

Government of India employee  
& officers not allow to enter in  
Muzaffarabad (POK)

But how professor "Anuradha  
Chenoy & Kamal Chenoy get  
visa or allowed

## Two-day International Kashmir conference begins in Muzaffarabad

Pak PM says Kashmir key to regional peace  
Monday, May 23

Pakistan Prime Minister Syed Yousuf Raza Gilani on Monday said regional peace cannot be guaranteed until the core Kashmir issue with India is resolved.

Syed Yousuf Gilani was addressing the inaugural session of two-day International Kashmir conference in Muzaffarabad, the capital of Azad Kashmir.

"Unless this core issue (Kashmir) is resolved, the dream of peace and harmony in the region cannot come true," Gilani said.

Gilani asked peace-loving nations to come forward to help resolve the Kashmir issue, which he contended had jeopardized peace efforts in the region.

He noted the need for acknowledging the Kashmiris' right to self-determination in line with UN resolutions. Kashmiris were being "subjected to mental and physical torture", he claimed.

"No significant development can take place in South Asia unless this core issue is resolved," he said.

Gilani said people of Jammu and Kashmir suffered a lot and world must come forward to settle this issue once for all.

Gilani pledged that Pakistan will continue to provide moral, political and diplomatic support to the people of Jammu and Kashmir.

Gilani also favoured the continuation of the dialogue between Pakistan and India for resolving the Kashmir issue.

The Kashmir conference was also addressed by Prime Minister of AJK Sardar Attique Ahmad Khan, President Raja Zulkarnain, Minister for Kashmir Affairs Manzoor Wattoo and Executive Director Kashmir American Council Dr Gh Nabi Fai while the Chairman Hurriyat Conference (G) Syed Ali addressed the moot via Internet from Srinagar.

It is pertinent to mention that first time such a conference was organized in which participants from the both sides of Line of Control (LoC) were present. The second session of the conference will start at City Campus University of Azad Jammu and Kashmir, Muzaffarabad where speakers will discuss and share their views on Kashmir dispute.

Prominent academicians, journalists, political activists, scholars and thinkers from India, Pakistan, and both parts of Jammu and Kashmir are participating in the conference. Some prominent names include General Talat Masood, Arif Kamal, Shaheen Akhtar, Dr Siddique Wahid, Dr Shujaat Bukhari, Rita Manchanda, Murtaza Shibli, Anuradha Bhasin, Anuradha Chenoy, Nadira Mirza, Ejaz A Khan, Farid Malik, Z G Mohammad, Nazir A Shawl, Nisar Hamdani, Javed Bashir, Z U Khan, Javed Hayat, Kamal Chenoy, Seema Mustafa and Zafar Chowdhary.

Prof: chenoy involved in  
anti national activities

# Kashmiri American Council

## Resolution of Kashmir Holds Key to Peace & Security in South Asia: PM Gillani



Muzaffarabad, Azad Kashmir, May 28, 2011. Finding out an amicable solution to the core issue of Kashmir, lasting peace and economic prosperity in the whole region of South Asia is absolutely interlinked, said Mr. Syed Yousuf Raza Gillani, the Prime Minister of Pakistan while addressing the two-day international conference on Kashmir here, which was organized by the Azad Kashmir University and attended by the eminent delegates from India, Pakistan, Turkey, Europe and

both sides of the Cease-fire Line. Prime Minister Gillani said Kashmir dispute is not only affecting India and Pakistan but also destabilizing the war-ridden Afghanistan. "Pakistan is a peace-loving country and wants peace with all its neighbors, however peace in the sub-continent is unattainable without finding a solution to Kashmir issue," and "Pakistan believes in talks and having solved the Jammu and Kashmir dispute both India and Pakistan can prove to be the good markets of the world," he said.

India and Pakistan have resumed the dialogue and the process should go on so that the core issue of Kashmir could be settled amicably in accordance with Kashmiris' aspirations in line with the UN charter and UN resolutions. "Resolution of Kashmir holds key to socio-economic development, peace and security in the region," he added.

Speaking on the occasion, Dr. Ghulam Nabi Fai, Executive Director, Kashmiri American Council/Kashmir Center said, that the self-determination of the people is a basic principal and essence of the UN charter which has been reaffirmed in the

Universal Declaration of Human Rights and applied countless times to the settlement of many international disputes.

The concept, Far said played significant part in settling border disputes after World War II and attained greater importance after the Second World War. Quoting Article 12 of the UN charter he said that the principle of equal rights and self-determination was set as criterion to forge friendly relations amongst the nations.

Far said, "The principle of self-determination and the maintenance of international peace and security are inseparable. The denial of this right to self-determination to the people of Kashmir has brought two neighboring countries in South Asia - India and Pakistan - to the brink of nuclear catastrophe."

He said that since the establishment of India and Pakistan as sovereign states, Jammu and Kashmir was not part of the territory of either. The two countries entered into an agreement to allow its people to exercise their right of self-determination under impartial auspices and in conditions free from coercion from either side. An intra-Kashmir dialogue between the leadership of all regions and all religions of the State of Jammu & Kashmir to find a common ground to help resolve the issue of Kashmir is long over due, Far said.



There is no international dispute which is not complex. If there is an interest in a settlement, the complexity becomes a motivating factor. If there is no interest, then it becomes an instrument of passivity and inaction," he added. "The settlement of Kashmir is achievable if pragmatic and realistic strategy is established to help set a stage to put the Kashmir issue on the road to a settlement. The resolution of Kashmir is possible if all parties to the dispute, the governments of India and Pakistan and the people of Kashmir show some flexibility and make some sacrifices and modify their stand," Far concluded.

The Federal minister for Kashmir Affairs and Gilgit-Balistan, Mian Manzoor Wafo said that India and Pakistan cannot afford another war as the two countries have fought two wars in the past. He urged the Government of India to respect the UN resolutions and grant Kashmiris the internationally pledged right to settle the issue peacefully. Referring to the sacrifices of the people of Jammu and Kashmir he said that the incumbent democratic dispensation in Islamabad couldn't ignore aspirations of Kashmiri people.

