

HRCP reports on current issues

The Malakand IDP crisis



Human Rights Commission of Pakistan

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Cosmetic changes won't resolve militancy

While welcoming the return of the Malakand IDPs to their homes as a positive development, the Human Rights Commission of Pakistan (HRCP) has warned the government that no cosmetic shift in the security policies will solve the crisis of militancy and that efforts in a new dimension will be needed to achieve that end.

Based on the conclusions of a quick fact-finding mission to the Frontier province, led by Ms Asma Jahangir, the HRCP has issued the following report:

The Human Rights Commission of Pakistan is monitoring the gradual return of the IDPs from Malakand Division to their homes. This is a positive development and gives peace a chance. It also presents a brief window of opportunity for reversing the trend towards Talibanisation but this opportunity may be lost if a cohesive policy is not adopted and civilian infrastructure not put in place, an infrastructure that can sustain peace.

It is important to recognise the collective role played by the humanitarian agencies as well as the civilian and military administration in making the early return of the IDPs possible. Even more crucial to this turn of events was the exemplary behaviour of the displaced people and their local hosts. The displaced people found their own way to safety under extremely tough conditions and are now making their way home on their own. They have little faith in the government and there is a serious deficit of trust between the local population and the military.

In order to build trust as well as to sustain peace HRCP believes that the government must take a new direction. There was

near unanimity amongst official and non-official interlocutors that met with HRCP during their missions to Pakhtoonkhwa (NWFP) that any cosmetic shift in the security policies of the government will not solve the crisis of militancy in Pakistan.

HRCP believes:

- It is crucial that the policy of “bleeding India” and maintaining a strategic depth in Afghanistan be reviewed. In short, the national security paradigm must shift to the need to keep pace with the political realities of the region. There are indications that this has so far not happened.
- The government must distance itself from the ideology of pan-Islamism.
- The nucleus of the top militant leadership must be taken apart and their communication and financial infrastructure dismantled. There are no indications that this has happened either. On the contrary, there are well-founded suspicions that certain elements known for their pro-Taliban policies continue to protect a number of top militant leaders.
- The operation in Malakand Division must not lose sight of the strong militant presence in FATA. Peace will not return to Swat unless militant networks in FATA are defeated.



In search of safety

- Simultaneous action must also be carried out against all militant networks in other parts of the country, particularly the Punjab, where militants operate with impunity.
- The civil and political administration must take command on the ground in Swat soon. There is a comprehensive plan of recruiting and equipping the police force in Pakhtoonkhwa. The number of police stations in the Malakand Division is to be doubled and the police force tripled. It appears that the civil administration is also preparing a comprehensive plan for better governance in the province. The resources provided to them will, however, be monitored by a serving army general on behalf of the Federation. The Awami National Party leaders plan to visit Swat on a regular basis now but almost all IDPs resented the bunkerisation of the political leadership while they faced all the risks and tragic deaths of their families.
- Access for independent journalists and observers to the area must be ensured. So far, the military has only encouraged embedded journalists to an embarrassing extent. At times local journalists have openly raised slogans in support of the military. Foreign journalists have accused the authorities of misleading them by giving false names of the places they were taken to for reporting. There are several reports of reprisals against journalists by the militants as well as by the security forces.
- Human rights violations should be closely monitored both during and post-conflict. HRCP was appalled at reports of extrajudicial killings carried out by security forces. Militant leader Maulvi Misbahuddin was apprehended by the security forces and later the bodies of Misbahuddin and his son were found in Bacha Bazar. The government claims that they were killed in an encounter while eyewitnesses hold that they were arrested by the police in Mardan. Amir Izzat, spokesperson of the Swat militants, was arrested from Amandara. Two days later the authorities claimed that Izzat was killed allegedly by militants trying to rescue him when they attacked the vehicle taking him to jail. Independent journalists claim that the targeted vehicle shown to them did not even have an engine. The most harrowing reports were of dead bodies strewn upside down by the military with notes attached to the bodies warning that anyone supporting the Taliban will meet the

same fate. There must be a difference between the actions of agents of the State and those of fanatical non-state actors. Such tactics only terrorise and dehumanise society. HRCP urges the government to impart training to the security forces and familiarise them with human rights and humanitarian law. HRCP has also received credible reports of the security forces resorting to collective punishment, forcible occupation of orchards and the use of indiscriminate and excessive force.

