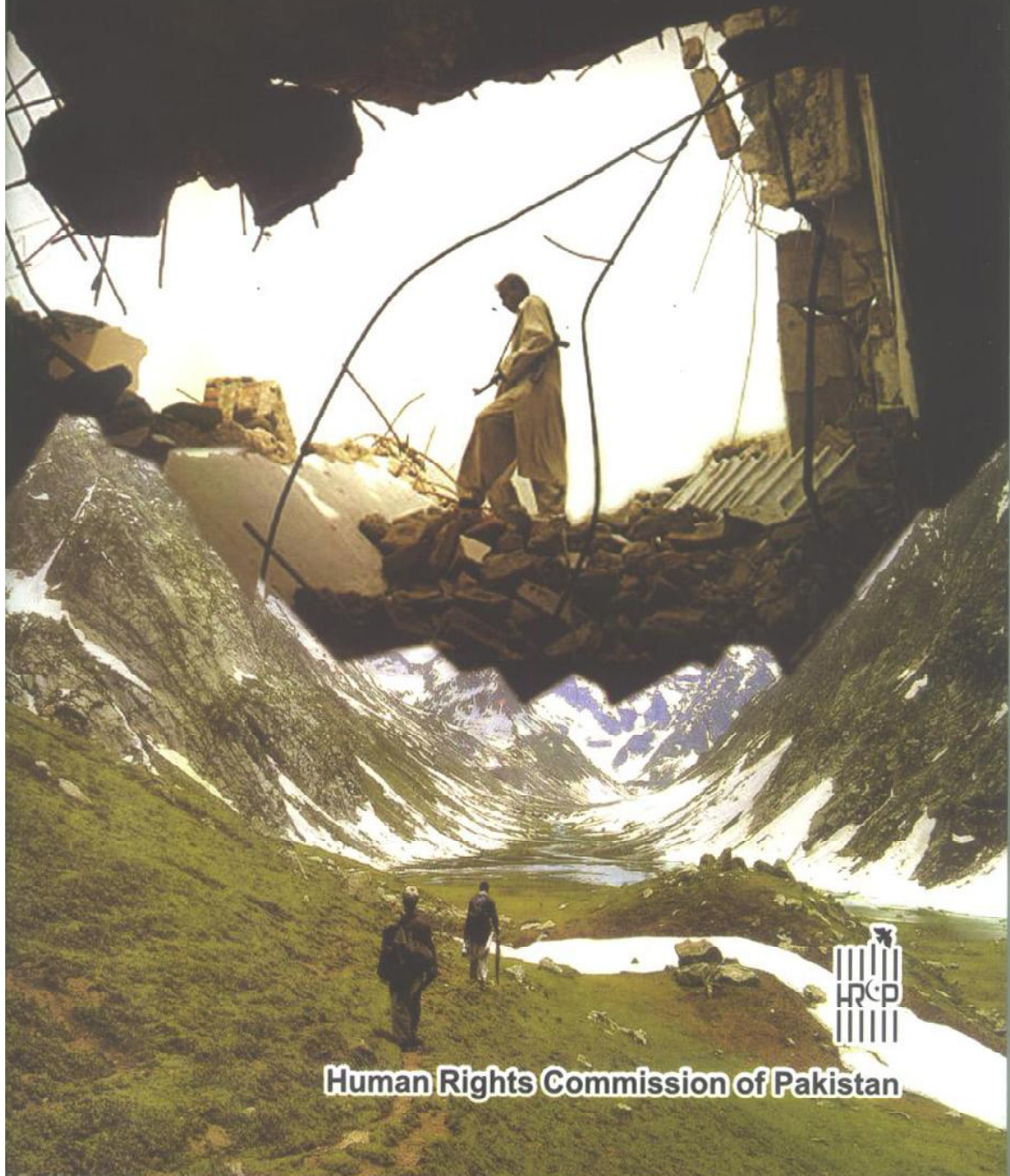


Swat: Paradise Regained?

Report of an HRCP Fact-Finding Mission



Human Rights Commission of Pakistan

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Published by
Human Rights Commission of Pakistan
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Jacket designed by Visionaries Division

Printed at Anwar Fayyaz Printers
Mission Road, Lahore

July 2010

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Map of Malakand Division



Introduction

Malakand Division in northwestern Pakistan was once known primarily for its scenic beauty and as a magnet to attract tourists, but over the last few years it has witnessed the most horrific violence and bloodletting in the wake of the emergence of militant extremism in the country. From civilians and security personnel being publicly slaughtered, the State ceding its authority to bands of armed hooligans, winding up of the judicial system, swapping of prisoners and generally capitulating to mass murderers; and destruction of schools and displacement of population on an unprecedented scale, Swat has seen it all since 2006.

Malakand Division comprises seven districts—Malakand Protected Area, Swat, Shangla, Buner, Upper Dir, Lower Dir, and Chitral. Swat, Buner, Upper Dir and Lower Dir have been the districts worst hit by the militancy. The remote mountainous district of Chitral, which borders Afghanistan, was the only district to escape any militant activity or violence.

Violence by pro-Taliban militants was already commonplace in the once popular tourist destination of Swat district and across the Malakand region, when a peace deal between the Government of Pakistan and the militants broke down in April 2009, obliging the security forces to launch an offensive against the militants in the districts of Lower Dir and Buner in late April 2009 and in Swat in early May. The region witnessed the largest internal displacement in Pakistan's history in May 2009 when over two million people fled their homes in a fortnight after the launch of a military offensive against the militants there.

In July 2009, the uprooted population started returning to their houses

after the army declared it had expelled the militants from most of their strongholds. A year on, almost all the displaced people have returned to Swat. The army chief declared in May 2010 that the roots of terrorism have been removed from Swat, Malakand and the Tribal Areas. As the tide has turned against the militants, the spotlight has shifted to reports of excesses by the security forces.

An HRCP fact-finding mission, led by HRCP Council member Malik Jarar Hussain, visited Swat on May 20-21, 2010, in order to assess conditions for the civilian population and the general state of human rights in the region. Other members of the team were Mr Ghulam Dastageer, Programme Coordinator, Mr Delawer Jan, a Peshawar-based journalist, and Mr Muhammad Qasim Khan, a volunteer working with HRCP.

The HRCP team interviewed government officials, lawyers, journalists and members of civil society.

Swat: Post-military operation

Security situation and rights violations

The HRCP team noticed considerable improvement in the law and order situation in Swat and most of the people interviewed also stated that the security situation in the militancy-hit region has changed for the better since the launch by the military of Operation Rah-e-Rast in Swat in May 2009.

