TRANSCRIPT

"UNGRIEVABLE LIVES AND UNINTENDED CONSEQUENCES: PAKISTAN, THE US, AND THE 'WAR ON TERROR'"

A Conversation With Sarah Belal, Asim Rafiqui, and Saadia Toor

Moderator: Shamila Chaudhary

* * * Transcriber Note: SOMETIMES DIFFICULT TO HEAR due to overtalk and background noise throughout. Speakers identified when possible.* * *

ANNOUNCER:

You are listening to recording of the Open Society Foundations, working to build vibrant and tolerant democracies worldwide. Visit us at OpenSocietyFoundations.org.

CHRIS ROGERS:

Welcome, everyone. Thank you very much for coming. My name is Chris Rogers (PH). I'm with the-- Open Society Foundations' Regional Policy Initiative on Afghanistan and Pakistan-- and very excited for our event today. We've been working with-- Sarah Belal's organization, Justice Project Pakistan-- in conjunction with-- Open Society fellow, photographer Asim Rafiqui-- for much of the past year on-- the issue of Pakistani detainees being held at the US Detention Center at Bagram (PH) in Afghanistan.

It's been a quite multifaceted and ambitious project-- with a report-- that we just released-- over in Pakistan, as well as-- here in the United States, in Washington, DC-- as well as-- an advocacy campaign connected to a lot of the photographs and information and testimonies that Asim and JPP have collected from family members throughout Pakistan over the last year-- that are now online and part of an exhibition that was displayed in Islamabad-- in Washington, DC this week-- and then will go-- to other cities over the coming-- months-- including Lahore (PH), Peshawar (PH), London-- and-- wherever else-- they can and we can take it.

But today-- we're also gonna broaden that conversation-- to broader issues around the impact of war on terror, policies and security policies on the people in Pakistan. I think stories and-- insights and narratives that-- we get little exposure to here in the United States in particular.

So-- we're very excited-- and pleased to have Shamila Chaudhary-- with us to moderate today. Shamila is a South Asia fellow at the New America Foundation-- with extensive experience in US/Pakistan relations-- Pakistani domestic politics, and security. Shamila's-- currently senior adviser to Vali Nasr (PH) at-- SAIS (PH) at Johns Hopkins-- and previously-- has worked for over 12 years in the US government at various posts, including with the National Security Council-- as director for Pakistan and Afghanistan-- as well as on the Department of State's policy planning staff, where she advised Secretary Clinton and late ambassador Richard Holbrooke on Afghanistan and Pakistan. With that-- thank you very much. I will hand it over to Shamila, and-- look forward to the discussion. Thank you.
(OFF-MIC CONVERSATION)

SHAMILA CHAUDHARY:

Thank you. It's-- it's great to be in New York. I-- I love getting out of Washington and seeing normal faces in the audience and people that where normal clothes. And if I were in Washington, everybody would be wearing a navy blue suit, so (LAUGHTER) it's-- it-- it-- it's nice to be here in this wonderful space, as well.

So as-- as you mentioned-- I do have-- a bit of experience working on US/Pakistan relations in-- in the US government. And the-- the Pakistan part of my service had been really interesting. I mean, there are two bookends to it that I think are very telling-- about the-- kind of the direction that the relationship as taken.

I started out-- on the Pakistan desk in late 2007, and that was just one month-- one month into that job-- President Musharraf declared a state of emergency. And before that-- before that state of emergency was declared, the US/Pakistan relationship was very strong, and I'm-- I'm doing air quotes here.

And what does that mean? It was strong in the sense that-- any kind of public messaging out of the US government was extremely positive about Musharraf. Very flowery-- there was a very close relationship-- or the perception of a close relationship between-- President Bush and-- President Musharraf.

And this was very much a centralized relationship-- at that level. The bureaucracies on both sides d-- didn't really have-- a lot of engagement or awareness of the policies-- that were ongoing-- in the realm of security. And fast-forward to 2011. I was working at the National Security Council at the White House and gave my notice to leave the day after the bin Laden raid.

And it was just a coincidence. I didn't put in my notice because of the raid, of course. (LAUGHTER) But-- I sort of knew where it was headed. And at that time, the relationship was completely opposite of what it was in late 2007. So, in just a few short three years-- we had gone from very close cooperation on security, however you wanna define that-- to-- United States having to take a unilateral (COUGHING)-- measure into a s-- another sovereign country-- a country that, I-- I have to be honest, no one in the US government would-- would think that we can-- you know, would've thought we could've done something so unilaterally, because-- you know, Pakistan was-- you know, we weren't in Pakistan like we were in Afghanistan.

So, it was a very controversial move, completely the opposite than three years before, and I think this-- you know, this sets us up for the discussion we're gonna have today, because it shows you how complex the security issues were between these two, and how-- (CLEARING THROAT) you know, how-- how much things could change-- (COUGHING) so quickly.