- All human rights violations during the conflict must be investigated and those responsible brought to justice. There are reports of reprisals which can only be discouraged if the State fulfills its obligation of providing justice through due process.
- HRCP has received reports of children abandoned during the conflict being handed over to dubious NGOs. It is vital that the provincial government keeps track of the adoption of every single child and ensure that children are reunited with their families or are looked after by well-intentioned groups.

– July 21, 2009

A tragedy of errors and cover-ups

The IDPs and outcome of military actions in FATA and Malakand Division

The Human Rights Commission of Pakistan (HRCP) is convinced that the cost of the insurgency in the Malakand Division has been increased manifold by the shortsightedness and indecisiveness of the non-representative institutions and their policy of appeasing the militants and cohorting with them. While the ongoing military operation had become unavoidable, it was not adopted as a measure of the last resort. Further, the plight of the internally displaced people has been aggravated by lack of planning and coordination by the agencies concerned, and the methods of evacuation of towns/villages and the arrangements for the stranded people have left much to be desired.

Based on reports by HRCP activists in the Malakand Division and other parts of NWFP/Pakhtunkhwa, visits to IDP camps by its activists and senior board members, and talks with many displaced people and several Nazims and public figures, the commission has released the following statement on the situation, its conclusions and recommendations:

Background

The Human Rights Commission of Pakistan (HRCP) has reported time and again over the last many years on the rising

exodus of IDPs from FATA and the Malakand Division, owing to deteriorating security situation, and warned the government of the consequences. IDPs in Balochistan have also been an issue of concern and separate statements on it have been issued by HRCP.

For over two decades the government of Pakistan, in particular the military, tolerated, if it did not collude with them, the religious militants and extended impunity to them as well as to all forms of acts of religious intolerance. It was common knowledge that international as well as national religious militants had safe havens in the country. After September Eleven, militants of all



Militants were tolerated for long

shades were reinforced and given a free hand to organize themselves at the cost of the freedom of the local population in FATA. Other parts of the country also continued to suffer but initially parts of FATA (Federally Administered Tribal Area) became the central hub of all militant groups, local, national, regional and international. The Musharraf government did not simply turn a blind eye but by all accounts, (including those of IDPs), several incidents revealed a policy to protect certain leaders of militant groups. The government has never given a satisfactory explanation on the supply lines of finances, vehicles, arms/ammunition and petrol that the militants have never been short of. This is particularly questionable in the case of Swat, which is a settled area and surrounded by territory in control of the government.

Amongst other reports, a number of credible sources (including official sources) confirmed that in December 2006, a vehicle was impounded by SHO Amir Zaman of police station Kabal, which was full of explosives. The destination of this pick-up was the Dera (house) of Fazallullah, popularly known as Maulana Radio. The SHO who impounded the vehicle was ordered by phone to stop all proceedings till higher police officials instructed him to proceed in the matter. As the DIG of the area was on leave, SP Qudratullah Marwat is said to have personally ordered that the van be released with the explosives as he had instructions from "higher authorities" to release the pick-up. In addition a number of other well placed sources confirmed that groups of militants from Waziristan were officially escorted to Swat in 2007.

During the last few years nine military operations were carried out and nine compromises made with militants operating in FATA and Swat. None of these succeeded in bringing peace. Almost all the IDPs and interlocutors interviewed by HRCP complained of having been let down by the government. They strongly felt that the government machinery lacked the will rather than capacity to dismantle the militant force in the Malakand Division. As regards FATA they were less sure of the capacity of the government to deal with the enormous challenge. They complained that the problem was deliberately ignored for many years and now the militant groups, criminal elements and drug traffickers had formed a formidable network.

