

## Human Rights Violations in Swat Conflict: A Qualitative Study

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### Abstract

*This study explores how humanitarian rights were violated in Swat during the conflict in 2007. Primary and secondary data was conducted by the authors to know the problems and sufferings of the people of Swat valley as a result of the war. The contacted sources established the fact that the humanitarian principles were severely violated by the parties of the Swat fighting. The inhabitants of the valley were found to be of the view that they suffered irreparable damages in terms of life, economy, education, food and honor etc. The existing literature on the issue also reinforces the views of the locals about their sufferings because of militancy. When the humanitarian principles of war against terrorism in Swat are analyzed, one reaches at the conclusion that there had been a significant gulf between claims and practices of the conflicting parties.*

**Keywords:** Humanitarian, Violations, Talibanization, Terrorism, Swat

### Introduction:

The situation in Swat has been very pathetic for some years after the rise of militancy. Previously, the valley has been famous for its natural beauty with snowy peaks and charming scenes, orchards and thick forests, with an admixture of prosperity, peace, calm and tranquility. But now they are the most expensive things to buy with any possible human efforts. The situation had completely changed last quarter of the previous decade. The valley has been on fire. Yusufzai tribe of Pashtun has been the royal family in Kabul and now they were left with nothing after the rise of TTP in Swat. The tribe was out of Swat as IDPs (Internally Displaced People).

### Alienation and the Rise of Militancy

Previously, Swat was a princely state. It was merged into Pakistan in 1969 as Provincially Administered Tribal Area (PATA). Whatever the context may be, the merger of Swat with Pakistan put various challenges. The objective of the merger was to bring it out of autocracy and put it on the route of progress and democracy. Peter Mayne observed,

*“... In fact Swat state is an example of how very benevolent an autocracy can be. It is an anachronism. I suppose but it is interesting to see that an autocracy can work admirably at best, just as a democracy can work abominably” (Sulta-i-Rome, 2008, p. 370).*

The transition of Swat from an autocracy to a democracy within Pakistan was rather poorly planned. The transformation was very abrupt. Extension of Pakistan's complex judicial system, inherited from British rulers, created problems and resulted into nostalgia (Orakzai, p. 40). Most of Swat's people regard the pre-merged Swat a better place to live than the present-day Swat Akbar Ahmad tells three reasons for such nostalgia (Fleschner, 2011). First, there was a clear system in the state of Swat with a "*Wali*" (the head of Swat regime) on top. Secondly, Swat valley was famous for swift provision of justice. Thirdly, law and order was exemplary. Even prominent persons had to face strict punishment if challenged or refused to accept a *Wali's* judgment. But complications in PATA regulations, lengthy court processes for resolving disputes and the misuse of "*riwaj*" (social tradition) alienated the valley people and resulted in a widespread demand for Islamic judicial system (Orakzai, 2012, p. 40).

All this led to a strong desire for the return of the *Wali* system in Swat. The gap produced was needed to be filled according to people's desire for a tranquil Swat. Nonetheless, we assume that when the legal institutions do not get a general acceptability among the masses and do not fulfill people's desire, for one reason or another, it leaves room for non-state actors to fill. The same happened in Swat.

Fazlullah thus rightly sensed the pulse of the masses in Swat. He put a complete program before the people for resolving their problems. He promised quick justice, social parity, and more jobs for the people of the Valley, provision of civic facilities and redistribution of property (Shaukat, Sharar, 2009). The promise of property redistribution remained very appealing to the common people as they were without any property. That's why they started capturing farms, orchards and lands of the feudal and leaders who had left Swat in 2007 and 2008 due to Fazlullah led militancy. "Taliban issued me warning to leave my home, hujra, primary school on my land and my property for their use. On my refusal, they raided my house three times, and finally I was compelled to leave for Peshawar" (Rafique, Personal Communication, 2012, June 30).

Criminals also joined Taliban to pursue their own ends. "Yes, thieves, looters, killers and criminals joined Taliban in great number from my village. They joined Taliban movement not for any other reason but to make money and terrorize the common man of the area" (Rafique, Personal communication, 2012, June 30). Others joined them for personal benefits. Taliban welcomed them to maximize their power against security forces and some local khans, who had their own armed bandits. Taliban used strong criminal groups for terrorizing people. Consequently, the criminals were getting support from Taliban to cover their activities.