Most of the people interviewed praised the security forces for smashing the militants' network. However, they expressed apprehensions that the relative peace in Swat, attained following the major military operation, might not be sustainable and that once the military pulls out of the region the Taliban could once again regroup and resume their reign of terror.

Zahid Khan, President of the Swat Hotel Association, disagreed and said, "There is no chance of resurgence of Taliban in Swat if our army wants that."

However, the HRCP team was told of the security forces' involvement in extrajudicial killings, illegal detention of suspected militants, occupation of houses of civilians and expulsion of suspected Taliban's families from Swat district.

Some of the people the HRCP team talked to expressed concern over reports of excesses by the security personnel and said that these reports should be thoroughly investigated and pressure mounted on the security forces to respect human rights and desist from their violations in Swat and other

parts of Malakand Division. “They (the security forces) are defeating terrorism through terrorism. The security forces put an end to the atrocities committed by the Taliban against civilians, but who will rid these people of the excesses by the security forces?” asked Mr Ziauddin, spokesperson of the Swat Qaumi Jirga.¹

However, veteran political leader Afzal Khan Lala, who had refused to abandon his native Swat in the face of a persistent campaign by the Taliban to target him and his family, is all praise for the military operation and insists that the army must be given credit for restoring peace and the writ of government in Swat. He said that the objective of the army operation was yet to be accomplished and action to weed out militants was still needed.

“I am satisfied with the military operation. We have seen the worst and the law and order situation is much better now,” he said, adding that the militants in Swat used to behead people in public and in broad daylight and no one could do anything about that, “but now no Talib can commit such atrocities in Swat.”

At the same time, resumption of targeted killing of individuals deemed to be supporting the government is also alarming. As many as nine pro-government individuals have been killed in Swat district in this manner since February 2010, which demonstrates that Swat is yet to be purged of terrorists despite the three-month operation by the security forces in 2009 and despite heavy military presence in the area.

HRCP received numerous accounts that the Taliban have resumed sending threatening letters to owners of Internet cafés, barber shops and music and CD shops to wind up their “un-Islamic businesses”. In one such instance, threatening letters were sent to shop owners in Nishat Chowk, Mingora, on April 10, 2010, warning them that failure to close their businesses would lead to bombing of their shops. Some music shop owners temporarily closed their

¹ Notable citizens of Swat formed Swat Peace Jirga in February 2008, which was later renamed as Swat Qaumi Jirga. It is a non-registered entity governed by a 20-member steering committee. The committee includes two members of the Khyber Pakhtunkhwa Assembly from Swat district. The Jirga highlights civilians’ problems related to the security forces’ operation in the area with a view to addressing these problems. The Jirga has 2,500 members in Swat district. It takes credit for evolving consensus for the launch of an effective military operation in Swat in May 2009 to flush out the militants.

businesses after receiving such threats.

According to an eyewitness account, two masked men on a motorcycle came to a video market, Palwasha Cinema Market, along Madyan Road in Mingora, Swat, in broad daylight on April 7, 2010, placed an explosive device in the market and went away. The device went off before bomb disposal personnel could reach the site, destroying 10 shops dealing in movie and music CDs and cassettes.

However, while talking to the HRCP team at his office in Mingora, Swat District Coordination Officer (DCO) Atif Rahman expressed optimism about the situation in Swat and added that law and order had already improved to a large extent. He said that in mid-May the security forces had killed members of two groups of militants, led by Qari Abdullah and Pir Ehsanullah, that were involved in targeted killings.

The DCO admitted that the area had not been completely cleared of the Taliban. "There are still safe havens for Taliban in Swat but there are no well-defined pockets."

Fayyaz Zafar, a journalist based in Mingora, also noted the improved security situation, pointing out that there had not been any suicide bombing in Swat in the two previous months.

Qazi Jamilur Rahman, deputy inspector general (DIG) of police for Malakand Division, said the recent targeted killings and the April 7 blast at the Mingora market signified that pockets of militants were still there in Swat. "There is an element of fear, which is understandable because of the atrocities of the terrorists in Swat," he said, but added that there was no chance of the militants' regrouping in Swat.

However, several people interviewed by the HRCP team expressed concern at the 'fact' that the Taliban leadership continued to be at large and could stage a comeback once the army was withdrawn from Swat.

Through an advertisement published in leading newspapers of the country on June 9, 2009, the Khyber Pakhtunkhawa provincial government had identified 21 Taliban commanders as hardcore militants and announced cash rewards ranging from Rs 10 million to Rs 50 million for information leading to their capture. So far, six militants on the list have reportedly been killed and

two taken into custody, while the remaining 13 are still at large.

Sr. No	Name of militant commander	Reward (in rupees)	Killed	Arrested
1	Mullah Fazlullah	50 million	According to media reports in late May 2010, he was killed in the Afghan province of Nuristan by Afghan police. However, Taliban have reportedly denied Fazlullah's death.	
2	Muslim Khan	10 million		Both were arrested on September 11, 2009, according to ISPR. There is no word on the charges they face or when they will be brought to trial.
3	Mahmood Khan	10 million		
4	Qari Mushtaq	10 million		
5	Akbar Husain	10 million		
6	Sher Muhammad Qassab	10 million	He was captured on September 16, 2009. According to media reports, his bullet-riddled body was found dumped in Charbagh area of Swat on September 20, 2009.	
7	Sirajuddin	10 million		
8	Bakht Farzand	10 million		
9	Mian Gul Ghafoor	10 million		
10	Nisar Ahmad	10 million		
11	Lal Deen alias Baraay Mian	10 million		
12	Anwarullah alias Anwar	10 million		
13	Basheer Ahmad	10 million		
14	Sultan Husain	10 million		
15	Ibn-e-Ameen	10 million		
16	Fakhr-e-Alam aka Mufti Aftab	10 million		

Sr. No	Name of militant commander	Reward (in rupees)	Killed	Arrested
17	Maulana Muhammad Ameen	10 million		
18	Maulana Muhammad Alam Banori alias Khaleel	10 million	According to media reports, he was killed on February 15, 2010 in a joint operation by security forces and police in Malikabad village in Gadoon area of Swabi district.	
19	Umar Rahman alias Fateh	10 million	He was killed by the security forces in Mohmand Agency on March 5, 2010, according to media reports.	
20	Shah Dauran	10 million	Deputy leader of the Swat chapter of the banned Tehrik-e-Taliban Pakistan (TTP), Dauran died after protracted illness and, according to media reports, he was buried in Damadola area of Bajaur Agency in mid-December 2009.	
21	Shehenshah	10 million	Reportedly Killed in Swat soon after the military operation ended.	
Total			6	2

During an earlier HRCP fact-finding mission to Swat in late July 2009, the then spokesman of the Inter-Services Public Relations (ISPR) in Swat, Major Nasir Khan, had claimed that Mullah Fazlullah had been besieged in Dardial, a remote area of Swat adjacent to Lower Dir. Nearly 10 months later, in the last week of May 2010, unconfirmed reports in the media suggested that he was killed in the Afghan province of Nuristan by the Afghan police. If Fazlullah's death is confirmed and if the ISPR claim in June 2009 of surrounding him in Dardial was correct, then that raises a big question as to how the "besieged" Taliban leader managed to flee to Afghanistan from Swat, which do not have a common border.