A number of IDPs from Swat had left their homes twice or thrice before the recent army operation of April 2009. They admitted that generally the local population of Swat took a positive view of the last peace deal negotiated by the ANP and Maulana Sufi Muhammad. They had hoped that peace would be restored but

they found that some of the worst forms of human rights abuses by the Taliban took place after the deal was struck. A large number of misled and tired youth joined the militants, who were seen as the ultimate victors and future administrators of the area. While a large number of people voluntarily joined the militants, the IDPs narrated incidents witnessed in their own families where the Swat-based Taliban forced young men to join them by threatening the families that came in their way. There were reports of summary executions through slaughter by the militants. At least, three cases of whipping of young girls were reported by IDPs living in three different camps. Hanging of bodies by the tree and killings of those cooperating with government forces were widely reported. Scores were killed including many political activists.

Reports of the devious role played by a former commissioner of Malakand were common. Earlier Syed Muhammad Javed, former Commissioner of Malakand, was posted as DCO Swat. It was common knowledge that he fully patronized Maulana Fazalullah, son-in-law of Sufi Muhammad. While posted as DCO he is reputed to have exhibited strong leanings towards the Al-Qaeda-style ideology. He would drive from Mingora to Pevchar where Fazaullah led Friday prayers. The presence of the highest official in Swat in the congregation of the faithful led in prayers by Fazallullah was a strong incentive for others to join. It is reported that there was vigorous recruitment of local people by the militants during that period. There are other allegations of abuse of human rights by the former Commissioner.

The government defended the appointment of Commissioner Syed Muhammad Javed on the ground that he had strong connections with the Taliban and could therefore be used for the purposes of brokering a genuine peace deal. However, it is now evident that the former Commissioner advanced the cause of the Taliban and exposed the locals to their wrath. The IDPs from Buner were particularly disturbed by the destructive role played by the former Commissioner. In April 2008, the Taliban tried to enter Buner. The local people resisted and hurriedly called for a jirga. They armed themselves and were supported by the DCO and the DPO of the area. Commissioner Javed, who was in Dir with Sufi Muhammad, heard of the resistance by the local armed groups. He called up the DCO and the DPO ordering them to halt the local resistance till he visited Buner the next day. According to eyewitnesses, the Commissioner arrived escorted by the Taliban and gave a dressing down to the DCO and the DPO. He ordered the local jirga to come to the Karakar forest rest house on the Swat Buner border for talks with the Taliban. The jirga members refused

to go to the rest house and were then invited to the Commissioner House in Swat.

The jirga (after a day) went to the Commissioner House as instructed. They were shocked to see Muslim Khan there. Maulana Faqir Muhammad was awaited; he was arriving from Bajaur. When Maulana Faqir Muhammad finally arrived, he threatened the jirga members and the Commissioner forced the jirga members to apologise to the Taliban for raising an armed Lashkar against them. A sham compromise was made to assure the Buneris that the Taliban would not enter the area if they disarmed. However, the Taliban, despite the compromise, entered Buner the next day. They burnt down and destroyed the houses of active jirga members, including the Sultanwas houses of Afsar Khan (ANP leader) and Col. Sultanzeb. Within a few days the Taliban had complete control of the district.

Commissioner Syed Muhammad Javed is also alleged to have pressurized the family of Chand Bibi, the video of whose flogging was telecast by national television channels, to deny that the incident had ever taken place. According to some government sources the Commissioner played the lead role in providing a doctored report to the Supreme Court.

The Nizam-i-Adl compromise

It is now obvious that the ANP government fell into a trap in the hope that a compromise with Maulana Sufi Muhammad would bring peace. It had been widely publicized that the local population wanted enforcement of the Nizam-i-Adl Regulation which was being supported by the militants and that its enforcement would bring peace to the Malakand Division. Only a few though believed that the campaign of the militants was motivated by a desire to bring in any form of justice. Their past record offered strong evidence against their interest in justice. Girls' schools were bombed, women were restricted from leaving their homes without a *mehram*, video shops were destroyed, barbers were punished for shaving men and throats of suspects were slit without trial. Quite obviously the militants were making a bid for power. The Nizam-i-Adl Regulation was to be used as a tool to keep the local population in a state of fear while power would be wielded through Taliban-appointed judges and law enforcement personnel.