Fazlullah was becoming an unbearable problem for the world in general and Pakistan in particular. His activities were putting serious law and order challenges which the local administration was unable to tackle. He was establishing his own administration parallel to that of Pakistan. A state within state was being created. Despite all this, the MMA (coalition of religious parties) government in the province as well as the federal government was having indifferent attitude towards the crises in Swat in 2006 and in the early months of 2007 (Banori, 2007, September 16, p. 13). The Taliban uprising became more severe in next few months of 2007. Fazlullah's fighters were becoming more dangerous. They undertook suicide attacks on Pakistan security forces and issued warnings to women not to go to markets (Khan, H. 2008, September 22, p. 10). They also started occupying areas in the valley. Thus they established their own government system in different areas of Swat including tehsil Matta, Kabal and Khwazakhela (BBC News., 2007, December 6). "They established their own criminal and civil justice system. Initially, they decided cases quickly on merit and thus attracted people towards themselves. With the passage of time, they extended their program. Those who resisted were forced to obey them" (Noor Mohammad, personal Communication, 2012, June 28).

Finally, the government of Pakistan came into action on October 24, 2007. Military operation was undertaken with the name of Operation Rah-e-Haq in early November 2007 (Amin, 2007, November 11). Some 3000 troops were sent to Swat Valley against the Taliban who were already in the process of imposing "Sharia". Security forces claimed killing of 130 Taliban by October 31. But the next day a military post was overrun by Taliban, capturing 50 soldiers. The soldiers were disarmed and finally freed. Police posts became empty in a few days as many of them deserted or left the stations in the face of increasing threat to their lives from Taliban (Shamal, 2009, May 15). In Matta, 120 paramilitary troops and police surrendered and later on deserted on November 3.

### **Objectives and Methodology**

This study aimed at identifying human rights violations by the actors involved in Swat conflict. The research was a qualitative study. The primary data was collected through unstructured interviews with the victims of the conflict in Swat. Secondary data was consulted from the reports of national and international agencies covering Swat conflict.

### **Results and Discussion**

*"The Taliban, the police and the military are the same and they were making money while the common people were suffering. The military would fire at Taliban who would come into populated areas which would in turn lead to what*

*is known as collateral damage; namely civilian casualties” (Omar Azghar khan Foundation, 2009, p. 4).*

*“Swat was no more a place of peace and calmness for us. I lived here 53 years of my life. I have been proud in claiming that Swat was a piece of Heaven for me. The valley loved us and we loved it back like our mother. It provided us with every joy and happiness. But Taliban turned it into a hell. They were beating, torturing and even slaughtering the people. I, myself saw an aged person who was brought to ‘Khoni Chowk’ and slaughtered in front of hundreds of people. He was asking Taliban for his fault. See the anger of skies, when he was slaughtered a strong earthquake jolted the land. I was forced to leave twice my decades old home along with my family. I still feel scared in my heart, even after peace has returned” (Rafique, Personal Communication, 2012, June 30).*

Swat crises proved most expensive for those who had no concern with Taliban or government forces. They were suffering at the hands of both; the Taliban and security forces. They were caught between the devil and the deep sea.

“The Taliban came here and settled here. Now they have a dispute with the government, and the government started taking actions against them. If we stand with the government the Taliban will hit us. If we stand with the Taliban the government will target us. If we don’t stand with any of them, you can see how bad our situation is. It’s going from bad to worse” (Amnesty International Report, 2010, p. 7).

As if Hell Fell on me, the valley of natural beauties was no more a heaven for them but rather a hell of deep gorges burning with leaping flames of insurmountable fire. We They are living in constant fear. Even our their children are now living in fear. “We are accustomed to arms, fighting, gunfire, but we haven’t seen such a situation in our past life as we are witnessing today” (Amnesty International Report, 2010, p. 38).

The government’s ambivalent approach towards the Swat crises made the situations worse which emboldened Taliban to establish their own judicial system for ‘speedy justice’. After February 2009 agreement between government and Taliban, they establish 70 tribunals for dispensation of ‘justice’.

“We were confused to see that Taliban were wandering openly on roads, streets and bazars unapprehended, even in front of security forces. Common man was completely directionless that what is actually going on” (Noor Mohammad, personal Communication, 2012, June).

They had defined punishments for cases of various natures. They were openly lashing people, burning businesses places which they deemed against Islamic teachings and were

butchering people openly who they thought were involved in ‘spying’. Mingora city’s main square was now cynically dubbed by locals as “*Khooni Chowk*” (Blood Square) after Taliban killed and displayed bodies of many rivals in late 2008 (Jamil, R. B. 2009, January 10, p. 07).

Women were also not secure especially in the areas under Taliban control. Taliban had their own codes for them. They were stopped from going to schools, markets, public places and even hospitals. Taliban’s approach was based upon gender discrimination. Their harsh interpretation of women’s status in Islam made them destroy female educational institutions and even killing working ladies (Orakzai, 2012, p. 42). Some had even termed it, “a war on Pakistani schoolgirls” (Orakzai, 2012).