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Raja Zulfikar Khan, the President of Azad Kashmir said "Kashmir is not a territorial dispute, it is about the fundamental rights of millions of Kashmiris." The unresolved dispute, he said, was the main reason of the lack of economic development in South Asia. He was of the view that a peaceful settlement of the decades long dispute could usher an era of peace, prosperity and economic development.

The Prime Minister of Azad Kashmir, Sardar Attique Ahmed Khan said India's intransigence and unrealistic approach was a main hurdle in the way of peace. India had always backed out of its commitments, which he said was the main reason that Kashmir issue was hanging around for several years. Kashmiris want a peaceful and negotiated settlement of the problem. He however maintained that India and Pakistan could achieve new levels of economic prosperity provided the core issue of Kashmir was resolved peacefully.

Sardar Attique has cautioned that there existed no other option than "reaching a peaceful solution to the Kashmir dispute" as both Pakistan and India were nuclear powers in the same neighborhood of South Asia. A viable solution that

region. Both Pakistan and India can achieve new levels of prosperity and can play stronger roles together for the furtherance of international peace and security and regional welfare once this dispute is settled," he added.

In his video message, Syed Ali Geelani, Chairman, All Parties Hurriyat Conference (APHC) urged the Government of Pakistan to stand by its principled stance on Kashmir. He thanked the people of Pakistan and Azad Kashmir for lending all out support to Kashmir cause. Highlighting Kashmiris' sacrifices he said that the people of Jammu and Kashmir have rendered unprecedented sacrifices to get their cherished goal. He said that Kashmiris were not averse to talks but talks must be meaningful, result-oriented and Kashmir-centric. He said that unless India accepts the centrality of the core issue of Kashmir, getting engaged in a dialogue with India was a meaningless and futile exercise.

Professor Nazir A. Shawi, the Executive Director of Justice Foundation/Kashmir Center said, "The history of the state of Jammu and Kashmir reveals that its people have never given up their claim to the right to self-determination."

"The entire state of Jammu Kashmir" he said, "is a disputed territory. India and Pakistan need to recognize the heterogeneous character of Jammu and Kashmir and help towards starting an intra and inter state dialogue for a greater consensus."

Regarding the media's role and Kashmir dispute, Greater Kashmir columnist Z G Muhammad said, "Had Indian media presented Kashmir issue in its right perspective, political leadership in India could have thought differently as far as Kashmir issue is concerned." He said that today, there were many sarer and sincere voices in the Indian media but one can't really deny the fact that the media had played overall a "dubious role" regarding Kashmir and had wrongly supported the policies of the government. Recalling the Kunan Posh Pora mass rape incident, Zahid said, "Indian media camouflaged the whole story rather than exposing the culprits involved in the heinous crime."

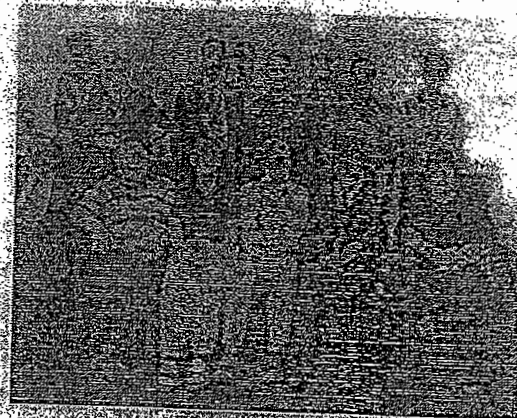
However, he stated that there were big names in Indian media and the civil society, like Arundhati Roy, Seema Mustafa and several others who took the lead and did not hesitate to call a spade a spade. He said that same was the case with Pakistani media. "Nobody even challenged Musharraf's 4-point formula and the media toed his line," he said.

Professor Kamal Chenooy said that improving and expanding people to people dialogue, repealing of "black laws," ensuring the basic fundamental rights of Kashmiri people and engaging political as well as the civil society at different levels can really help to move down to peace in the region. Chenooy out rightly denounced the draconian laws prevalent in the state.

Chenooy said that Kashmir is an international problem and could be resolved provided the concerned parties to the dispute demonstrate magnanimity and flexibility. He was of the view that status-quo was not acceptable to the people of Kashmir and therefore an out of the box political arrangement was must to address the issue. "Azadi" he said is demand of the people of Jammu and Kashmir and what shape does it take is a big question to answer at the moment.

Veteran Kashmir leader and a known jurist and Justice (retired) Majeed Malik said that Kashmir was not only an issue of the people of Kashmir but it is an issue between India and Pakistan. He said that Simla Agreement reduced the scope of Kashmir issue making it a bilateral issue.

party to the dispute.



APHC-G convener, Ghulam Muhammad Safi said Kashmiris want peace but peace with dignity and honor. He said no country whatsoever has the right to decide the fate of Kashmir, saying that it were the people of Kashmir who were granted the right to determine the political future through a free, fair and impartial plebiscite. Terming unity as key to success, Safi agreed that there were some weaknesses in Kashmiri leadership and hoped that time was not far when we will have one leadership and one

agenda.

APHC (M) representative Faiz Nagashbandi said that the implementation of the UN resolutions on Kashmir was the best way to settle Kashmir issue. He said that Kashmiri leadership believes that impartial talks could lead to a peaceful settlement of the issue. Professor Habib-ur-Rehman, the Vice-Chancellor of Azad Kashmir University thanked the distinguished delegates for attending the conference. Professor Raja Naseem Akhtar, the Program Chairman, expressed his satisfaction for the positive contribution of the delegates during the two-days international Kashmir conference.