Sufi Mohammad

Now in his mid-seventies, Sufi Mohammad belongs to Kumbar, near Maidan in Lower Dir district of the Malakand Division. As a young man he was associated with Jamat-i-Islami and was elected a BD councillor during the Ayub period. In



the early nineties he joined the alliance of feudals and political agents who did not want FCR to be replaced with the Pakistan code and raised the demand for the enforcement of the Shariah law. He gained prominence when his supporters in the Tehrik-i-Nifaz-i-Shariat-Mohammedi (TNSM) blockaded the Malakand pass and made a violent bid to capture Saidu Sharif, capital of Swat, in which

several lives were lost. The government reached an understanding with TNSM and the result was Nizam-i-Adl Regulation of 1994. After 9/11 Sufi Mohammad led thousands of ill-equipped tribals into Afghanistan to fight by the side of the Taliban. Many of his companions were killed and those who survived blamed him for their plight. He himself was arrested when he returned to Pakistan in 2001. Many thought the administrations thus saved him from his frenzied followers that were out to harm him. He stayed in prison till November 2007 when he was transferred by the caretaker regime to a hospital in Peshawar. In 2008 he was released and the provincial government signed an agreement in April 2008 with his party in the hope that he would succeed in persuading the militants, commanded by his son-in-law, Maulvi Fazalullah, to honour the peace accord. These hopes did not materialize and Sufi Mohammad himself kept raising new demands.

The militants had to rely on intimidation as in the 2008 General Election the people of the Malakand

2008 General Election the people of the Malakand Division overwhelmingly voted in favour of the ANP and the PPP and rejected the candidates backed by clerics. As a result of excesses committed by the militants, 95,953 families (577,167 people) were internally displaced in the NWFP/Pakhtoonkhwa province before the May 2009 military operation commenced. A large number of IDPs were from Swat where the Taliban were virtually in control, Therefore it was pretty evident that the people felt themselves insecure and wanted peace – at any cost.

As was expected, the Taliban took control but soon their ambition had the better of discretion. Addressing a big public gathering in Mingora (Swat) on April 19, 2009 Maulana Sufi Muhammad rejected western-style democracy and called it “a system of infidels”. He asserted that there was no room for democracy in Islam. Similarly he denounced the judicial system including the High Courts and the Supreme Court as un-Islamic. He gave an ultimatum of four days to the government to pack up their judicial system in Malakand Division and appoint Qazis selected by himself. Lawyers, the Maulana said, had no business in his scheme of things. The public throughout the country was alarmed. The Parliament reacted strongly against his outburst and his painting of all those who disagreed with him as infidels.

The military operation

A number of sources claim that at least 80% of Malakand Division was already under the control of the Taliban, who nominally owed allegiance to Sufi Muhammad and his Tehrik Nifaz Shariat-e-Muhammadi, before the army operation started on 26 April, 2009. Most political parties supported the military operation. A large section of civil society was also convinced that it had become unavoidable to take some military action, particularly as police officials in the Malakand Division were killed and leaders and workers of the ruling provincial party (ANP) were liquidated. A large number of police functionaries serving in the Malakand Division had deserted or were virtually confined to their police stations. Representatives of the provincial government admit that the



An unfortunate option

situation was grim enough for them to experiment with any available recipe, as long as the people of their province had some breathing space. They disclosed that they had received no support from the federal government to their efforts to raise the capacity of their law-enforcement personnel. The military merely smiled at their request for assistance while the federal government dragged its feet and remained clueless about dealing with rising violence, tensions and internal displacement.

Regrettably, the intensity of a full fledged military operation could have been avoided if the militants had been confronted, discouraged, deported and captured earlier, after several emphatic public denials of support to them. It took a number of years after September Eleven for the Musharaf government to acknowledge that militant groups had taken refuge in FATA. The military operation was an unfortunate option also because no effective measures had been taken in the past to meet the challenge. As one interlocutor commented the country is a patient whose ailment has been ignored too long and who is even now being treated without a complete diagnosis, while his ailment has travelled to all parts of his body. There are several public statements on record where chief of ISI and military leaders have praised the “patriotism” of jihadi groups. Sufi Muhammad was touted out as a saviour and champion of peace and justice. This confuses the population that is consistently misled by those in authority.