And it was completely ignorant of the human side of things. In my entire time working on Pakistan, I never once had to work on the detainee issue, and I was working on national security policy for three years. This issue never came onto my plate. It was extremely compartmentalized in what was already a compartmentalized relationship. (CLEARING THROAT)

So I think, you know, that-- I-- that drives the-- the point home of how important this discussion-- we're having today is. And we're very lucky to have a ve-- a-- extremely dynamic group here today. You know, I come from the national security policy space, so there-- you know, there's my perspective. And we have Saadia Toor, who is an associate professor of sociology and anthropology and social work-- at the College of Staten Island-- at the City University of New York.

She received her PhD from Cornell University. And in her work, she focuses on issues of culture, nationalism, gender, sexuality, state formation, and international political economy. So we're looking forward to having her remarks. Next to her is Sarah Belal. She's the director of the Justice Project Pakistan, and also leads their legal team.

So, this is our-- our legal expert here. We can-- send all those questions to her. She studied at Oxford University, and she received her license to practice in Pakistan--

and gained the rights of audience in the high court in 2008. And next to her is Asim Rafiqui, who is an Open Society fellow here and a photojournalist-- and his work has appeared in numerous publications including *National Geographic, Newsweek,* and *Time.*

And his fellowship-- focuses on, you know, the plight of Pakistan's most marginalized. You know, the people that we never hear about when we look at the security issues-- and looking at the structural roots (COUGHING) of the injustice in the legal system.

And he's-- you know, he's done-- quite a bit of work beyond Pakistan. Has reported from Haiti, Japan, India, Afghanistan, Israel, Palestine, and so on. So, you know, we've got a photojournalist, we have a lawyer, a professor of anthropology and sociology, and then I've worked in the government. (LAUGHTER) So-- so I think wha-- this is a-- very dynamic group, and we're-- we're very fortunate-- to have everyone here. And just a note on process. So what we're gonna do is each of the panelists will talk for about ten minutes-- and then I will guide a broader (COUGHING) discussion with them about the issues-- that they've introduced. And probably around 1:30, we'll open up the-- the room-- for questions. So with that, I'll turn to Sarah to begin-- talking about the-- the report?

SARAH BELAL:

Hi, everyone. So I'm gonna talk a little bit about who we are, Justice Project Pakistan, and then we're gonna talk a little bit about-- the litigation that we filed and the reasons for filing it, and-- how successful that was or wasn't, and you know, how that led up to the report and the launch of the campaign.

So, Justice Project Pakistan, our organi-- my organization-- was founded in December, 2009. We're based out of Lahore. And we're a law firm-- a nonprofit law firm that represents-- those prisoners-- in Pakistan that are facing the harshest punishments and-- and therefore the most vulnerable. And that means we defend people from death row-- to victims of police torture and Pakistani detainees in the war on terror.

JPP, as we're called-- we have a dedicated team of investigators whose sole task is to unearth facts about our client-- which is quite a novel concept in Pakistani-- (LAUGHTER) law-- defense-based investigations and defense-based-- fact-gathering. And it's through these-- in-depth investigations that JPP seeks to gather all the-- you know, development information relating to its clients and advocating on their behalf, not only in a court of law, but in the court of public opinion.

So, the Bagram litigation-- came about in 2010-- in October, 2010, because of the work that another organization, Reprieve-- had been doing on-- which is an organization based in the United Kingdom, and they had done a lot of work representing Gitmo detainees. And they-- and their investor had (?) actually unearthed-- information about Pakistani detainees that were being held in Bagram. They couldn't find anyone to litigate on their behalf, so they found us.

So they presented us with the facts that they had-- and we decided to take on the case. When-- the aims of the litigation were three-fold. Firstly-- we wanted th-- we filed it before the Lahore high court-- so Pakistan is three tiers of courts. You have the regular criminal court, then you have the high court, and then you have the supreme court.

And we filed it as public interest litigation on behalf of-- the 11 families-- sorry, at that time, there were seven families that we had information about-- and we filed it on their behalf, as public interest, in the Lahore high court. And the aims of the litigation were three-fold. Firstly, we wanted the court to examine the complicity of the Pakistani government in the kidnapping, capture, rendition, transfer of its own citizens-- to a foreign nation, leading up to their, you know, indefinite-- detention at Bagram.

And we wanted the court to bring criminal charges against those that would be found guilty of conspiring against their own citizens, within the Pakistani government. We also asked the court to compel the Pakistani government-- to demand the repatriation of (COUGHING) its citizens-- from Bagram back to Pakistan.

And the third aim of-- fighting that litigation was actually to bring public attention around this issue, because unlike Guantanamo Bay, that everybody in Pakistan knows about and all the world over, people had no idea about Bagram. And that's considered especially shocking, since out of 60 third (?) country nationals, which means non-Afghan detainees at Bagram, 40 of them are Pakistanis. So, Pakistanis formed the majority of them, and clearly the Pakistani government has a huge role to play-- in seeing, you know, Bagram being shut down or c-- asking for its-- citizens to be repatriated.