Prominent academicians, journalists, political activists, scholars and thinkers from India, Pakistan, and both parts of Jammu and Kashmir participated in the conference. Some prominent names include Dr. Hilmi Ozev, Amb. Anil Kamal, Dr. Shaheen Akhtar, Dr. Siddique Wahid, Mr. Shujaat Bukhari, Ms. Rifa Manchanda, Mr. Murtaza Shibi, Ms. Anuradha Bhasin, Prof. Anuradha Chetty, Dr. Mohammad Khan, Justice Majeed Malik, Dr. Nadia Mirza, Dr. Ejaz A. Khari, Dr. Fard Malik, Mr. Z.G. Mohammad, Prof. Nazir A. Shaw, Dr. Nisar Hamdani, Dr. Javed Bashir, Dr. Z.U. Khan, Dr. Javed Hayat, Prof. Kamal Chetty, Ms. Seema Mustafa, Mr. Zafar Chowdhary, Mr. Tahir Aziz, Mr. Ghulam Mohammad Safi, Mr. Faiz Nagashbandi and others.

JNU Professor involved in ①  
Seminar for free Kashmir  
Post Name given back side

Kashmir Solidarity Network  
FREEDOM JUSTICE DEMOCRACY

### Demand to Uphold Free Speech and Expression: PUBLIC STATEMENT

We condemn the demand of the BJP to "take the strongest possible action" against Arundhati Roy for her "seditious comments" at the seminar, "Azadi: The only way," held in New Delhi, October 21, 2010. There is recorded evidence to prove that the views expressed by her are not new and have also been made by innumerable others before and after her. If Arundhati Roy or Syed Ali Shah Geelani (or any other speaker from that seminar) is to be arrested for what they have said, then by the same logic a number of us would have to be imprisoned, not to mention the entire population of Kashmir.

The concept of 'sedition' is archaic and has no place in a modern democratic imagination. Perhaps for this reason the Drafting Committee of the Indian Constitution did not include "sedition" among the "reasonable restrictions" to Article 19(1) (a). In 1962, the Supreme Court (*Kedar Nath Singh vs. the State of Bihar*) read down Section 124A IPC to argue that only a call to violence or armed rebellion qualified to be considered as 'sedition'. The same Judgement reiterated the importance of not allowing the provision to interfere with the Right to Free Speech and Expression. As the present controversy proves, the Supreme Court's worst fears have been confirmed. The Bajrang Dal's threat that they will hound Arundhati Roy like M.F. Hussain provides further confirmation that 'sedition' will now be the new pretext for censorship. When the British charged Gandhi with sedition, he famously said, "Sedition in law is a deliberate crime but it appears to me to be the highest duty of a citizen." Expressing dissent about the nation-state and re-imagining its future is certainly the right of every citizen if not the "highest duty".

We would like to point out that the disruption of the meeting and the allegations of 'sedition' is part of a well orchestrated campaign. The right wing elements who disrupted the Azadi meeting were working in tandem with certain media channels who flouted all norms of professional journalism to create hysteria. In what appears to be an instance of 'paid news', a certain national news channel started a one-sided campaign against "splittists" and the "sedition industry" within hours of the meeting being held. The report only focused on two speakers and their supposed "seditious" utterances.

It is understandable that the BJP, in an attempt to deflect attention from the Ajmer Blast case, should indulge in hyper-jingoism but it is most unfortunate that the UPA, while deciding not to press charges of sedition against the speakers, did not assert their right to free speech and expression. Their silence on this matter has only emboldened groups like the Bajrang Dal who now want to take matters into their own hands.

This is perhaps expected from a government that has sought to suppress all dissent in the valley through brute force. Between June and October 2010, 111 people have been killed by security forces and this includes young boys who were not even participating in the protests. Countless have been maimed and injured by bullet injuries while many have been blinded by the catapults with marble shots used by the CRPF. For over two decades now, the armed and security forces have been committing extra-judicial killings, torture, disappearances and rape with impunity. Draconian legislations like the Armed Forces (Special Powers) Act,

the Jammu and Kashmir Public Safety Act and the Disturbed Areas Act continue to facilitate human rights abuses in the valley. The hysterical cry to enforce the rule of law in the case of the Azadi seminar contrasts with the long silence about the widespread and systematic human rights violations in Kashmir. By allowing the speakers of

the Azadi seminar to be censored, the government hopes to maintain its silence on Kashmir.

We therefore demand that the government take full cognizance of the continuing violation of human rights in the valley, make the security forces fully accountable so that the guilty can be prosecuted and punished. We demand that the democratic right to free speech and expression is upheld and every citizen in this country, including the speakers of the Azadi seminar, is given full protection from any attempt to impose legal or extra-legal censorship.

Signatories:

Viinda Grover Lawyer, Delhi

Shohini Ghosh Professor, Jamia Millia Islamia, Delhi

Naveen Menon Professor, Jawaharlal Nehru University, Delhi

Amar Kanwar Filmmaker & Artist, Delhi

Ranjani Mezumdar Associate Professor, Jawaharlal Nehru University

Aditya Nigam Fellow, Centre for the Study of Developing Societies

Dayanita Singh Photographer, Delhi

Urvashi Butalia Writer and Publisher, Delhi

Lawrence Liang Alternative Law Forum, Bangalore

Sabeena Gadiloke Associate Professor, Jamia Millia Islamia, Delhi

Saba Dewan Independent Filmmaker

Aparna Sen Filmmaker and Actress, Kolkata

Kalyan Ray Author and Professor, Morris College, USA

Joya Chatterji Historian, Trinity College, University of Cambridge, UK

Lakshmi Subramaniam Professor, Centre for Social Sciences, Kolkata

Kajri Jain Asst. Professor, University of Toronto, Toronto

Kumkum Roy Historian, Professor, Jawaharlal Nehru University, Delhi

Kamala Vishweshwaran Professor of Anthropology, University of Texas, Austin

Shikha Jhingan Asst. Professor, Lady Shri Ram College, Delhi University, Delhi

Anjali Monteiro Professor, Tata Institute of Social Sciences, Mumbai

Kalyani Menon-Sen Researcher & Independent Activist, Gurgaon

Uma Chakravarty Historian (Retired Professor, Delhi University) Delhi

KP Jayshankar Professor, Tata Institute of Social Sciences, Mumbai

Pamela Philipose Journalist & Director, Womens Feature Service

Harsh Mandar Writer and Activist

Gauhar Raza Filmmaker & Poet, Delhi

Amrinda Ghosh Professor, Jawaharlal Nehru University, Delhi

Shabnam Hashmi Social Activist, Anhad

Neeraj Malik Associate Professor, Indraprastha College, Delhi University

Javed Malik Retired Professor, Delhi University

Madhu Bhaduri Former, IFS Officer

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Jyotsna Kapur Assoc. Professor, Southern Illinois University, Carbondale