“Reading the critical situations for girls, I stopped my daughters from going to their schools. I was concerned for their lives and honor” (Hanif Khan, Personal communication, 2011, December 14).

Later on, the Swati Taliban targeted even boys’ schools and colleges as they thought it ‘against Islamic teachings’. The government policies of educating the rural areas were totally reversed in the Valley by Taliban’s regime. During the crises after 9/11, almost 35% of female education institutions in Swat were affected. Government schools for females, numbering 190, were destroyed and almost 8,000 female teachers were forced to leave their jobs (Ali, A.2010, p. 12). But in Swat the situation was even worse. In 2008-2009 Taliban targeted more than 170 educational institutions, including female schools numbering more than 100. According to official estimates more than 50,000 students’ education was affected from primary to degree level (Amnesty International, 2009, February 12). Another estimate made by Human Rights Commission of Pakistan; some 4,000 schools with an enrolment of 40,000 girls were shut down after enforcement of *Nizam-e-Adl Regulation* (a type of legal system), signed in April 2009 (HRCP Annual Report 2009, p. 247). Taliban justified the attacks as they thought it modernized the traditional *Pashtun* society under Western concept of liberty. Educating girls and giving them jobs and employment by government was considered as ‘conspiracy’ to westernize the society (Manzoor, R.2008). Therefore, Taliban targeted working women especially, those working in NGOs, sponsored by the West.

Clerics opposed Musharraf’s policies of enlightenment that were meant to liberalize Pakistani society. Such an opposition was based mainly upon the logic that his policies will westernize the women. That’s why since 2006, number of school and college-going girls dropped out of 120,000 to 40,000 (Washington Post 2009, January 5). Such a pattern was already seen in Federally Administered Tribal Areas (FATA). Female schools were destroyed with bombs and they were restrained from doing jobs there. The aim of such

attacks was to create an environment of fear for females to discourage their rights of education and work.

Taliban terrorized the locals with strict punishments if they refused to obey them. They were using FM radio to convey their message to the people of the area. Every night they used to announce the names of the people who were on their wanted list. They were threatening local politicians and government officials to appear before their courts or to face death. The lawyers and judges were told to stop working in government judicial institutions or face death penalty (Amnesty International interview, 2009, April 22). It became impossible for police personnel to perform their duties. Almost half of police staff went out of duty by April 2008 on various pretexts (Khan, Ismail, 2009, January 15, p. 4). Taliban also ordered many people to leave the Valley. Among them was Mohammad Ishaq, a prominent politician and social activist. They regarded him *wajib-ul-qatl* (liable to execute). “To hear a threat like that is terrible. I have a family, my wife is a teacher and she was threatened, my girls’ school was demolished. Who could protect us? The police were fleeing themselves! So, we had to leave our own house” (Amnesty International interview, et.al).

Many of the civilians lost their lives in cross fire. Civilians were often caught in firing between the two forces. Civilians found themselves as collateral damage when Pakistani security forces retaliated against the Taliban with aerial bombardment and artillery shelling in populous areas.

“My young cousin was shot dead during a cross firing. He was on the way to home from School” (Habib, Personal Communication, 2012, June 30).

Such bombardment hardly discriminated between civilians and military targets. Records from Lady Reading Hospital shows that mostly children and women were brought in as injured to the hospital for treatment in late 2008. The injuries were mainly because of aerial bombardment, mortars and artillery (Amnesty International, et.al p. 68). According to staff of the hospital, the information collected from sufferers shows that they got injuries because of heavy shelling from government forces against Taliban in residential area.

It is also blamed that Pakistan army has violated humanitarian principles in counterinsurgency operations. Since 2001, Pakistan army has detained an unknown number of suspects. Their identities have not been revealed by army. On August 18, 2009, some information was revealed by an army official in a press conference. He said that army was holding some 900 militants in custody (Khan, A. 2009 August 19 p.12).

“I know the names of some guilty Taliban who are now released, while other innocent suspects are still missing. And no one knows about their whereabouts.” (Rafique, Personal Communication, 2012, June 30).

Some other reports suggest that the number of detainees may be in thousands. For example, the ICRC (International Committee of Red Cross) noted in October 2009 that military operation resulted in huge detention of Taliban and the staff of ICRC couldn't get any access to them (ICRC, 2009, October 23). Pakistan government has no clear domestic legal framework for the trial of detainees captured as a result of military operations (Soofi, 2009, October 3). Rehman Malik, the then Interior Minister of Pakistan stated in 2009 that such cases will be tried in Anti-Terrorism Courts, established under 1997 Anti-Terrorism Act (“Militants to get fair trial”, 2009 October 28). Human Rights Commission of Pakistan (HRCP) has demanded government of Pakistan to clarify that under which law – internal law or international humanitarian law - it will consider such cases (Jahangir, A. 2009, August 17).