When we filed-- this litigation-- you know, we realized quite early on through the experience that we had that this was gonna be won-- this was gonna be a case that was not necessarily gonna be won in the court of law, but mainly in the court of public opinion.

None of the initial judges at the high court wanted to even touch the case with a ten-foot pole, so they kept on recusing themselves on one excuse or another. And we just couldn't get a hearing. And it was interesting, because you know, we were going in, arguing on the law. We thought that the judges were actually just confused about, you know, what they a-- (COUGHING) you know, what they could possibly do about this. And then we learned pretty soon after the (LAUGH) fourth judge wasn't interested in hearing about the law that there was something else going on over here.

And you know, this was more about a political stance. That, you know, these judges necessarily just didn't wanna get involved in this issue. And it also-- because they were misconceiving the issue as, you know, taking on the United States, for example-- and that was enough to, you know, get them not to come even close to this.

In fact, after one of the-- I think it was like in front of the third judge, we were walking out of the hearing and the attorney general in the case-- the guy from the attorney general's office walked out and-- we're-- we're mostly a firm, by the way, run by women in Pakistan, so that's also a novelty, right? And he came out and he said, "You know, I don't know what you girls are up to, but you can't take on the United States. It's a super-power, you know? So go home and start doing something productive instead of this."

And that was really important, because I think that made us really realize how th-- you know-- the court and the government was perceiving this litigation. That it was about taking on the United States-- and that really actually helped focus on-- helped us focus on, you know, rebranding our message.

And, you know, and how that message was going to be sent out in the public sphere and in the courts. So, what did we do when we weren't getting a hearing? We decided to go on a press blitz, 'cause we said, "Okay, we're gonna make our case. If we can't make it in the court, we're gonna make it in the public sphere." So, we pulled a lot of strings to get onto any TV show that would wanna talk about this issue. And we started approaching-- you know-- like our rebranding was about, "We are holding the Pakistani government accountable for its role in how it has failed its own citizens, either by, you know, rendering them or, you know, being complicit in their capture, or by not taking a step to demand their repatriation."

And that's-- those are the questions that we were posing before the court. Well, I-- (UNINTEL) by the way, I was on a cooking show, talking about Bagram, (LAUGHTER) (UNINTEL) really funny. (UNINTEL) actually (COUGHING) (UNINTEL)-- you know, cook and talk about Bagram. One of those I couldn't do well, which is cooking. (LAUGHTER)

But th-- there-- there was a strength to that, because-- the next time-- we ended up in front of the court, in front of this new judge-- you know, he had just heard about-- he had seen us on TV. He-- there was an op-ed published in a major newspaper-- and there was an editorial in another paper. So, we had called it "Bagram week (?)." So he kind of knew the arguments that we were making, and we had our first hearing in the case, and boom. He just went for it.

And he gave us first round of orders, which was-- you know, he lambasted-- the attorney general's office and the Ministry of Foreign Affairs, and-- ordered them to go to Bagram and visit their citizens and-- and-- and take stock of who's there and how long they've been there. And that was the beginning of a beautiful year, where-- this guy-- I wanna show you a picture of the attorney general-- before this hearing that we had-- because he was just-- so used to-- (LAUGHTER) this is how he (UNINTEL). He was actually in court five minutes-- before our case was called, and I was so upset-- I was so angry at him-- that I actually took a picture of him in court, which could get me into a lot of trouble. (LAUGHTER)

But this was the last time he slept in court-- before our case was called. Now it's a reverse. And you know, in December, 2000-- so in October, he passed this order that the Pakistani government must go and-- visit its citizens. In February, he then-- our judge then passed another order, saying that based on the accounts provided by the Pakistani-- government-- of-- f-- you know, coming from the mouths of the detainees as well as, you know-- whatever the United States government has been telling the Pakistanis, he finds that there are no substantial charges to be holding these citizens-- without trial and without charge, and that the Pakistani government is obligated to demand the repatriation of these guys.

And that was a r-- a (COUGHING) pretty strong order that (UNINTEL)-- you know, it was a detailed order that he came-- that he wrote in respect of each detainee-- weighing the facts on each side. Then-- since then, every month, the Pakistani government has to turn up in court in answer to the court about what they have done to push the negotiations further.

And the litigation has been a great way of kind of exerting pressure on the Pakistani government to force them to start negotiating with the Americans to start the process of repatriation. However, you know, in that background (?)-- around 2011, 2012, the wind down of, you know, the US operations in (UNINTEL) started to be talked about, and there was motivation on the part of the US government to start releasing some of these guys.