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Sarada Balagopalan Associate Fellow, CSDS

Kaushik Ghosh Assistant Professor, University of Texas, Austin

*(Issued in November 2010)*

again chenoy involved in free Kashmir issue ①

## Withdraw AFSPA from Kashmir: Independent People's Tribunal

[twocircles.net/2010sep03/withdraw\\_afspa\\_kashmir\\_independent\\_people\\_s\\_tribunal.html](http://twocircles.net/2010sep03/withdraw_afspa_kashmir_independent_people_s_tribunal.html)

By: Md. Ali, TwoCircles.net

New Delhi: The controversial Armed Forces (Special Powers) Act should be withdrawn from Jammu and Kashmir. Even the Public Safety Act and other anti-terror laws should correspond to the provisions of the International Covenant on Civil and Political Rights (ICCPR), which India has ratified," this is one of the recommendations of the Independent People's Tribunal (IPT) on Human Rights Violations in Kashmir, in its report.

### Incarcerated Land and People

Titled "Kashmir: Incarcerated Land and People" the report was released on September 8, 2010. Releasing the report, Justice H Suresh, former Judge, Bombay High Court, pointed out that draconian laws like PO EA, TADA and AFSPA have never been able to eliminate terrorism but yes they become an excuse for tremendous human rights violations in several parts of the country.

"One of the aims of the Tribunal was to instill confidence among the victims, that we care about them and they are not alone in this," said Professor Kamal Mitra Chenoy, Jawaharlal Nehru University, who is also a member of the Tribunal.



from R to L: Professor Kamal Mitra Chenoy, Justice H Suresh, Professor Anuradha Chenoy and Tanweer releasing the Report. [IGN Photo]

### HRLN and ANHAD Initiative

In order to access the human rights violation in J&K, an IPT was initiated by Human Rights Law Network (HRLN) and Act Now for Harmony and Democracy (ANHAD) and held in Srinagar on February 20-21, 2010.

### Members of the IPT

Justice H Suresh, former Judge, Bombay High Court, Justice Malay Sengupta, former Acting CJ, Sikkim High Court, Professor Kamal Mitra Chenoy, Jawaharlal Nehru University, Dr. Nusrat Andrabi, former principal, Government Women's College, Srinagar, Professor Anuradha Chenoy, Jawaharlal Nehru University, Delhi and Shujaat Bukhari, senior journalist, Srinagar are in the Tribunal.

According to Harsh Dobnal of HRLN, the Tribunal was organized with an aim to "provide a platform to the victims of the on going armed conflict in Kashmir."

The Tribunal heard testimonies from 37 victims and their family members, which included the victims of custodial killings, enforced disappearance, rape cases and those of unprovoked firings. It also heard testimonies/statements from experts, journalists and academicians who have followed these violations of human rights.

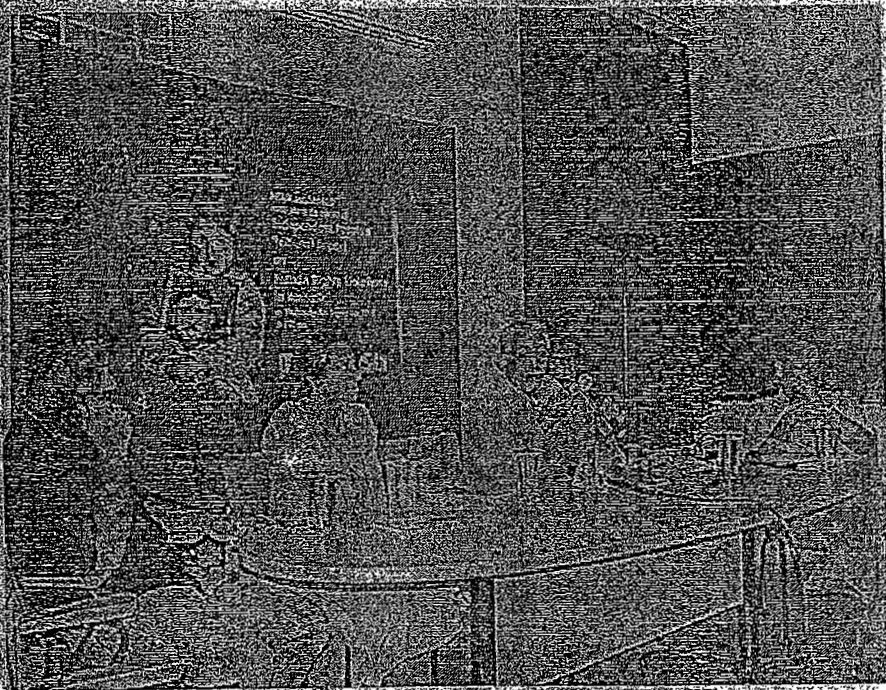
The idea was to highlight the suffering of all such victims and formulate certain suggestions/recommendations in order to minimize the use of force against the common man in the name of national security by the security agencies.

#### Gross violations of Indian Laws

The Tribunal found that all the crimes which were brought before its notice are not only violations against the Geneva Conventions but also are also violations against the Indian Penal Code and Indian Civil Laws.

#### SHRC without any power to act

Ironically the State Human Rights Commission (SHRC) has no power to investigate paramilitary and military excesses, though it does have the power to request investigation reports of the enquiry by the paramilitary and the military forces. According to the Tribunal, the SHRC has failed to exercise its powers proactively to provide justice to the victims.



Justice Suresh addressing the media. Harsh Dobnal (extreme right). HCN Photo.