Nevertheless, almost everyone in Swat that the HRCP team talked said

that the military operation had helped restore peace in Swat. Mr Ziauddin of the Swat Qaumi Jirga said that law and order is better compared to the situation before the launch of the May 2009 military operation, and the growing influence of the Taliban has been curbed. “And that became possible because of the firm action of our security forces during and after the military operation.”

“Though some top militant commanders are still at large, it is now obvious that the command and control structure of the Taliban has been destroyed,” Ziauddin said, adding that earlier the people dared not say anything against the Taliban, but now they openly called them terrorists. “That is a major change,” he added.

But Ziauddin also feels that the relative peace of Swat may not endure. “It’s peace under the shadow of the gun. People fear that the militants would resurface once the army is withdrawn from Swat, because concrete measures to restore sustainable peace in Swat are lacking.”

These fears have been fueled by the slow pace of reconstruction and rehabilitation, and failure to properly investigate charges against the militants and bring them to book. Ziauddin says that the continued absence from their constituencies of elected representatives from Swat also confirms those fears.

The people the HRCP team talked to said that under Taliban control the people of Swat were denied every fundamental right, including the rights to life, education, movement, and freedom of expression. They said that most basic human rights have now been restored to a large extent for most people in the region.

The HRCP team found that not everyone in the conflict-raked region believes that terrorists should have the same rights as their victims. “Human rights idealism cannot be implemented in Pakistan. Terrorists observe no human rights. They should have no human rights. They should be killed. How can we guarantee human rights to people like Fazlullah and his cronies who played havoc with the basic rights of the people and still pose a threat to peace in Swat?” Ziauddin asked.

He suggested that no quarter should be given to hardcore militants but the low ranked militants and those forced to join them should be spared. “Most of the terror suspects have been detained or killed on very tenuous grounds. For instance, if someone had invited Taliban to dinner or lunch just to avoid the wrath of militants—who were literally ruling Swat at the time— he should not be treated as a hardcore militant. Low-ranked Taliban should be

rehabilitated,” Ziauddin added.

He said if the security forces “continued the practice of killing all those who had even a tenuous link with the militants then there could be a massacre because 90 percent of Swat population was forced to support the militants”.

Ziauddin supports extrajudicial killings, saying that killings by the security forces might be extrajudicial but they should not be “extra-justice”. “Only people directly involved in terrorism should be killed.”

One of the interviewees who talked to the HRCF team on condition of anonymity said that a man named Muhammad Islam, 25, was killed in an extrajudicial manner by the security forces. Muhammad Islam was a madrassa student and a resident of Spal Bandai, Marghazar Road, in Swat district. He was rounded up by the security forces during a raid on his house in September 2009. His father, Ameer Mahmood, himself handed him over to the security forces. Initially, he remained in police custody, and was later shifted to a jail from where he went missing. Neighbours believe that one of the decomposed bodies found dumped in Banjot, in Swat, in October, 2009 was that of Muhammad Islam. The neighbours and other people that the HRCF team talked to claimed that the madrassa student was not a hardcore militant, but had delivered threatening letters for the Taliban to local shopkeepers, asking them not to sell commodities at inflated prices.

Swat Hotel Association Chairman Zahid Khan also said it was almost impossible to convict the militants through the judicial system, which was why people had not opposed extrajudicial killings, “but only the real terrorists should be dealt with in this manner”.

Although there were no reports of revenge killings of the suspected Taliban, the HRCF team learned about expulsion (*Ilaqa badari*) of at least 30 families of suspected militants from Kabal and Matta tehsils of Swat district on May 21 last. The families had been warned by the authorities that they would be expelled from Swat district unless they surrendered their relatives, suspected of involvement in militancy/terrorism, by May 20. The HRCF team also received information about scores of incidents of punitive demolition of houses of suspected militants in various areas of Swat district, which constitutes a flagrant violation of human rights.

Swat District Bar Association Vice President Fazl Rahman told the HRCF team that before the launch of the military operation in the region, normal life

had been paralysed and parallel courts were established in Swat. "That is no longer the case," he said, adding that the behaviour of military officers "is fine but that of the non-commissioned soldiers is unsatisfactory". "Usually the security forces personnel storm the houses of suspected militants in complete disregard of the local Pakhtun traditions regarding observance of *pardah*... Human rights have been virtually suspended in Swat," he added.

He said targeted killings continued in the area and added that such incidents had begun shortly before the emergence of militants in Swat in 2007 and their resumption might signal regrouping of the Taliban.

DIG Qazi Jamil conceded that the people of Swat still apprehended the return of the Taliban, but said that regrouping of Taliban in Swat was "next to impossible".

Swat DCO Atif Rahman said according to law, fundamental human rights stand suspended in Swat since the launch of the military operation. According to him, 801 civilians had been killed in the area until April 2009, apparently by the militants, before the launch of Operation Rah-e-Rast. Another 750 civilian casualties have been reported during the military operation. However, the figures cannot be independently verified. Data from independent sources is not available and HRCP believes that it would take a grassroots-level survey to determine the exact number of civilian casualties.

The government has announced Rs 400,000 as compensation for each house destroyed and Rs 160,000 for each partially damaged house, but it has not announced any compensation for the goods damaged or destroyed in the buildings, including shopping plazas and houses.

Situation of detainees and performance of courts

DIG Jamil said that only the army had detained suspected militants and that there were no such detainees in police custody in Swat. The Swat DCO put the number of detainees in the custody of the army at over 1,000. Independent sources claim that around 2,600 suspected militants have been detained and have not been charged with any wrongdoing. They have not been produced before any court.