So the litigation again proved as a good lynchpin on which-- you know, you could keep the Pakistani government motivated to keep the process moving-- a process that they otherwise were really not interested in, as you can see. But you wanna talk-- I also wanna-- an-- and you know, the last big hearing that we had was-- last year in-- in July, when the director general of the Afghan desk-- at the Ministry of Foreign Affairs was called back-- was called to-- Lahore to appear in front of the court, and he was outraged for even making that four-hour trip and to be asked to answer for his-- for his role in, you know, what he was doing.

And that caused the government then to change their tactics. Our judge-- was called in by the chief justice of the Lahore high court and personally asked to-- to drop the case. And you know, God bless him, yeah-- he told (COUGHING) the chief justice, "No, it's not gonna happen." He was then threatened to be-- you know, sent off to Multan (PH) or to (UNINTEL PHRASE) in Lahore, and would be punished for not-- you know, letting go of the case-- and he didn't.

He was sent off to Multan for a little while, but he's back in October, and we're going back to court. The government also started me-- releasing information to journalists and-- and-- other anchor people in the news-- which was b-- which was entirely false-- and it was meant to demonize-- these people that we were representing.

They also started pressurizing the families of the detainees, and saying, "If you want us to help you get these guys back, stop going to court. But I-- I'm gonna-- I think Asim is gonna talk more about what it's like, and I've been told I'm out of time. But-- what I wanna say is that, you know, what led up to us writing the report was that we realized that there was an opportunity now to-- not only explain to both governments what this, you know, supposedly very complicated process of repatriations is and to give our recommendations on how to speed it up-- but also what was essentially missing from any discussion about these guys were who they were.

You know, they have no voice. They have no access to lawyers. They've b-- they're my clients. For the last three years, I can't speak to them. They're not allowed to speak about the conditions of their detentions, the condition of their capture-- and their treatment-- or any of that with their families or, you know, through their letters, which are heavily censored. So, there's no way for them to-- give-- we-- we-- to get their side of the story.

You know, the only story that we have is of the United States government and the Pakistani government, who they are. And that story is deeply, deeply flawed. And the one point behind writing this report and launching this campaign was we wanna fight back on that.

You know-- there has been plenty of discussion over the last 13 years about whether that detention is legal or not legal or-- you know, all of that. And I call it a "legal rabbit hole." And-- and as a lawyer, I'm here to tell you that I'm-- I'm not gonna talk about the g-- legalities of that discussio-- of-- of, you know, that detention, because I think that debate has been rehashed and perfected from either sides, and it has nothing more to contribute. (COUGHING)

What I do wanna talk about is who these people are, the nature of the charges against them, if there are any, and the nature of the evidence against them and what they're being held for. And that's what the aim of the report and the campaign is. You can-- you can fill in (UNINTEL PHRASE).
(OFF-MIC CONVERSATION)

ASIM RAFIQUI:

It's-- it's always a little bit difficult for a photographer to sit on some of these very sophisticated, rigorous panels and know what to say. But-- another-- I will talk to you a little bit about what the work is, and-- and-- and where we-- how we ended up doing this work.

But I wanted to-- to start with a few anecdotes and-- and talk a little bit about where the work comes from and what are the things that as a-- as a photographer and someone working in Pakistan-- one is confronting. (CLEARING THROAT) So, a couple of weeks-- was it about a couple of weeks ago, when we were in (UNINTEL)?

FEMALE VOICE:

Uh-huh (AFFIRM).

ASIM RAFIQUI:

So-- a couple of weeks ago, we did--

FEMALE VOICE:

Just one week. (LAUGHTER)

ASIM RAFIQUI:

One week (UNINTEL), we did-- we did a similar-- (CLEARING THROAT) we did an exhibition-- in Islamabad of these photographs. And-- we got in touch with some of the press in Islamabad, including the international press, and we invited some reports to come and-- meet with some of the detainee families that were invited to join us-- at the event in Islamabad. And there was some in-- some interesting things that happened which struck me. Of course I was aware of these, but it was interesting to watch them sort of unfold-- in front of you.

So, we had a-- journalist from a major American-- newspaper arrive and sit down with some of these detainee families, (CLEARING THROAT) and attempt to interview them. And it was incredible to watch the discomfort and sort of the incomprehension with which he confronted these families. There was this kind of a

distance-- a-- coldness and aloofness that he just wasn't able to transcend. The entire interview, the entire conversation with these people who had traveled from quite far away-- was-- was--
(OVERTALK)

ASIM RAFIQUI:

--was s-- (UNINTEL PHRASE)—

FEMALE VOICE:

Yeah—

ASIM RAFIQUI:

--and-- well, yeah, that's right, who-- who-- which was rather stunted. And the worst part is that this gentleman, this journalist, actually, is Pakistani. He wasn't an American. He was a local journalist, working with-- an American publication. The following day, we had a gallery event, and we invited certain people from the Ministry of Foreign Affairs-- the Pakistani Ministry of Foreign Affairs, and a lovely gentleman-- in a fine suit and f-- Italian boots turned up.