#### Recommendations

**Establish special judicial authority.** The Tribunal has recommended establishing a special judicial authority which can make an independent and thorough inquiry into all allegations of human rights violations, including disappearances, custodial killings, rape, torture, fake encounters and other excesses of the security forces.

#### Minimize army men from the Valley

At present there is a huge concentration of military and paramilitary forces in the state of J&K, which is disproportionate to the civilian population and is also making civil administration ineffective in many matters. So the government of India should immediate steps to minimize the number of these forces in order to bring relief to the civilian population.

Chenoy needs  
relaxed ISI link

Hindu, 31/03/2012 funded

by ISF

**INTERNATIONAL**

Hindu 31-3-2012

# Fai sentenced after admitting links to ISI

Narayan Lakshman

WASHINGTON: In a closely watched case, Ghulam Nabi Fai (62), a former Director of Kashmiri American Council (KAC) who pleaded guilty of allegations that he failed to reveal his links to Afghan intelligence elements in Pakistan, was sentenced to two years in prison in a District Court in Eastern District of Virginia.

Announcing the sentence, which was surprisingly lower than the full five years that the court could have theoretically imposed upon him on the charge of concealing material facts about those links from the U.S. government, Judge Brian O'Grady said Fai would also face three years of supervised release.

In addition to the concealment of information charge, Fai, a U.S. citizen, was accused of conspiracy and tax violations in connection with a decades-long scheme to conceal the transfer of at least \$3.5 million from the government of Pakistan to fund his lobbying efforts in America related to Kashmir, the U.S. Department of Justice (DOJ) noted.

Under Fai, the KAC was ostensibly run by Kashmiris, financed by Americans, and dedicated to raising the level of knowledge in the U.S. about the struggle of the Kashmiri people for self-determination. However, court filings suggested that in fact the KAC was in receipt of shadowy tranches of funds from Pakistani officials, allegedly including the Inter-Services Intelligence Directorate.

The DOJ emphasised that Fai admitted in court that from 1990 until about July 18

documents to the same effect.

According to court documents, Fai accepted the transfer of such money to the KAC from the ISI and the government of Pakistan through his co-defendant, Zahoor Ahmad, and middlemen. Ahmad later reimbursed these donors for their purported donations to the KAC, the DOJ added.

Sounding triumphant after Friday's sentencing, U.S. Attorney MacBride said, "Mr. Fai spent 20 years operating the Kashmiri American Council as a front for Pakistani intelligence. He lied to the Justice Department, the IRS and many political leaders throughout the U.S. as he pushed the ISI's propaganda on Kashmir. Back in December, Fai pleaded guilty to both counts of criminal information."

The sentencing comes at a sensitive time for U.S.-Pakistan relations, even as Islamabad reviews its ties with Washington in the wake of a downward spiral in bilateral relations that accelerated since last year's killing of Osama bin Laden by U.S. marines on Pakistani soil.

Matters took a turn for the worse in November, when shooting by NATO led to the killing of 24 Pakistani soldiers in Mohmand near the Afghan border. After that episode, Pakistan closed down a vital NATO supply route and denied the U.S. any further access to an important air base in Shamskin Baluchistan. Meanwhile, drone strikes through most of last year led to growing anti-Americanism in Pakistan.

The Fai case outcome may not fuel the

Shariq was left in the police custody of the Kishtwar police. As journalists were not even allowed to be part of the court proceedings, Abid Hussain was remanded to NIA's custody till 5<sup>th</sup> October while Aamir has been sent to judicial custody.

The entire course of 'investigations' have once again brought out the communal fascist character of the Indian state. What else they have once again brought to the fore is the rat race that ensues between different investigative departments to come up with their own versions, each more 'true' than the previous. So for one, it is the work of the non-existent Indian Mujahideen to avenge the Balla House 'encounter', while for NIA it is the work of the Dhaka-based HULI to avenge the death sentence given to Afzal Guru. In both the cases, by ripping up what it terms as the 'collective conscience' of the people, what the Indian state seeks to obscure is how in each of the two cases — be it the fake encounter at Balla House or false implication of Afzal Guru, all the institutions of the state, be it the police, judiciary or the media, worked in collusion to manufacture evidence and implicate and execute innocent Muslim youth.

What these agencies will never bring to the fore is the involvement of the Hindu fascists in these attacks. The media's follow up to the blast has been once again extremely shameful and has remained willfully silent on the possibility of the Hindu fascist forces behind this attack. One has not forgotten the chilling confessions made by Aseemanand last year which clearly exposed the involvement of the sangh-giroh in the Ajmer sharif, Mecca Masjid, Malegaon, Samjhauta Express or Nanded blast. What this systematic brutalisation and witch hunt of the Muslims vindicates once again is how it is not just the domain of the Sangh and the ruling class in totality is Hindu fundamentalist in nature. On the other hand, the attack on Kashmiri youth yet again is another attempt on the part of the Indian ruling class to silence the voice for Azadi. But Kashmiris have braved all this and much more valiantly for the past 60 years in their struggle for Azadi. The false cases, arrests, torture, disappearances, fake encounters and all the military might of the Indian state can never suppress the struggle for Azadi of Kashmir.

Not empty rhetorical slogans of 'secularism' or 'communal peace and harmony', but a united resilient struggle of the oppressed masses along with the ongoing revolutionary movement can only challenge and defeat this brahminical communal fascist-expansionist state and it is only by strengthening the ongoing revolutionary movement that we can put an end to this.