Jamshed Khan, public prosecutor at the Anti-Terrorism Court in Saidu Sharif in Swat, the only such court for the entire Malakand Division, said that around 2,800 cases had been registered against suspected terrorists after the military operation. Trial has concluded in 57 of these cases. There have been convictions in only three cases while the remaining 54 have resulted in acquittal.

The deplorably slow disposal of cases is not surprising—there is only one Anti-Terrorism Court judge for the seven districts of Malakand Division.

Lawyers at the Swat District Bar were of the opinion that most of the accused had been charged for having tenuous links with militants. They said individuals who had offered water and food to militants or had been forced to extend any support to them were being tried under the anti-terrorism law and this was not fair.

Role of *lashkars*

Veteran politician Afzal Khan Lala said during his meeting with the HRCP team that tribal *lashkars* are imperative to combat militants, but expressed regret that such *lashkars* could not be formed in Swat, as, according to him, the Swatis cannot unite under one leader. He said that in the neighbouring district of Upper Dir, a *lashkar* had done an excellent job by flushing out terrorists from the area in June 2009.

The Swat DCO also stated that unlike places such as the Federally Administered Tribal Areas (FATA) and Dir, there were no *lashkars* in Swat. There are village defence committees (VDCs) and their main task is to share information with the law-enforcement agencies regarding militants and to help the army in cordoning off some areas in time of need. *Lashkars* act on their own, while the VDCs in Swat are subservient to the security forces.

Swat Qaumi Jirga spokesman Ziauddin says that *lashkars* should not be given the role of the army, adding that they should be assigned a defensive role to protect their localities.

Zahid Khan, president of the Swat Hotel Association, is also a member of the Swat Qaumi Jirga executive committee. He said that raising *lashkars* in Swat would have serious repercussions, adding that it might lead to revenge killings once the army is withdrawn from Swat. “Our *lashkar* is our army on which a large portion of the national budget is spent. We do not need nor can we afford any other *lashkar*,” he added.

Afzal Khan Lala said that the only *lashkar* in Swat is a tribal *lashkar* of Abakhel tribe, a sub-clan of the Pakhtun Nekpikhel tribe, in Kabal tehsil. He said that reports that he had formed a *lashkar* against the militants were

baseless. “It was in fact the army that formed the *lashkar* [in Matta tehsil of Swat district] and I was invited to that function as a guest and the media portrayed it as if I had formed the *lashkar*,” Lala said. However, he strongly supported formation of *lashkars*, saying that large-scale killing and displacement could have been averted in Swat if the people had raised a *lashkar* in the same manner as the people of Upper Dir and Buner districts of Malakand and FATA had.

Complaints of extra-legal killings

Most of the people the HRCP team talked to stated that incidents that gave rise to suspicion of extrajudicial killings continued in Swat. According to HRCP statistics, 282 bodies were found dumped in Swat between July 2009, when the military operation ended, and May 31, 2010. Local residents said most of these people were believed to have been killed by the security forces. Many of these people approved of extrajudicial killings and said that militants deserved to die and that it was difficult to prosecute them because of fear among witnesses. Dead bodies were typically found at the end of curfew hours, when security forces had barred all movement in the area. As many as 48 bodies were found across Swat district after curfew hours on October 8, 2009, particularly in the areas of Banjot and Manglawar.

Many people supported HRCP’s demand that all such incidents should be investigated by the appropriate judicial authorities so that the exact situation is established.

Bodies found dumped in Swat district

(July 30, 2009 to May 2010)

Sr. No	No of bodies found	Name	Area	Date
1	1		Saidu Sharif, Swat	30-7-2009
2	3		Bank of river Swat, Gaman Bridge	31-7-2009
3	1	Gul Khitab	Saidu Sharif Road, Swat	3-8-2009
4	4		Manglawar, Swat	5-8-2009
5	2		Mohallah Aman Kot, Swat	7-8-2009

Sr. No	No of bodies found	Name	Area	Date
6	14		Three bodies were found on the bank of river Swat in Ingaro Dherai; two each in Ghaigai, Gash Kor and Khwazakhela tehsil; and one each in Aman Kot and Faiza Gat.	10-8-2009
7	2		District Swat	20-8-2009
8	14		District Swat	25-8-2009
9	22		Including 19 along Mallam Jaba Road, district Swat, and three in Mingora city.	26-8-2009
10	29		Different areas of Swat, Manglawar, Banjot and Pash Bun	27-8-2009
11	7		Different areas of Swat district	30-8-2009
12	36		Different areas of Swat district; Banjot, Theli Grama, Ghut, Pash Bun; Akhund areas of Tehsil Kabal; Nawagai area of Berikot Tehsil.	1-9-2009
13	1		River Swat	6-9-2009
14	1	Militant commander Sharif	Tehsil Matta, Swat	14-9-2009
15	48		Different areas of Swat district, including Banjot area of Manglawar	8-10-2009
16	3		Madian, Swat district	2-11-2009
17	5		Dakorak area of Swat	6-11-2009
18	2	Militant commander Shoukat and a militant Ali Muhammad	Matta tehsil of Swat district	12-11-2009
19	1	Militant commander Ali Rehman	Ningolai, Kabal tehsil of Swat district	13-11-2009
20	14		Ghuli Bagh area of Charbagh tehsil, Swat district	15-11-2009

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Sr. No	No of bodies found	Name	Area	Date
21	1	Militant commander Ahmad Jan	Swat district	17-11-2009
22	2	Militant commanders Shama Khel and Ahsanur Rehman	Charbagh, Swat	19-11-2009
23	4		Gorda and Manglawar, Swat district	19-11-2009
24	1		Babu area of Khwazakhela tehsil in Swat district	3-12-2009
25	11		Koza Bandai, Segram Road, Kabal tehsil, Swat	3-12-2009
26	2	Yaqoob and his father Shah Jee	Shangotai area of Swat district	2-12-2009
27	3		Swat district	6-12-2009
28	1		Matta tehsil, Swat district	11-12-2009
29	1	Militant commander Abu Zar	Charbagh tehsil, Swat district	30-12-2009
30	3		Chupriyal area of Matta tehsil, Swat	31-12-2009
31	1		Barikot tehsil, Swat	1-1-2010
32	2	Militants Shanakht Ali Rehman and Raza Khan	Khwazakhela tehsil, Swat	16-1-2010
33	5	Including militant commanders Bakht Farzand and Sheena	Matta City, Swat	19-3-2010
34	3	Including suicide bombing trainer Izzat Khan, his brother Naseeb, and friend Fazal Qadir	Mingora, Swat	19-3-2010
35	2	Militant commanders Bakht Mareen and Bakht Nasir	Bandi Berari Area of Khwazakhela tehsil, Swat	22-3-2010
36	3	Militants Bakht Zada, Khayesta alias Fedayi and Sarbuland	Matta tehsil and Madian, Swat district	08-4-2010