And the families again were of course at this event, and we had about five or six families, some from Rulapajab (PH). We had a family that traveled-- from near the border of Afghanistan. It takes them six hours by car to arrive in Muslim Bagh (PH), and then they flew down to Sambaed (PH), and they were there.

And we saw this-- yet again, there was this-- this gentleman was incredibly uncomfortable and unable to hold a simple, civilized, human conversation with a bunch of his own fellow countrymen. And it struck me that it was incredible to the degree to which these people, these-- the-- the-- the prisoners who-- and their families, who by the way all consistently come from some of the most marginal, poor segments of Pakistani society-- this has been the one consistent thing they even see.

It was incredible to see how opaque they were to-- the media, and how opaque they were to the representatives of the government that are-- that were expected to go and fight on their behalf and somehow represent them. You could just see this incredible-- divide.

And I think that that's one of the unspoken issues, and perhaps it needs to be spoken about more, and I know that there are people who (UNINTEL) speaking about it more, but certainly we don't speak about it in Pakistan-- that this distance, this-- which is very-- evident to me is one of the reasons why the injustices that have taken place against these people have been allowed to stand for so long, and for so many.

Not just-- you know, we can sit-- I can sit and lambaste the Americans, what have you, but certainly to hold the Pakistanis to task for their inability (COUGHING) to actually-- find ways to communicate, link, and express and understanding what the detention of these men has meant to the men themselves, of course, but to their families.

Now, speaking as a-- speaking as a photographer, and I speak as an American photographer, because I always call myself an American photographer-- at a panel (UNINTEL) I find it amazing that s-- in the last f-- 13, 14 years, not a single major photojournalist has actually done a major piece of work on the victims of the war against terror. Now whether that's in the United States of America, whether that's-- about the-- the-- the immigration sweeps that took place post-9/11 and the thousands that were picked up and the families that were separated, the deportations-- whether it was the communities that were put under deep surveillance, whether it was the-- the CIA-- entrapment programs, using collaborators, whether it was the victims of the wars that we've unleashed-- the millions displaced-- and one could go on, whether it's the men and women coming out of-- men or-- I don't know how many women came out-- coming out of Bagram or Guantanamo-- there actually isn't a body of work, given the scope, the scale, the intensity of what has transpired here post-9/11, a body of photographic documentary work that does justice to what has actually happened, whether it's in Iraq or Afghanistan or Pakistan.

And I-- again, as I said, I'm speaking here as a-- as a photographer. And that, for me, is not only shocking, it's actually quite shameful. And the same set of affairs stands even in-- in Pakistan, where we've had sporadic works, of course. We've had-- you know, photographers have gone out to some refugee camps, or you'll see a story here-- here and there.

But if look across the-- the-- field of all our great major photographers and what have you, you really actually see nothing. Certainly nothing that does-- as I said, that reflects the scope and scale of-- of-- what has transpired here. And in fact, you're more likely to find photographers working on projects about the victims of the Soviet invasion of Afghanistan-- than-- (LAUGHTER) and-- and-- and I-- and I speak-- and this is true-- than a-- you know, people really documenting the consequences of the American presence in Afghanistan.

And this is a question that I've asked-- repeatedly amongst my colleagues and my peers, and I frankly don't have a very-- good answer for this. The reason why I bring that up, and I-- I just wanna quote something-- that Graham Greenwald (PH) wrote some years ago. The reason why I bring that up, and I will bring (UNINTEL) into the issue of how I'm working-- so I'm quoting from a piece that Greenwald wrote-- where he argued that, "There are many factors accounting for the willingness to tolerate or even approve of the systemic persecution. The one important reason that-- is-- that the victims of these endless wars or what have you, by design, are so rarely heard from, so-- as it's true for most groups of humans who remain hidden, they are therefore easily demonized. And this invisibility also means that even those who object in principle to what is being done have difficulty apprehending in a visceral way the devastation that is wreaked in the lives of these human beings who have done nothing wrong. Now the absence from our discourse can confine one's understanding of these issues to a theoretical realm, and thus limit one's ability to truly care."

And that's the fundamental reality that we're dealing with here, about any one of these situations. And if you-- and that's basically what my work-- I've been a fellow with Source-- I've been a Source fellow since last year. And my project is broadly about the issues and questions of justice in Pakistan-- looking at-- the segments of society that actually are not in the interest of the judicial/legal system of Pakistan. They sor-- sort of fall outside of it. They-- and also very much the-- what the meaning of justice is, particular issues of social justice, for which millions in Pakistan are actually struggling every day to achieve but that seem to be, again, invisible from the rhetoric, the discourse of the mainstream-- of the mainstream media and the politicians.