Sep tember 7, 2011

DSU Public Meeting: Abolition of Death Penalty & the Struggle for Justice

6 Sep tember 2011

<b>Public Meeting:</b>
<b>ABOLITION OF DEATH PENALTY &amp; THE STRUGGLE FOR JUSTICE</b>
Speakers: <b>Varavara Rao (Revolutionary Poet)</b> <b>A.K. Ramakrishnan (Professor, SIS, JNU)</b>
<b>9:30pm   6 September</b> <b>TONIGHT   Kaveri Mess</b>

Faced with a mass upsurge of the people of Tamil Nadu, the execution of Perarivalan, Saanthan and Murugan which fixed for 9 September, had to be stayed for eight weeks by the Madras High Court on 30 August. Thousands of students, lawyers, professionals poured out on the streets against the hanging of the three, falsely implicated in the Rajiv Gandhi assassination case and wrongly imprisoned for nearly 20 years. Over 10,000 people gathered outside the High Court to protest against the death penalty. Three women lawyers sat on an indefinite hunger strike, trains were blocked at various places including Salem, Kovai, Vellore and Chennai, district collectors of Salem and Kovai were barricaded in their office by hundreds of law students, protest demonstrations, rallies and meetings were organized all over the state. Senkodi, a woman lawyer unfortunately self immolated herself in front of the Tahsildar's office in Kanchevaram against the execution order and later succumbed to injuries on the way to the hospital. The protests were followed by intense crackdown by the state on the people, and hundreds of them were arrested and illegally detained for long durations.

Immediately after the High Court stayed the hanging by citing 'inordinate and inexplicable' delay in disposing the petition of the three to the President, the Tamil Nadu Assembly adopted a resolution asking for the commutation of the death sentence. However, the Assembly resolution has no legal binding on the case and is merely an act of political gimmick to pacify and deceive the widespread public outcry that erupted across Tamil Nadu. Jayalalitha claims that the state government is powerless with regard to commuting the death sentence. This is a deliberate lie. Any sentence, including the death penalty, can be commuted if the state's cabinet passes a resolution and sends it to the governor, which he or she is obliged to accept. Only such a resolution would be legally binding and effective in quashing the death sentence. The reluctance of the Jayalalitha-led AIJDMK government to pass a cabinet resolution once again highlights their ruling-class opportunism, while shedding crocodile's tears under pressure from mass protests. Though the court's stay order is a step in the right direction, the continued injustice meted out to the three condemned prisoners cannot be ensured unless they are freed from prisons without any further delay.

Capital punishment is nothing but a judicially-orchestrated elimination of political dissidents. Fascist tactics of execution have been used time and again to set an 'example' or to teach a lesson to the people who dare to challenge the might of the Indian state. The history of Indian state since the transfer of power is replete with numerous such instances of political executions and hangings to crush peoples' struggles, reminding us of the days of the British Raj. Maqbool Butt, one of the prominent freedom fighters of Kashmir, was executed in 1984 to eliminate not only a political dissident, but as a warning to the entire Kashmiri nation who raised the demand of Azadi. Today, Perarivalan, Saanthan, Murugan, Afzal Guru, Devinder Singh Bullar, Jagtar Singh Hawara, Balwar Singh, Jiten Marandi and many others have been condemned to death by the courts, and were also subjected to the worst forms of torture at the hands of the police. The same state and its judiciary grants bail to Brahmeswar Singh, the landlord and founder of the 'upper-caste Ranveer Sena, also the mastermind of Laxmanpur Bathe, Manpur, Batanitola and a series of massacres involving the brutal killings of at least 277 dalits. The current desperation of the Indian state to hang the three persons falsely implicated in the Rajiv Gandhi assassination case is also not difficult to understand. Actively complicit for the past many decades in crushing the movement for independent Eelam, the Indian state today wants to extend another gesture of support to the murderous Rajapaksya regime by hanging the three.

Capital punishment is one more tool of repression in the hands of the Indian state. The self-proclaimed 'world's largest democracy' justified death penalty when it was challenged in 1983 by stating that hanging does not involve torture, barbarity, humiliation or degradation.

ON Afzal Guru

COLIN GONSALVES

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## Independent People's Tribunal on the Functioning of National Human Rights Commission concluded

An Independent Peoples' Tribunal was jointly organised by Human Rights Law Network (All India Network of NGOs and Individuals working with National / State Human Rights Institutions, Human Rights Alert, Vanvasi Chetna Ashram, Paryavaran Suraksha Samiti, South India Cell for Human Rights Education and Monitoring, Banglar Manabadhikar Suraksha Mancha (MASUM), People's Vigilance Committee on Human Rights, Human Rights Advocacy and Research Foundation and Asian NGO Network on National Human Rights Institutions (ANNI) on the functioning of the National Human Rights Commission (NHRC) on December 14, 15 & 16, 2013 in New Delhi.

This was being organised on the occasion of the 20 years of Paris Principles [1993], 20 years of the Protection of Human Rights Act [1993] and 20 years of the Vienna Conference [1993]. The jury was chaired by Justice (Retd.) Hosbet Suresh, and comprised Justice (Retd.) Surendra Bhargav, Justice (Retd.) W.A. Shishak, Justice (Retd.) K. Sukumaran, Mr. Yambem Laba, Prof. Babu Mathews, [Professor, National Law University, New Delhi], Prof. Kanak Cheroy, [Professor, Jawaharlal Nehru University, New Delhi], Prof. Anuradha Cheroy, [Professor, Jawaharlal Nehru University, New Delhi], Prof. Vimal Thorat.

It's been 20 years since the formation of National Human Rights Commission (NHRC). The NHRC was constituted under the Protection of Human Rights Act, 1993, for the protection and promotion of human rights in India. The first day comprised of three sessions. The first session was on 'NHRC's compliance to UN standards', the second session on 'Police encounter, custodial torture, custodial death and the response of the NHRC', and the third session on 'Killings and torture by armed forces and the response of the NHRC'. The second day comprised of five sessions.

The first session was on 'Attack on human rights defenders and response of NHRC', the second session on 'Communalism and Response of NHRC', the third session was on 'Violation of Women's Rights and Responses of NHRC', the fourth session was on 'Dalit issues and the Response of NHRC', and the fifth session was on 'Tribal Rights and the Response of NHRC'. The third day again comprised of four sessions. The first session was on 'Environment, housing and displacement and the response of NHRC', the second session on 'Health rights and response of NHRC', the third session on 'Child rights and the response of NHRC', and the fourth session 'Disability and the response of NHRC'. We patiently listened in each session to a series of expert testimonies followed by depositions from victims of different violations who had approached the NHRC at different points of time.