Sr. No	No of bodies found	Name	Area	Date
37	3	Militants Ataullah s/o Taza Gull, Umer Hayat s/o Qasim Jan, and Fazal Wahab s/o Shaban	Khwazakhela tehsil, Swat	9-4-2010
38	2	Militant commanders Abdullah and Anees	Hayatabad, Mingora City, Swat	7-5-2010
39	2	Two unidentified militants	Peochar area of Matta tehsil, Swat district	8-5-2010
40	2	Akbar Khan s/o Usman and Kabir Khan s/o Khanzada	Village Fazalabad and Shahibagh area of Devlai, Kabal tehsil, Swat	11-5-2010
41	6		Madian tehsil, Swat	11-5-2010
42	3		Miandam area of Khwazakhela tehsil, Swat	12-5-2010
43	1	Ihsan	River Swat, Malukabad area of Mingora, Swat	16-5-2010
44	3	Militant commander Umer Sadiq and militants Qari Rehmat and Naik Muhammad	Shawar, Matta tehsil, Swat	18-5-2010
45	1	Ibn-e-Idrees	Peochar, Matta tehsil, Swat	19-5-2010
46	1	Militant Sher Rehman alias Gojar	Shakar Darra, Matta tehsil, Swat	20-5-2010
47	1	Unidentified militant	Malukabad area of Mingora, Swat	24-5-2010
48	2	Two unidentified men, referred to as militants in media reports.	Badarra, Matta tehsil, Swat	26-5-2010
Total		282		

Impact of conflict on women and children

Prior to the military operation, conditions were very difficult for women in Taliban-controlled areas. The Taliban had effectively confined women to their

houses and they could not venture out for shopping or even medical treatment. Banners were displayed outside markets stating that women could not shop there. Though the curbs imposed by militants on shopping and on other movements of women are no longer there, the HRCP team found that the situation continued to be difficult for families headed by women where male relatives have been killed in the conflict. Women's access to education had suffered disproportionately in Taliban controlled-areas, as most of the schools bombed by the militants were girls' schools and even where the buildings remained intact families barred girls from going to schools out of fear for their safety. The situation has now changed and girls' schools have resumed working though mainly in tents.

Access to women in Swat proved very difficult for the team on account of the conservative norms in the area. The team observed that there is need for more women researchers to be trained to access women in the area and assess their special needs.

Children in Swat were most vulnerable to the effects of the conflict, leading to severe mental distress. Coping with the loss of family members was the most traumatic experience for children. According to Muhammad Ali, director of Khpal Kor Foundation, an orphanage in Mingora, loss of family members, especially heads of the family or young relatives the children looked up to, left them struggling with a sense of uncertainty, insecurity and fear.

Forced to suffer involuntary displacement and the subsequent long and arduous journey in search of safety, many children narrated their helplessness and constant fear of being captured and killed by militants.

Many children witnessed acts of violence by the militants, including verbal abuse and murder. They also saw corpses of the Taliban and of police officers who had been beheaded. Children were confined to their homes for extended periods where they often heard sounds of bomb blasts and mortar shelling, Ali said.

He said children who were used to a life of relative comfort at home had to quickly learn to adapt themselves to life in camps and host communities where securing food and other provisions took up most of their families' time. Children were often stood in the queues for food. Many children felt that they had to watch out for themselves and support their families as well.

Disruption of education was a disaster in itself, but the children also had to

reconcile with destruction of their schools, murder of teachers and, in case of displacement, loss of their friends, Ali added.

A large proportion of the children of Swat is psychologically scarred and depressed, and needs counseling, particularly children who have lost their limbs during the conflict. Ali gave details of scores of children who had developed eating and sleep disorders or experienced nightmares.

He said that the militants had sought to justify violence in the name of religion and many children associate Islam with the recent suffering in Swat. Many have expressed aversion to religion.

Muhammad Ali also shared some case studies of orphaned children admitted to Khpal Kor Foundation.

- Shahab Khan, a 13-year-old boy, suffers from acute mental stress and depression whenever he remembers the murder of his father by Taliban militants. His father, Sarfaraz Khan, was a police officer in Swat, who was ruthlessly shot and killed by militants in front of Shahab and his mother. Ali said that in his early days at the orphanage, Shahab used to murmur in his sleep: "For God's sake! Don't kill him." Talking to the HRCP team, Shahab was so overcome by emotions and grief that he was unable to talk about the incident. Shahab's mother is in the same psychological state, according to Ali.

- Citing the ordeal of another orphaned child, Ayub Khan, Ali said that Ayub's father had died in mortar shelling. Ayub's mother had died several years earlier and after the death of his father he was dependent on his step-mother, who could not make the two ends meet. He was admitted to the orphanage. "When he was brought to the orphanage, he was in a very bad mental condition. His eyes were full of tears and he was shivering," Ali said.

Socio-economic aspects

Swat Hotel Association President Zahid Khan said that the economy of Swat district is mainly dependent on tourism. According to rough estimates, about 15,000 people in Swat were associated with the hotel industry in 2006, and the number has now plummeted to around 2,500. Other businesses associated with tourism, which employed another 20,000 people, have also been seriously affected. Mingora used to serve as a trade hub for Buner, Shangla and Kohistan districts. Now trade for those districts has shifted to Mardan and Abbottabad districts, causing a colossal loss to the economy of

Swat.

Zahid Khan said that tourists visit places where complete serenity prevails, and observed that it would not be possible to attract tourists to Swat amidst a heavy military deployment and with numerous checkpoints here and there. “The authorities have promised special permits to tourists to facilitate their passage at the checkpoints, but they can do nothing about the long queues of vehicles at these points. Simply put, a tourist-friendly environment is lacking in Swat just now,” Zahid Khan said.

Swat Qaumi Jirga Spokesperson Ziauddin said that the number of checkpoints should be reduced to help revive the tourism industry in Swat.

Agriculture in Swat has suffered disproportionately in areas along main roads where the army has banned the cultivation of maize, one of the main crops in the area, and cut down most of the orchards, as they could offer hiding places to militants. No compensation has been given to the farmers and orchard owners. The army has also occupied over 100 houses, hotels and *hujras* across Swat apparently in view of their strategic location but have not paid any rent or compensation to the owners.