Humanitarian organizations like Human Rights Watch have provided details of human rights violation during Swat operation by security forces. Shoaib Hassan, BBC correspondent, has quoted Human Rights Watch that Pakistani security forces have committed 238 extra-judicial killings in Swat since September 2009 (Hassan, Shoaib, 2010, July 16). “It documents cases where the security forces allegedly took away Taliban suspects, who were later found dead, their bodies riddled with bullets” (Hassan, Shoaib, 2010). Human rights watch interviewed some 100 families in militancy-hit Swat valley and concluded that security forces are involved in extrajudicial killings, illegal detention, torture, demolition of homes and disappearances (Karen De Young, 2010, April 5). Human Rights Watch has concluded that government reaction has resulted into violations of human rights. The organization also blamed security forces for not giving permission to independent monitors to have access to the detainees of war against terror in Swat (Human Rights Watch, 2010, January 12). A video was circulated in media showing torturing and killing of Taliban prisoners. It resulted into heavy criticism over security forces. New York Times reported that USA government will stop training and supply of military equipment to the army personnel involved in killing of prisoners in Swat (Schmit & Sanger, 2010 October 21). The video prompted an investigation of the accident, ordered by the head of security forces (Schmit & Sange, 2010). Such a reaction was also seen from Human Rights Report of April 2010 which blamed Pakistan army for extra-judicial killings. The report threatened to cut off “billions of dollars in U.S. military and economic aid to a crucial ally in the fight against al-Qaeda and the Taliban” (Karen De Young, 2010, April 6).

The Swat insurgency caused heavy displacement of the residents. Some 2 million people left their homes as IDPs from Swat, Buner and Dir (Safdar, H. 2009, May 21). They were

completely helpless as they left everything behind. They were clueless and were trying to find help for their own and their relatives' lives. They were welcomed by people as their brothers and guests. IDPs camps were established in Mardan, Charsadda, Swabi, Peshawar and other areas. By June 29, 2009 some 27 camps were established in total where 20% of total IDPs were living, while 80% were living with host families ("Response to IDPs Crises", (n.d). The number of IDPs was greater in neighboring districts of Mardan and Swabi. Out of total 1.7 million were settled in these two districts but only 50,000 were living in nine camps there (Bashir, 2009, July 12).

Displacement from Swat was one of the greatest in recent human history. "The human exodus from the war-torn Swat valley in northern Pakistan is turning into the world's most dramatic displacement crisis since the Rwandan genocide of 1994" (Walsh, 2009, May 18). But there was some difference between Rwanda and Swat displacement. A small number of people from Swat were settled in IDPs camps. Only 130,000 people were living in tented camps in neighboring Mardan and Swabi. For Pakistan, it was the biggest displacement. One of senior Pakistani official regarded it the biggest displacement when people were leaving Swat.

The people of Swat were carrying miseries and problems with themselves. They had left everything behind. They travelled on their feet for hundreds of miles.

"I am the only bread earner of my family. I was in Saudi Arabia when my family accompanied the caravan of IDPs. Due to the closure of roads, they reached Peshawar in four days through the long route of Shangla and Mansehra. Everything was left behind except few essentials of life" (Fazli Karim, Personal Communication, 2012, June 29).

Their journey was full of painful stories. They were carrying nothing but themselves and their loved ones. "Most people left their cattle behind and are not sure what has happened to them. Some brought their cattle along but have been forced to sell them for a pittance. Others could not afford to bring their cattle because of the transportation costs" (Omar Azghar Khan Foundation, 2009, et.al p. 5). They were fleeing Swat due to Taliban brutalities as well as military operations. "We were hungry and thirsty after our long and very tough journey to safety. We desperately needed food and water - cold water. Local people en route provided food, water and even gave toffees to our children" (Omar Azghar Khan Foundation, 2009, p.7).

## **Conclusion**

Swat fighting between militants and Taliban is a long and pathetic story of humanitarian violations. Taliban committed huge atrocities. They kidnapped, tortured and slaughtered hundreds of soldiers. The combatants, after their surrender, were not dealt as prisoners of



war. They were often paraded in open during their short capture of Swat Valley. Later on, they were slaughtered, often in famous Green Square now dubbed as (*Khooni Chowk*) for making them ‘examples’ for public. Even the families of soldiers and government officials were not spared. They were terrorized, tortured and made to flee the Valley. Similarly, there were also allegations of government agencies’ involvement in setting aside all the humanitarian principles during their counter-insurgency campaign against Swat Taliban. Suspects were tortured. Captured militants were killed in cold blood.

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