In the first session on 'NHRC's compliance to UN International standards' Adv. Prashant Bhushan addressed on 'Relevance of corruption charges within NHRC', Adv. Colin Gonsalves on the Independence of NHRC and the NHRC, Ms. Maja Daruwala on Core Groups in NHRC, Dr. Mohini Ginn on the role of deemed members in the NHRC, Prof. YSR Murthy on staffing, accessibility and infrastructure of the NHRC, Prof. K. Murali on District Human Rights Courts.

Suhas Chakma on complaints handling mechanism of the NHRC; Mr. Henri Tiphagne on the appointment and selection process in the NHRC. The most pressing issues of our times, i.e. Right to Food, Sexual Orientation and Gender Identity, and Death Penalty were spoken by Mr. Harsh Mander, Adv. Arvind Narain and Adv. Colin Gonsalves respectively.

In the second session on 'Police Encounter, Custodial torture, custodial death and the response of NHRC' Mr. Lenin Raghuvanshi addressed the section on Police abuse and torture in Uttar Pradesh. Ms. Sudha Bhardwaj spoke on the overall situation of Armed killings and torture, Adv. Navkiran Singh spoke on the Punjab Cremation Case and Babloo Loitongbam addressed the session on Armed Forces Special Powers Act and the situation of Manipur. Mr. Kinty Roy addressed the session BSE killings and torture in West Bengal while Parveen Aihangar spoke about the very significant issue of disappearances in Kashmir.

The second day comprised of five sessions. The first session was on the pressing issue of the Attack of human rights defenders and response of NHRC, the right to association, expression and assembly. The second session was 'Communalism and the intervention by NHRC'. The third session was on 'Violation of women's rights and the response of NHRC', the fourth session was on 'Dalit issues and the response of NHRC' and the final session was on 'Tribal Rights and the Response of the NHRC'.

In the first session on 'Attack on Human Rights Defenders', Venkatesh spoke on the attack on RTI activists, Shamim Modi spoke on the torture and false cases against human rights defenders citing her own case as well. B. V. Saram spoke on the police torture and registration of false cases against defenders, citing his own case to corroborate the issue. Anil Chowdhury addressed the section on the attack on NGOs.

In the second session on 'Communalism and the intervention by NHRC', Mr. Gagan Sethi spoke on the effective role of NHRC in its intervention in the Gujarat riots 2002 case, under the chairmanship of Justice Verma. Mr. John Dayal spoke on the Kandhamal riots 2007-2008 and the lack of attention or action by the NHRC. Mr. R. B. D'sa spoke about the Mangalore Violence of 2008 and the conspicuous absence of the NHRC in intervening in the issue. Aroze Alam elaborated the Baffa House Encounter case and how the NHRC simply endorsed the report of the Additional Commissioner of Police, instead of conducting its own enquiry and taking an independent stand on this very suspicious case which clearly had a conflict of interest for the Delhi police.

The third session on Violation of Women's Rights and the Response of NHRC was addressed by Ms. Annie Raja. The fourth session on dalit issues and the response of NHRC, the section on 'Access to basic rights and justice' was addressed by SDJM Prasad. Mr. Bezwada Wilson spoke on the practice of untouchability, Mr. P. L. Mimroth spoke about the atrocities against Dalits.

In the fourth session on 'Tribal rights and the response of NHRC', the section on False cases against tribals in Central India was addressed by Mr. Himanshu Kumar, the section on Mining issues and Forest rights was addressed by Mr. Sreedhar. Ms. Ningreihon Lungshang spoke about the tribal issues in North-east India. Mr. Mayank Sinha spoke on Nomadic and De-notified

tribes in India.

December 16, 2013, the third day, comprised of four sessions. The third day comprised of four sessions. The first session was on 'Environment, Housing and Displacement and the response of the NHRC'. The second session was on 'Health Rights and the response of the NHRC'. The third session was on 'Child Rights and the response of NHRC' and the final session was on 'Disability and the response of the NHRC'.

In the first session, on 'Environment, Housing and Displacement and the response of NHRC', Ms. Medha Patkar spoke on the overall situation of housing and displacement in India and the role played by the NHRC. Ms. Shivani Chaudhary spoke on 'Land grab and displacement'. Mr. Simpreet Singh spoke on Urban Housing and Displacement. Mr. Rohit Prajapati spoke on development and environmental destruction, and how they are living under constant threat of the State. Mr. Mahesh Pandya spoke on the environmental destruction specific to Gujarat.

In the second session on Health Rights and the response of NHRC, Mr. Binayak Sen spoke on healthcare as a right and access for the rural poor and the response of NHRC. Satya Sagar spoke on Public Health and the role of NHRC. Anand Rai spoke on Clinical Trial cases and the response of NHRC. Ms. Jashodhara Dasgupta spoke on Maternal health.

In the third session on Child rights and the role of NHRC, Ms. Bharti Ali spoke on Trafficking, forced labour and sex work and Adv. Anant Kumar Ashara spoke on Protecting Child rights, an evaluation of NCPCR and NHRC.

In the final session on Disability and response of NHRC, Mr. Santosh Rungta spoke on the overall situation of disability vis a vis NHRC and Mr. Anil Anuja spoke on Physical disability and their rights.

Chharendra is based in Hyderabad, Andhra Pradesh, India, and is a Reporter for AllVoices.