The Swat DCO told the HRCF team that the administration would soon start paying rent to the owners of the houses in the security forces’ possession.

Militants destroyed or damaged as many as 401 schools in the Swat region. The fact-finding team found that most of the schools in Swat are at present housed in tents. 202 of the 226 partially damaged schools have been repaired and six of the 175 destroyed schools reconstructed. Most of this work has been done by the army and financed by district government funds. The people interviewed by the HRCF team said that the army should also focus on its area of specialization and should not be involved in reconstruction of civilian structures.

Conclusions & recommendations

HRCP welcomes the restoration of peace in the Swat region. No incidents of public flogging, or patrolling by Taliban anywhere in Swat were reported to the HRCP fact-finding mission. Before the 2009 military operation, militants had established parallel courts in Swat. That is no longer the case. Though reluctance of elected representatives from Swat to visit their constituencies and native areas points to their continued lack of confidence in the security situation, people are not afraid of speaking out against the Taliban. The security forces must be given credit for that.

However, HRCP has serious concerns over reports of excesses by security forces' personnel. These should be thoroughly investigated and any wrongdoing punished to send a message distinguishing the State's actions from those of the terrorists.

The government must hold a transparent inquiry into scores of reports and allegations of extrajudicial killings in Swat. Such an inquiry is all the more needed because, on account of nearly 300 bodies being found after curfew hours, the local people have assumed security forces' involvement. While the affected population might advocate arbitrary killing of terrorists or even suspected terrorists, government forces ought to know better. HRCP strongly urges the government to investigate each killing in Swat, irrespective of who the perpetrator may be with a view to bringing the culprits to justice.

HRCP is also concerned over reports of expulsion (*Ilaqa badari*) of at least 30 families of suspected militants from Kabal and Matta tehsils of Swat district.

HRCP cautions the government that use of illegal and heavy-handed tactics

by the security forces will be counterproductive. Terrorism must not be resorted to defeat terrorism. The focus of the government must be on bringing terrorists to justice through legal means, with guarantees of fair trial and due process. HRCP implores the government to ensure that the actions of security forces in the region are consistent with human rights standards.

In addition to the physical needs of the affected population, the government must also pay urgent attention to the psychological needs of the people of Swat, especially children.

With a view to reviving the economic activity in the area, the government needs to ensure that a tourist-friendly environment is ensured in areas where peace has been restored and tourists are not held up in long queues at the numerous security check-posts.

The government must give compensation to all citizens whose properties have been taken over by the military or who have been ordered not to cultivate their lands as they desire.

Several credible sources informed the HRCP mission that 1,000 to 2,600 individuals are in the security forces' custody in Swat and have not been produced in any court. HRCP would like to remind the government, if any reminder is required, that anyone suspected of any wrongdoing must not be detained without charge. Anyone detained must be promptly produced before a court of law and must get a fair trial. The government must increase the number of courts in the conflict-hit area to try the detained suspects in an expeditious manner and enhance the number and capacity of its investigators to increase the likelihood of perpetrators of human rights violations being brought to justice. HRCP is of the opinion that the army should only be deployed in the area for the minimum period required to stabilize the situation and should hand over policing responsibilities to civilian forces as soon as circumstances permit. It should also focus on its area of specialization and should not be involved in reconstruction of civilian structures.

The military's response

Prior to publication, HRCF had sent a copy of the report to the Interior Ministry and the Inter Services Public Relations (ISPR) and invited their comments. The Interior Ministry did not respond to the request. The ISPR initially requested more time to submit their response to the report and eventually issued the following press statement, which is being reproduced verbatim.

Press release

Response to HRCF report

No. /2010-ISPR

Dated: 21-07-2010

Rawalpindi, July 21: A spokesman of ISPR has strongly rejected the contents of report issued by "Human Rights Commission of Pakistan".

The spokesman said that the Army conducted operations as per the directions of the Government and is present in Swat on the great public demand. Army is also actively engaged and contributing in reconstruction and rehabilitation activities. Spokesman further highlighted that at the start of the operation, the COAS had already issued strict orders against any unlawful activity and to take all possible measures to avoid collateral damage and destruction. Army follows a strict disciplinary code of conduct and a strong mechanism exists within the institution to deal with such matters.

It is further emphasized that during the Swat operation few people from the valley were found involved in revenge killing in response to the wide-spread

atrocities committed by the terrorists. A case was also unearthed, where terrorists had killed their own comrades and buried them in a mass grave. There were few cases of suspects, who were killed during running encounters and in combat. Many criminals have also been arrested on the charges of killing people for ransom.

It must not be lost sight of that over 2500 officers and soldiers of Pakistan Army have sacrificed their lives in the operations fighting against the terrorists. In the past, reports on Human Rights violation have been appearing but the credibility of such reports has always remained doubtful.

The recent Swat and Kalam festivals and whole hearted public participation, clearly negates the allegations of Human Rights Organizations. The malafide intent seems to undermine the success of Army operation in Swat.

The incidents mentioned in the report have been investigated by the Army and were found unsubstantiated. Mostly the incidents reported are based on hear-say and individual opinions. The spokesman reiterated that Army is strictly working within well defined parameters and in accordance with rules and regulations as allowed in aid of civil power. The civil administration and local commanders alongwith notables of the area are working in close coordination and harmony. Therefore, we reject the allegations and reiterate that the contents of report lack evidence and appear fabricated, the spokesman concluded.

Annexures

Annex - I

List of people interviewed

- 1) Ziauddin (spokesperson of Swat Qaumi Jirga)
- 2) Fazl Rahman (vice president, Swat Bar Association)
- 3) Zahid Khan (president, Swat Hotel Association)
- 4) Afzal Khan Lala (veteran nationalist leader)
- 5) Muhammad Ashraf Khan (lawyer)
- 6) Muhammad Ali (director of Khpal Kor Foundation, an orphanage in Mingora, Swat)
- 7) Essa Khankhel (journalist)
- 8) Fayyaz Zafar (journalist)
- 9) Zaheeruddin Zahoor (manager, Swat Continental Hotel, Mingora)
- 10) Qazi Jamilur Rahman (deputy inspector general of police, Malakand Division)
- 11) Atif Rahman (district coordination officer, Swat)
- 12) Jamshed Khan (public prosecutor Anti-Terrorism Court)

* Scores of people that the HRCP team talked to in Swat requested that their identity should not be disclosed for safety reasons.