And th-- what this-- my work is trying to challenge the master narratives by which Pakistan is defined. Now, we hear a lot of about Pakistanis talking about, "Well, you know, the-- the-- you know, the-- the West represents us in a certain way." We are a failed state. We're on the brink and all that (UNINTEL) stuff. But I think more (UNINTEL), the Pakistanis themselves represent themselves in the same way.

We ourselves have not been able to-- to develop narratives, particularly individual narratives that challenge these broader master narratives of war against terror or globalization or-- human rights, which by the way is another better (?) narrative that is being questioned through my particular work.

And-- and Bagram is one very specific example of that. This is perhaps an examp-- this is sort of-- what I'm trying to do there is construct a full understanding of who these men are in this prison, and what has happened-- what are their histories, their backgrounds, their childhoods? How do they end up in Afghanistan, if-- if at all is-- that-- that's where they were picked up.

And more importantly, what has happened to the rest of their families? I mean, I have a-- I have a daughter, and I know what would happen to me if someone disappeared her and left her in-- in-- indefinite detenti-- in a prison across the border. So, I (UNINTEL) travel and I go meet these mothers and the brothers, and you see the devastation.

You see entire families that have been crippled, brutally-- this is not an esoteric, theoretical question. You are-- you know, you-- I have met mothers who have gone mad-- they are mentally unable to comprehend life. I've met brothers who are considering suicide, because they haven't seen their brothers in 11 years. I mean, this whole process has wrecked lives. So, we have 40 (UNINTEL) Pakistani men in prison, but you have hundreds of people who are falling apart outside.

And they travel far and wide to try and speak to the press, and they try and speak to members of the foreign affairs committee, and they-- and they see people who-- to whom they are opaque. And this work is-- is trying to cut past a little bit of that opaqueness, to try and get us to understand that we are actually talking note about master narratives or wars or laws, but we are talking about individual history. So, thank you.

FEMALE VOICE:

Thank you.
(OFF-MIC CONVERSATION)

SAADIA TOOR:

Thank you so much-- Sarah and-- Asim and Shamila, and-- and thanks to the Open Society for holding this very important event and for in-- including me in this. And I-- I want to actually just-- sort of-- tag onto-- the stuff that Asim was talking about. And-- and I'm going to speak from the perspective of somebody who has been-- doing political work here, around (NOISE) the war-- in Afghanistan, and in-- increasingly-- from 2008, 2009 onwards, around the-- the then-secret war in Pakistan, and now not so secret war in-- in Pakistan, and the issues that-- we faced here-- have been-- reflect-- you know, the-- the same kind of-- th-- the absence-- the dehumanization of the people-- the actual people who are-- suffering as a consequence of this-- this incredibly long war.

And that absence comes of course from-- the dehumanization comes from the absence of their narratives, but it-- that's not just a coincidence. There is-- it's incredibly hard to get their stories or-- a sort of-- a story that's outside the existing frames within which the media here wants to understand Pakistan-- into the press.

And I'm talk-- not just talking about the mainstream press. I mean-- the *New York Times* obviously-- has a very particular perspective. We don't expect the *New York Times* (COUGHING) to-- to-- to listen to our side or to pay attention to what we're saying. But I'm very sorry to say that it has been extraordinarily difficult and impossible actually to get through to the nation, even (UNINTEL) now.

And so I think it's really spaces like this, these kinds of events, that we have had to turn to. And it's not-- you know, "have to turn to" doesn't mean that we don't want to do this, but these are limited in some sense in scope. I mean, what the nation can-- the audience (UNINTEL) nation can reach out to is by-- you know, by definition, a much larger audience.

And so we've had our work really cut out for us. And-- and that's, I think, also where the kind of work that you people are doing, the report that you have produced, the campaign that you have started is so immensely useful for us, because you know, we're working on the court of public opinion here, right?

And-- and of course, it is-- it-- and we can talk I think in Q&A about-- what is happening in Pakistan, in terms of this disconnect and-- and the-- ways in which-- who it is that does not want to address this issue-- of the-- of the war in Pakistan as well, right? So-- and-- and you know, it's-- it's-- jus-- just a very sort of visceral example of what that-- this dehumanization-- means-- is that when we had-- these-- these days (?) of nat-- natural disasters in Pakistan-- (UNINTEL) that earthquake in 2005, and then those incredible-- floods in-- in 2010-- the UN had a-- incredibly difficult time meeting its-- goals for financial support to Pakistan.

And analysts talked in mainstream newspapers about the-- the-- empathy deficit that Pakistan had, because you know, not surprisingly, people seem to think that Pakistan is just crawling with-- these Islamic fundamentalists, right? There are no ordinary people in Pakistan. There's nobody who suffers. There's just (LAUGHTER) evil, bearded people who are anti-American, and therefore, you know, anti-everything good and (COUGHING) progressive, right?