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1. Over one thousand boys and girls students have been fined from Rs. 2000/- to Rs. 5000/- for consuming alcohol, for indulging in immoral activities in their hostels. On a casual glance at the gates of the hostel one can see hundreds of empty alcohol bottles. Sex workers have been openly employed in hostel messes, where they not only lure JNU girls into their organized racket but also pollute the boys. How come big and high brand cars are moving around the hostels particularly in the night hours. Some security staff is also involved in this racket. Freshers are particularly inducted in this ring of vice by luring through money, sex, drugs and alcohol, so that they become tied up with the cause of foreign agencies.
2. Over 300 Kashmiri and north-east separatist activists are staying illegally in the hostels of JNU. They are the main force behind organising anti-India activities, protest demonstrations, talks and lectures by separatist leaders in the JNU campus.
3. Beef eating festival Mahishaswar Diwas and Hate Hindu campaigns are the regular feature in hostel activities and various seminars/lectures organized by known anti Hindu and anti-Indian elements. North East students, Muslim students and other anti national elements are in the vanguard of this anti-Hindu movement.
4. Of late the focus of DSU, AISA etc. has been to highlight the cause of *Azadi* (independence) for Kashmir, mass graves and enforced disappearances, martyrdom of Maqbool Bhat and Afzal Guru. Recently on 9 February 2014 a huge *Mashal* procession was organized in JNU campus in the evening by Prof. Ayesha Kidwai, Prof. Anuradha Chenoy and Prof. Kamal Mitra Chenoy through their front organizations (DSU, AISA). These three faculty members have recruited over a hundred students (for instance Ms. Deepti Tamang, Ms. Priyadarshini, Rauf, Umar Khalid, Iqbal Majeed Bhat, Dawa Sherpa, Rona Wilson, Syed Mohammad Raqib, Shehla Rashid Shora, Bano Jyotsna Lahiri, Ashutosh, Rajan Jha are the most vocal slogan raisers) and activists by feeding them with funds, alcohol and other facilities like placements in various NGOs, civil society groups, institutes that are run in India with the funding of Ford Foundation, foreign agencies, Action Aid, Oxfam etc. Angana Chatterjee (who visited Kashmir and prepared a report on Mass Graves and Enforced Disappearances at the behest of Pakistan and who was later deported from Kashmir by the Government of India), Ghulam Nabi

Fai (who was arrested by the FBI, USA for using Pak funds), Gautam Navlakha, Arundhati Roy, S. A. R. Geelani, Parvez Imroz, Mrs. Parveena Ahangar, Mr. Showkat Hussan –all known Kashmiri separatists, Teesta Setelvad and other known anti-India activists have been working along with Prof. Kamal Chenoy, Prof. Anuradha Chenoy, Prof. Nivedita Menon and Prof. Ayesha Kidwai in such misdemeanours. They have been signatories to a petition to President of India against the execution of Afzal Guru.

5. A few academics of JNU particularly Prof. Ayesha Kidwai, Prof. Kamal Mitra Chenoy, Prof. Anuradha Chenoy, Prof. Nivedita Menon have been misusing the JNU and their coveted position of senior teachers in the University for propagating secessionism in Kashmir and North-East, legitimizing and rationalizing terrorist activities in these states, stoking the fires of hate and anti-national sentiments by organizing seminars, lectures, issuing pamphlets, posters, publications and *nukkad nataks*, rallies, demonstrations, sit ins, hunger strikes and strikes in JNU for several years without any fear. The main goal of their activities is to attack Indian sovereignty in Kashmir, North-East, keep the Indian state in a destabilised state through Naxal, Maoist violence, secessionist movements. They are actively recruiting young minds in JNU campus and elsewhere by addicting them to night parties/revelries, alcoholism and cash payments to carry forward their agenda through mass campaigns, strikes etc. In this process JNU has become a den of organised sex racket in which some hostel karamcharis, maid servants, beauty parlours being run in Munirka village and the activists of DSF, DSU, AISA and other rogue elements are coordinating their activities. They have turned the autonomous body like GSCASH a monster to strike at those students and faculty who do not fall in line with their nefarious agenda. Over a hundred faculty members have written to the Vice Chancellor to clean up the act.

MUST READ: Love Jihad and Demographic Fears ☆ Who Will Police The Police?

## Citizens Statement on the Execution of Afzal Guru

FEBRUARY 10, 2013 10:52 PM 15 COMMENTS

We, concerned citizens from parts of India, are shocked by the secretive manner of the execution of Afzal Guru who was accused in the Parliament attack case and condemn the continued use of death penalty. We are also dismayed to know that his family members were not informed about the hanging and his body was not handed over to them as per colonial prison rules that should be revised immediately. As there are a number of doubts in his case regarding the evidence produced that was primarily circumstantial in nature and that he was not provided proper legal assistance at the trial stage, sentencing for life should have been the preferred option.

The timing of the execution with elections around the corner is giving rise to strong suspicion that this decision could have been guided not just by judicial considerations but also by political exigencies, and hence is a matter for concern for democratic traditions and civilized values of our society.

All acts of terror and criminality deserve exemplary punishment but death penalty should not be used as a punishment as we all recognize that the process of justice always contains the possibility of error and misjudgment. Hence all judicial decisions should have the scope for review and redress. Death Penalty has no such scope. Further, the choice of awarding life sentence or death penalty rests solely on the judge hearing the case. Thus the personal stand of different members of the judiciary can have crucial bearing on the judgment.

In the US, the state of Texas has the largest rate of death penalty and the largest number of lethal crimes. The history of capital punishment has shown that it does not have any deterrent effect on crime. And thus there is nothing in its favour. A number of countries across the world have already abolished death penalty. Larger and larger sections of democratic opinion in this country and all over the world have been demanding that Capital Punishment be removed from the statute books since it is cruel, violent and violates the sanctity of human life. We demand immediate steps to abolish the death penalty.

Admiral L. Ramdas- Ali Bagh

Mahesh Bhatt- Mumbai

Prof. Achin Vanaik- New Delhi

Prof. Rama Melkote- Hyderabad

Prof. Ritu Diwan- Mumbai

Dr. Sandeep Panday- Lucknow

Lalita Ramdas- Ali Bagh

Dr. Mazher Hussain- Hyderabad

Dr. Ram Puniyan- Mumbai

Prof. Kamal Mitra Chenoy- New Delhi

Irfan Engineer- Mumbai

Dr. Samata Roshni- Hyderabad

K. Sajaya - Hyderabad

Anuradha - Hyderabad

Ambica- Hyderabad

Jatin Desai- Mumbai

Jeevan Kumar- Hyderabad