The urgency of a military action cannot be discounted but any armed action by the state must, under all circumstances, follow the principles of humanitarian law and in particular Article 51 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1). It must be a measure of last resort rather than a measure that becomes unavoidable because of sustained inaction in the past. Use of force must be proportionate and non-combatants should, at all costs, be assured of safety. Those trapped in the cross fighting should be provided with food and all efforts made to bring them to safety.

Tales of suffering

The IDPs from Swat unanimously complained that they were given a scandalously brief notice to evacuate. Curfew was relaxed for a few hours and thousands of families walked for miles to reach safety. A large number of them were caught in the armed conflict between the Taliban and government forces. Those fortunate enough to find transport had to pay a fortune. There are reports of loss of life and limbs caused by mines laid by the Taliban. A number of women were traumatized because the Taliban had forced the men in the family to stay back. Many others had been separated from their families. A particularly distressing story was of a woman who carried her son's slaughtered head for burial because she was forced to leave the corpse on the wayside by the Taliban who had beheaded him.

Another woman narrated how she had left her special child behind because he could not walk. She was beside herself and told the HRCP team that she had left some water and food by the side of her disabled child and had had no news since. Families reluctantly admitted that in a panic to save their lives in very difficult circumstances they were unable to carry the very old ones and disabled children with them.

A woman gave birth on the way amidst the exchange of fire and hurriedly wrapped her newborn and it slipped through the wraps during her journey.

IDPs also alleged that they saw dead human and animal bodies lying by the wayside. The stink was unbearable. They mostly corroborated the allegation that both the Taliban and the military did not allow families to pick up the dead bodies and that a high level of fatalities had occurred in the area. They disclosed that the Taliban as well as the military operation were responsible for the

loss of life of hundreds of non-combatants.

There were credible testimonies that the Taliban had made last-minute desperate efforts to forcibly recruit children and very young men to fight for them. Others were taken to be used as human shields.

On the other hand, the IDPs confirmed that the use of long range artillery by the military was indiscriminate. Besides militants civilians too became targets of bombardment. Reports indicate that the scale and intensity of fighting has been severe and in many cases it has been undertaken in heavily populated areas.

It is feared that several hundred people have been unable to flee to safety due to the intensity of the fighting and imposition of constant curfews. The stranded civilian population is without electricity and they have no means of communication. Medical assistance is not available while food and water are scarce. According to UNHCR, the affected area has over six million population. The estimates of the people displaced have risen to nearly three million. This is a strong indication that large numbers are either trapped or missing. It is reported by the incoming IDPs that fatalities and casualties amongst civilians are significant. The infrastructure has also been massively damaged by government forces as well as the Taliban. An unconfirmed report doing the rounds in the IDP camps and in urban centres of NWFP/Pakhtoonkhwa province says that some seven Taliban were captured after three commandos had been brutally butchered by the Taliban. They were thrown out of an helicopter at a high altitude. Such stories must be thoroughly probed and strongly refuted if found exaggerated. Reports of slaughter of military personnel and relatives of off duty police by the Taliban are circulating in the camps and have been confirmed by many IDPs. The loss of soldiers and police officers is a heavy blow to the country and especially demoralizing for the security forces. HRCP deeply regrets it but must continue to stress that the distinction between the behaviour of non-State and State actors must be fully comprehended.

IDP camps

It is estimated that by May 24 1,206,213 people had fled from Swat Valley, Lower Dir, Buner and Shangla districts. According to available data, the total number of IDPs on that date was estimated at 1,783,380. Some 80% have taken shelter with local host families or in rented accommodation. As the number of

IDPs keeps increasing, the capacities of host families and communities are being overstretched.

When HRCP teams visited the area there were 23 official camp sites; eleven old and 12 new ones set up after the late April/May influx. The largest camp, Jalozai II was set up before April 2009. It population is 71,344. Of the new camps, the Dargai camp at Malakand has 96,148 people. Other camps are smaller in size, mostly having under 10,000 people.