So this is a wonderful and very-- you know, beautifully orchestrated kind of feedback loop, right? And so these are the moments in which we get to hopefully interrupt it. So I was, you know, asked to sort of-- talk a little bit about the impact of the war on terror in Pakistan, and-- you guys are actually probably much better placed to do that, since you actually met the people directly impacted.

But ye-- let me talk very briefly about that. I mean, there's different layers and levels of that impact. One is of course this very direct impact on people who are disappeared and detained and-- who have actually also lost their lives, who are tortured. They are, of course-- thanks to reports by Reprieve and then the Stanford and Columbia reports on the drone attacks in Pakistan, we know about the families that are devastated in the-- Waziristan (PH) region.

We know that over 200 children have died, and that the-- the-- that, you know, normal life is-- (LAUGH) is really a dream in those-- in those areas. Everybody, including the children, is suffering from PTSD, right? And this is something that you see repeated wherever there are drone strikes.

I think there's a recent article about what's happening in Yemen, and there's a child psychologist talking about basically the same kinds of things. So imagine living, you know, if you can, under those circumstances. And then we can imagine how it is that even some Pakistanis can't-- living in Pakistan, put themselves in that-- in that place. And then that makes them take certain-- positions that gel very neatly with-- liberal opinion-- in the US on Pakistan. So-- so there's that direct human impact. And that, you know, that-- that-- that's directly also connected to the war on terror. And of course the Pakistani State agencies, the military, the ISI are very deeply implicated in that, so it's not that (COUGHING) we (UNINTEL PHRASE) off the book. But the fact that it's happening under this particular kind of-- secret-- and long-standing-- you know, military operation is-- is really something that we need to-- think about. Then of course there is the-- the (UNINTEL) structural sort of fallout of this now-- what is it? Twelve-year-- 12-year--
(OVERTALK)

SAADIA TOOR:

--war, in terms of the way in which it has strengthened all the right re-enforcers in Pakistan, from the military, the intelligence agencies, the scary, you know-- Islamic militant outfits, you name it, right? And of course-- the-- the US has in some cases explicitly-- supported-- these forces, such as, of course, the military-- dictatorship of Pervez Musharraf.

When there was a huge popular uprising against Musharraf after the emergency, the US ambassador was busy trying to do backroom, you know, deals with the loyalist movement, asking them to sort of back down and let Musharraf be, because they saw Musharraf as their natural ally. And of course, this is also a pattern that the US has, in terms of its foreign policy.

Much rather deal with dictators, because you know, you know that the people on the ground are not going to support-- what-- what you're doing. So-- so there's that. Then of course there's other areas-- which we don't directly connect with the war on terror but are deeply connected, such as what's ha-- what is happening in Balochistan (PH), and has been happening in Balochistan over the last ten, 20-odd years. In particular, I mean, the issue of Balochistan is much bigger than-- the last ten or 20 years, but-- there are ways in which the war on terror has really, really exacerbated-- the problems there.

That you have-- enforced (UNINTEL PHRASE) there that have nothing to do directly with the war on terror, but the war on terror has provided a very convenient cover for the Pakistani stage (?) to engage in all these-- shady-- sort of actions. And then of course-- it has also-- very conveniently kind of replaced the secular nationalist-- organizations in Baluchistan, with-- with the-- these-- Islamic militant outfits that it feels it has more control over.

A-- an-- an-- and it did that explicitly to subvert the s-- the nationalist movement in Baluchistan, right? And so that also don't necessarily connect it to the war on terror, but it is in many different kinds of ways completely connected to it. But even that isn't enough, if you want to really understand the full impact-- of-- the-- you know, the-- really what we need to do is try and understand the impact of the US relationship with Pakistan, not just over the last ten years or the last 20 years, but even-- (COUGHING) you know, at most, our memories go back to the '80s and the proxy war with Afghanistan.

You know, everybody after Charlie Wilson's war could tell you that, "Oh, yes, we did s-- you know, such bad things and oh-- oh (UNINTEL), (COUGHING) we seem to have, you know, let loose all these ideologies that now are so troublesome to us." Well, you know, they're not just troublesome to you.

They're really deeply troublesome to Pakistanis, because in that period, the Afghan war's devastation of course went (UNINTEL PHRASE) is-- is-- dead. But what the Afghan war did to Pakistan is something that nobody knows about and nobody really cares about. But what the Afghan war did to Pakistan was, again, shore up a really, really horrible military dictatorship-- Zia-ul-Haq (PH).

That was-- trying to reengineer Pakistani society, because it had moved way too far to the left for the comfort of the-- rightwing forces in Pakistan, and for the US's comfort, right? And so it was all about infusing that same-- you know, what we call "Jihadi ideology"-- into Pakistan itself.