** The fact-finding team decided to meet government officials on the last day of the visit so that it would have a chance to learn about concerns and problems of the people of Swat before hearing the official side of the story.

Annex - II

Chronology of events

- In 2002, Mullah Fazlullah—son-in-law of chief of banned militant organization Tehrik Nifaz-e-Shariat-e-Muhammadi (TNSM) Sufi Muhammad—surfaces in Swat as a firebrand cleric and announces plans to set up his headquarters at Mam Dheri, which he renames as Imam Dheri, for which he asks people to donate. In the following years, the local residents particularly women, generously donate in cash and kind. Fazlullah remains chief of the TNSM chapter for Kabal tehsil until 2005. TNSM chief Sufi Muhammad was jailed in late 2001 for taking over 10,000 people to Afghanistan to fight against the US-led forces there. Absence of any second tier leadership gives the hardliner Fazlullah the opportunity to claim leadership of the banned organization.

- Between 2004 and 2007 Maulana Fazlullah sets up at least 30 illegal FM radio stations across Swat to spread his extremist ideas, as he receives encouraging response to his sermons from the people. His speeches revolve around opposition to girls' education, any active role for women in society, music shops, barbers' profession and vaccination including polio drops. He grows in popularity during 2006 when he intensifies his 'anti-sin' campaign through his FM radio stations.

2007

- July 4: Four paramilitary personnel are killed and two policemen wounded in a roadside bomb explosion in Chakdara, as a convoy moving towards Swat is targeted. In a separate incident, a policeman is killed and

another four injured in a rocket attack on a police station in Matta area of Swat district.

- July 10: Pakistan military launches Operation Silence to dislodge militants from Lal Masjid (red mosque) in Islamabad, where the government had accused radical clerics and seminary students of harbouring terrorists. The standoff, which began on January 22, ends on July 10 with the killing of the Lal Masjid deputy administrator and dozens of his supporters. Fazlullah gives a call to avenge the deaths in the Lal Masjid operation and asks his followers to launch violent activities in Swat.

- July 12: A suicide bomber kills three policemen.

- July 13: President Pervez Musharraf approves a plan to deploy paramilitary forces in Swat to crush the growing militancy. Troops are positioned in Swat.

- July 15: At least 13 paramilitary personnel and six civilians, including three children, are killed and more than 50 people injured at Matta in Swat district when two suicide bombers ram two cars packed with explosives into an army convoy.

- August: The administration asks NGOs and international humanitarian organisations to leave Swat after threats by militants.

- August 30: Seven security forces personnel are killed, as militants attack a checkpoint in Swat.

- August 30: Militants send threatening letters to owners of video centres and barbers' shops in Swat.

- September 21: Fazlullah urges his supporters to attack government officials after a demand to release three militants held after a hotel bombing is rejected by the authorities.

- October: Fazlullah sets up self-defined Islamic courts across Swat and asks people to bring their disputes for adjudication to Qazis appointed by him.

- October 21: Eighteen soldiers and two civilians die and 35 others, including nine civilians, are injured in a bomb blast aimed at a vehicle carrying paramilitary personnel at Nawan Killi, about a kilometre from Mingora city.

- October 26-29: Fierce clashes erupt between troops and militants in Swat, leaving at least 29 dead. Thirteen security personnel are executed by militants.

- November 1-2: Fighting resumes after a brief ceasefire. 60-70 people

die after a clash in Khwazakhela town; 48 troops who surrendered to militants are paraded in public.

- November 3: President Pervez Musharraf declares a state of emergency in Pakistan, citing the situation in Swat as one of the reasons for his decision. He orders deployment of regular army to retake Swat from the Fazlullah-led militants

- November 3-6: Militants extend their hold over Swat, capturing key towns including Madyan and Kalam.

- November 24: The Pakistan military launches an operation against militants, using helicopter gunships, artillery, tanks and armoured vehicles. Thousands of civilians flee their villages in the valley. Dozen are feared dead amid conflicting accounts of casualties.

- November 28 - December 6: Security forces say militants have been forced out of Swat and many key leaders arrested. Key centres such as Imam Dheri are seized. Hundreds are feared dead in the operation; 500,000 of Swat's 1.8 million people are reported to have fled, but most of them are in peaceful towns and villages of Swat. The militants are driven out from Kabal and Matta where they had control of most areas. They take shelter in the remote and mountainous Peochar valley of Swat. The army opts to rely on shelling rather than pursuing the militants into Peochar.

- December 14: Almost all militant factions operating in tribal and settled areas come together in an umbrella organization, called Tehrik-e-Taliban Pakistan (TTP). Baitullah Mehsud is chosen the central Amir or chief of the TTP. Swat's Fazlullah Taliban also join the TTP, coming under the direction and influence of Baitullah. The TTP extends full support to the Swat militants.

- December 23: Fourteen people die in a suicide attack on a military convoy near Mingora, Swat's main city. Sporadic violence continues in Swat, including attacks on shops, schools and government buildings.

- December 28: Former provincial minister and member of the Swat royal family, Asfandyar Amirzeb, is assassinated along with several others in a remote-controlled bomb attack near Manglawar during the election campaign.

2008

- January: Clashes between troops and militants continue in Swat.

- February 29: As many as 40 people are killed and more than 75 wounded

when a suicide bomber targets the funeral of a police officer in Mingora.

- March 1: Militants behead a 22-year-old man accused of passing on information to the security forces.

- April 1: The Awami National Party (ANP) comes to power in the Khyber Pakhtunkhwa province following the February 18 general elections. The ANP announces to hold talks with the militants in Swat to secure a negotiated and political solution to the militancy.

- April 21: The Khyber Pakhtunkhwa government releases Sufi Muhammad as a goodwill gesture before talks with the militants and in the hope that he would persuade the militants led by his son-in-law to abandon their armed campaign against the government.

- May 9-21: The government launches a peace process with the Swat militants, setting up a committee to hold dialogue with them. Three rounds of talks take place in Chakdara in Lower Dir district on May 9 and in Peshawar on May 13 and 21.

- May 21: Taliban militants operating under Fazlullah in Swat district sign a 16-point peace agreement with the provincial government and agree to disband their militia. They also promise to denounce suicide attacks and stop targeting the security forces and government buildings. All fugitive Taliban leaders, including Fazlullah, are allowed to return to their villages and are assured of freedom of unhindered movement in Swat.

- June 23: A clash between Taliban and security forces takes place in Sambat village in Matta, resulting in the killing of Afghan militant commander Khan Agha. The incident increases tensions between the militants and security forces. In June and July the Taliban start attacking schools but do not claim responsibility for such attacks in view of the peace deal.