The task of organising IDP camps is gigantic and poses a huge challenge. Even more difficult it is for host families to sustain their hospitality beyond a certain period. It is absolutely remarkable the way the people, particularly in Swabi and Mardan, have opened their houses to those fleeing conflict. Had the citizens not acted in a prompt and generous way protection for the IDPs would have become virtually impossible. It also appears that foreign agencies like UNHCR, ICRC and UNICEF had foreseen such an eventuality. The government, federal as the provincial, were totally at a loss in the first few weeks. The provincial government is beginning to stir but the Federal government remains clueless and has no forward looking strategy. More worrying is the revelation that neither the Federal nor the Provincial government could explain the overall objective of the military operation. Short-term and long term tasks have so far not been comprehended, neither was anyone certain of the next phase of the operation. The military sees it as a “jump in and out” operation, the Provincial government has expressed concerns over it. They point out that holding the areas that are cleared of the Taliban till civil administration is put in place is crucial.



Long queues in camps

The Federal government is solely concentrated on fund raising and has so far not looked ahead.

A few families (mostly men) returned to Buner after announcements were made at camp sites that people could return for 10 days to harvest their crops. Others took up courage to return to Buner after the Interior Minister announced that Buner was safe and people could return. Families at IDP camps reported that some of their family members were stopped by the military from proceeding ahead but some went through to find that many parts of Buner were not safe and fighting was continuing. At least two families interviewed by HRCP teams lost family members, who had returned on the advice of the government.

There are serious concerns regarding security. There is no checking on arms inside the camps. IDPs admitted that some low level Taliban had also taken refuge in the camps. Foreign aid agencies point out that security has to be taken care of by the government but no effort was being made to this end. However, when VVIPs visit camps a large number of police force is seen on the spot with the entire administration hanging around waiting for endless hours for the VVIP to turn up. HRCP monitors saw red carpets rolled out in camps and huge tents with public address system being set up for a visiting VVIP. Such show of pomp can hardly please the destitute.

The IDP camps are by no means perfect. There is a dearth of all kinds of essential commodities and the infrastructure is very make-shift. Medical facilities are inadequate and heat is a main problem. The distribution system is being improved but not sufficiently fast enough. The registration system is very slow and cumbersome. It is especially difficult for IDPs living outside the



An endless scramble

camp facilities to secure registration. The IDPs were given a bag of wheat each by a foreign donor. They had no facilities to cook or to get the wheat ground. Most used the bags to sit on. The IDPs were nervous because they had no access to news on a regular basis. They hoped that the camp sites could have radios for those interested in getting information. Aid agencies complained that a number of individuals and VIPs were an obstacle to their delivery work. They gave examples of how humanitarian aid was kept undistributed because two political parties laid claim to it and could not decide who should distribute the goods. In the meanwhile, the desperate IDPs looted the goods and the most vulnerable amongst them went empty-handed.

HRCP is especially concerned that the IDPs have been virtually barred from entering Sindh. In Punjab they are not being registered but are not barred. However, the Federal government has announced that all rental deeds must be executed in police stations so that the police can “keep an eye” on the IDPs from leaving NWFP/Pakhtoonkhwa. The Punjab government has issued instructions that property cannot be sold to anyone from outside the province without a no-objection certificate. This is demoralizing for IDPs who are the worst victims of the Taliban’s wrath and the governments’ utterly indefensible policies.

The effects of Talibanisation are not confined to the NWFP/Pakhtoonkhwa province alone. That part is directly affected but bomb blasts, threats and rise in crime across the entire country is a major fallout of Talibanisation and the fighting. The Taliban openly threaten the people even today. Very recently, medical representatives in Peshawar were warned not to wear pants. They were beaten because they took no notice of the warning. Male students have been instructed through a government notification, after threats from the Taliban, to wear shalwar kameez. Women in Islamabad, Lahore and Karachi have been stopped by men and told not to drive by themselves and to cover their heads.

