandhi was fasting for peace. A Hindu man came to him, to speak of his young boy who had been killed by Muslim mobs, and of the depth of his anger and longing for revenge. And Gandhi is said to have replied: If you really wish to overcome your pain, find a young boy, just as young as your son, a Muslim boy whose parents have been killed by Hindu mobs. Bring up that boy like you would your own son, but bring him up with the Muslim faith to which he was born. Only then will you find that you can heal your pain, your anger, and your longing for retribution. There are no voices like Gandhi's that we hear today. Only discourses on Newtonian physics, to justify vengeance on innocents. We need to find these voices within our own hearts; we need to believe even in justice, love, and tolerance. There is much that the murdering mobs in Gujarat have robbed from me. One of them is a song I often sang with pride and conviction. The words of the song are: Sare jahan se achha, Hindustan hamara. It is a song I will never be able to sing again. Translation: Sare jahan se achha Hindustan hamara --our India is better than the world--

Harsh Mander is a serving IAS Officer, who is working on deputation with a Development Organisation



LAW network

STAR LAW NETWORK

The Daily Star interested to establish a pool of pro-active and 'socially committed' persons for contributing effectively towards ongoing efforts and discourses on law, legal education, legal system, legal decisions, law enforcement, human rights trends, issues and standard-setting. The proposed Star Law Network (SLN) will be primarily based in Law Desk, the Daily Star and the 'LAW AND OUR RIGHTS' section will regularly publish the diverse contributions (e.g., articles, features, critiques, letters, reviews, reports etc) the network would generate. Law students, researchers, lawyers, judges, teachers, social activists and 'human rights defenders' are eligible to participate in the initiative. Persons having genuine interests and participation in the issues of governance, law and human rights with no formal background in law are also welcome to join the proposed network.

The Law Desk also intends to develop an 'Interactive E-mail Network' for the pro-active and 'socially committed' members of legal and human rights fraternity from across the world to facilitate stimulating exchange of views, notions and information. Expanding the 'traditionally limited access to information' will be another aim of the SLN. www.dailystarnews.com/law has already opened a new frontier of information and exchange. We cordially invite interested readers of the Daily Star to join this unique initiative for creating a people-friendly legal system and promoting a culture of human rights and tolerance. Please send your name, contact details and preferred area(s) of contribution to the Law Desk. We will keep you informed every Sunday through LAW AND OUR RIGHTS.

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