- June-July: Attacks on bridges, schools and other buildings continue in Swat. Militants accuse the government of violating the peace deal by retaining troops in the area. At least 50 girls' schools were reported to have been attacked by militants in 2008. Thousands of girls quit schools, fearing for their safety.

- July 27: Fazlullah holds a press conference in a remote area of Kabal and claims responsibility for torching and blowing up schools. He warns that his suicide bombers would target the security forces if they launch any action against his militia.

- July 28: Three officials of the military's Inter-Services Intelligence are

killed in Kabal, leading to the collapse of the May 21 peace deal.

- July 29: The security forces recommence military action in the area.
- August-December: The military moves tanks, heavy artillery and helicopters into Swat to combat militants. Hundreds are reported killed in heavy clashes. Reports of atrocities by militants increase—including the killing of women who decline to stop work and public beheading of those accused of spying for the government. Human rights activists say 60 percent of Swat's 1.8 million people have fled. Thousands of homes are reported to have been damaged and 150 schools destroyed.
- December: Media reports say the militants control 75 percent of Swat. Fazlullah announces a ban on education for girls. The ban is protested nationwide.

2009

- January 29: Pakistan government announces a new strategy to combat militancy in Swat and pledges to ensure that girls resume schooling. Schools for girls remain closed in Swat after the winter break, leaving 80,000 girls out of school. Militants are reported to have seized control of almost all of Swat. They have now captured the central Mingora city of the valley, killed their opponents, government employees and those involved in 'un-Islamic businesses or profession'. The bodies are hung and dumped, most frequently in three main squares of the city with notes warning of action against anyone who would remove them. Green Chowk is dubbed as 'Khooni Chowk' (the intersection of blood) by the local people due to frequent dumping of bodies there.
- January 31: Fazlullah, leader of the TTP in Swat, says he will relax the ban on education for girls to allow them to attend school up to grade five.
- February: Fresh peace process involving Sufi Muhammad is initiated. Sufi guarantees peace in the militancy-hit region and surrender of the militants subject to implementation of Sharia on his terms. The government accepts the condition and a deal is reached on February 15 in Timergara where Sufi Muhammad had established a protest camp for the implementation of Sharia.
- February 16: Ameer Haider Hoti, the chief minister of Khyber Pakhtunkhawa, holds a press conference in Peshawar and reads out a statement dictated by Sufi Muhammad which says the government would stop

all un-Islamic practices within the boundaries of Malakand Division. He announces a ceasefire in Swat. He says a new regulation—Nizam-e-Adl—has been drafted and would be implemented after getting approval from the governor and the president. This would mean a justice system different from the one followed by the rest of the nation. The Taliban respond by announcing a 10-day truce and say they would examine the document before ending hostilities permanently.

- February 17: Sufi Muhammad wraps up his protest camp and launches a “peace march” to Mingora.

- February 18: Sufi Muhammad addresses people in Mingora and says he has come to establish peace and would not leave the valley until that objective is realized. The same day he leaves for Matta, the stronghold of Taliban, as part of his stated plan to arrange peace rallies throughout the valley to ‘remove fear from the people’s hearts’.

- The same day, journalist Musa Khankhel, correspondent of English daily newspaper The News International, is killed in Matta while covering the peace rally there.

- February 16-22: Militants throng to Qambar, a town three kilometers south of Mingora, and turn it into their bastion. Qambar was the hometown of Swat militants’ deputy chief Shah Dauran.

- February 23: The militants kidnap the newly-transferred district coordination officer (DCO), Khushal Khan, along with six guards from Qambar. The DCO is released after six hours.

- March 29: The militants kill a former acting district nazim and the Lower Dir district police officer, who was leading a police team pursuing the district nazim’s killers.

- First week of April: The Taliban invade the neighbouring Buner district. A video of a girl being publicly flogged surfaces during the week, leading to an outcry nationwide and internationally.

- April 19: Sufi Muhammad lashes out at the Supreme Court of Pakistan, democracy and denounces the Constitution at a huge public rally in Mingora. The outburst takes the ANP provincial government by surprise as it was expecting Sufi to ask the militants to lay down their weapons rather than turning his guns on the political system of the country.

- April 26: The security forces launch a military operation in Maidan

area of Dir Lower district.

- April 28: The military backed by jet aircraft, helicopter gunships, artillery and tanks launches an operation against militants in Buner.
- April 26-30: Exodus of local population begins from Dir Lower and Buner districts.
- First week of May: The militants take control of important government buildings in Mingora. People start fleeing the area.
- May 7: Prime Minister Yousaf Raza Gilani calls in the army to regain control of the Swat valley from militants.
- May 8: The security forces launch Operation Rah-e-Rast and unlike previous operations send troops to all strongholds of the militants in the Swat valley.
- May 8-15: Hundreds of thousands of people stream out of Swat towards Mardan, Nowshera, Peshawar and Charsadda districts of Khyber Pakhtunkhwa where camps are set up for the displaced population. An overwhelming majority is given shelter by relatives and host families.
- July 13: In line with the prime minister's announcement, the government starts return of the internally displaced to their homes after all militancy-hit areas are declared safe.
- August 30: 16 police recruits are killed in a suicide attack on a training centre in Mingora.
- November 30: MPA Shamsheer Ali is killed in a suicide attack in Dherai area of Kabal.

2010

- February 23: The army formally announces victory against the militants in Swat and Waziristan during a briefing to the Senate Defence Committee. The army chief asks the committee that now it is the duty of the civilian government to take control of Swat to maintain writ of the state established by the security forces. He says that the army will help the provincial government in this regard.
- February 23: A suicide attack in a bazaar in Mingora city claims 13 lives.
- March 13: As many as 14 people are killed as militants attack a checkpoint on Saidu Sharif road.
- April 12: President Asif Ali Zardari approves the controversial Sharia

Nizam-i-Adl Regulation 2009 for Malakand Division hours after the National Assembly made an unprecedented recommendation in a resolution that saw the left-wing, right-wing, progressive and Islamic parties to uphold the two-month-old deal with the militants. The move was seen as a clear concession to Taliban militants to implement their version of Sharia in Malakand.

- April 13-22: Five people are killed in incidents of targeted killing in Swat.

- May: Families of fugitive Taliban members are expelled from Swat and kept at a camp in Batkhela.

- May 18: Army chief General Ashfaq Pervez Kayani states that the roots of terrorism have been removed from Swat and Malakand.