Journalists, particularly, of electronic media told HRCP of the heavy censorship on news. There can be no discussion on the number of civilian fatalities or casualties. Independent media and international or national humanitarian groups have no access to the conflict area. This is worrying and HRCP remains concerned about the lack of independent information from the conflict area. Telephone lines are disconnected, therefore those trapped or who stayed back cannot reach anyone when in distress.

HRCP believes that the challenge faced by the country goes beyond Swat. The government of Pakistan is under great

strain in dealing with this complex issue, which is mostly a legacy of the Zia-Musharaf regimes. The victims of the Taliban's militancy have mostly been Pakistanis – civilians, law enforcement people and the military. Over the years, Pakistani jihadi groups have formed a network of supporters that are entrenched in all institutions of the country. Their close links to foreign militant groups have put more resources at their disposal and they now operate in a strategic way. Pakistan's government has to draw a comprehensive policy – taking the military and other political parties on board – so that a long-term strategy is developed to confront the forces of militancy and intolerance. The government should seek partnership with international entities and other countries to effectively challenge militant groups and their supporters.

Conclusions and recommendations

- 1. The spread of the Taliban influence in the Malakand Division and the suffering of the internally displaced people (IDPs) are the result of arbitrary policy-making by non-representative institutions. There has been no evidence of the transparent policies and reference to the people that were vitally needed. The situation though has improved under the democratic government – despite the system being fragile and lacking in many ways. Those criticizing the Taliban and religious fanaticism are not snubbed and most political forces recognise the enormous challenge they face from militant Islamic groups.*
- 2. A white paper should be issued on the official patronage extended to the militants in the Malakand Division. Government officials and other individuals who helped the militants in their unlawful pursuits, exploited the situation for narrow personal gain, and played with the lives of innocent citizens must be made to account for their misdeeds.*
- 3. The implications of the use of force, even when unavoidable, were not taken into consideration, particularly in relation to the principle of proportionality and the need for due regard to the safety of non-combatants, specially children, women and the disabled. The measures needed to protect life through an early warning system and to minimize suffering by mobilizing resources at the earliest to help the civilians fleeing from the conflict zone were either inadequate or not there at all. According to information available to HRCP, not enough time was given to people who were required to flee to safety, no transport was arranged by the government and the people had to walk for miles without help or guidance. The safety of passage was not guaranteed. Not even a warning of mines was issued in some sectors.*
- 4. No proper count of civilian casualties has been issued. They appear to be significantly higher than the figures mentioned by the ISPR.*
- 5. The displaced people have suffered in the camps because of quite a few problems that could have been managed. These include: lack of coordination among the various administrative services, shortage of trained personnel, flawed staff orientation, and lack of transport. The supply of goods to these camps often does not match the displaced people's needs (for instance, supply of wheat instead of flour). The various agencies have no institutional framework for consultation and problems are*

addressed on an ad hoc basis.

- 6. The camps do not have oversight mechanisms to check corruption, misappropriation of relief supplies, and exploitation of the vulnerable. It is necessary to provide for processes for redress of grievances and complaints.*
- 7. There are gaps in services provided at the camps. There is need for efficient information centres at all camps and effective procedures for the search and recovery of separated or missing members of the displaced families.*
- 8. The plight of families stranded in towns/villagers must be seriously addressed. Ways should be found to establish communication with them, to ensure supply of food to them and to guarantee their safety.*
- 9. The large population of displaced people outside the camps should immediately be brought within the support network so that they are not driven by circumstances to rush towards the camps where resources are already stretched and the threat of adverse weather looms large.*
- 10. The policy of censoring reports about the military operation and its impact on the citizens' life and matters is manifestly counter-productive. The people will better face the situation if they are taken into confidence and trusted with the truth.*
- 11. The authorities must have a sound exit strategy – how the civilian administration will be restored once the operation is over. Who will guarantee the people's security and how? Who will ensure that the law enforcement staff is adequately trained and equipped?*
- 12. Finally, the government must develop a well considered plan as to how FATA and the Malakand Division will be administered after peace is restored. In particular it is necessary to decide what kind of judicial system will be followed in these territories and what arrangements will be needed to protect women, children and the minorities that have borne the brunt of the militants' atrocities.*

– June 03, 2009