Then the-- the fact that-- (COUGHING) there was a gun culture-- gun proliferation-- therefore, you know, incredible increase in violence in everyday life in Pakistan. There was the rise of a drug culture, because of the heroin that came in. And so, you know, even-- I-- I mean, I think (UNINTEL) has really talked about this very well-- in several of his books, about how the social fabric of this country was completely-- you know, devastated by that one war.

And then of course really what we need to look at is-- go even further to-- the-- the-- the whole of the Pakistani-- relationship with the US. And next year, we will celebrate 60 years of-- of this relationship. In April, 1954, Pakistan and the US signed-- the first of many Cold War alliances-- the mutual defense and security pact. And that of course-- was the beginning of Pakistan's-- collapse in-- as a society in terms of the takeover of the military, right?

And that was also very much something that the US supported at that time. So, if we really want to understand what is happening in Pakistan and-- you know, it always amazes me that the-- the most well-meaning and well-read people in the US will, when confronted with the obvious anger-- that-- that some Pakistani-- Pakistanis feel-- are-- are completely taken aback.

They just don't understand it. And then the-- you know, the-- the (UNINTEL) then-- the-- the (UNINTEL) that are given to you from the (UNINTEL PHRASE) is-- is that they must be crazy, right? (LAUGHTER) They really-- they're-- they're just all conspiracy theorists. Well, I mean, imagine living in a society where there is an actual conspiracy happening every second, (LAUGHTER) right? You have CIA operatives running loose in one of the major cities of the country, driving, you know, fancy cars, full speed, down the wrong way on a one-way street and shooting at people.

FEMALE VOICE:

Yeah-- (LAUGH)

SAADIA TOOR:

You probably have not heard of Raymond Davis (PH), right? And the US tried very hard to cut him loose. "No, no. Nothing to see here. Don't know him," right? And then he was magically whisked back to the US, where I think he was got (?) on assault and battery charges. (LAUGHTER) (UNINTEL), because he like-- I think he, like, ruined someone car in a parking lot, like road rage, right? (LAUGHTER)

Clearly, this guy had road rage, but-- (LAUGHTER) but-- but anyway, I mean, I-- I think-- I think that's-- for now, all I really need to say. And then we can pick up on many of these-- things in-- in Q&A and-- with the discussion (UNINTEL PHRASE). Thank you.

SHAMILA CHAUDHARY:

Thank you very much. This is exactly the note I wanted to end on, because--
(LAUGHTER)
(OFF-MIC CONVERSATION)

SHAMILA CHAUDHARY:

Raymond Davis--
(OVERTALK)

ASIM RAFIQUI:

Raymond Davis-- (LAUGHTER)

SHAMILA CHAUDHARY:

--I hate Raymond Davis. He took up so much time in our office of, like, you know, hours and hours, late nights working on-- this big problem. And I think a lot of-- there are Americans that do know him quite well, unfortunately. And-- it-- I-- I actually-- I-- I am glad that you brought it up, because-- you know, my-- my own experience of working on the US/Pakistan relationship and-- and dealing a lot-- you know-- my own family is from Pakistan, but I-- you know, I grew up in the States.

And working on the relationship in the US government-- you know, I had a very unique kind of vantage point and-- and (NOISE) set of experiences. But I would be on the other side of the table from Pakistanis who would be, you know-- expressing all of these concerns, and-- I would have to listen to my colleagues, you know, say, "These are all conspiracy theories," and, "Oh, they're so crazy."

And so I have heard these comments, and it's true. This is-- these are very real perceptions. But I think-- you know, we have to take a step back. There's a lot of emotion in the relationship, and that's part of the problem. It's clouded-- perspectives on both sides, and once I started to take a step back-- what I noticed was that this is a very important relationship for both sides (COUGHING) that has no formalized structures existing between it, okay?

So, for example, the United States would-- give Pakistan-- money-- that's called "coalition support funds," right? This is part of the war on terror kind of commitment, and this money would go to various activ-- you know, this was given to the military and-- for various activities-- that were undocumented.

No one knew how this money was spent. There were never any receipts-- United States-- during the time of Musharraf wouldn't ask for receipts or details in how this money was spent. But sides-- just no questions asked, right? Other countries do get coalition support funds. So, for example, Egypt-- got them for-- since the Camp David Accords, but they had the Camp David Accords.

That's what th-- that was the tie that-- that bound them together, okay? And you know, Israel was part of that. Pakistan and the United States never had that. They still don't have it, right? What they had was a gentleman's agreement-- (NOISE) between-- President Musharraf and President Bush, and (BACKGROUND VOICE) when those governments transitioned out-- two very different set of-- governments came in.

And I think they were burdened by the fact that there was nothing on paper. There was no documentation for what-- this relationship was supposed to be about, at the political level. At the level of intelligence and the relationships between the intelligence agencies, I think that was a very convenient situation for them, because they wouldn't have to deal with the questions of, "Where are all these people going?"

You know, "What-- what-- what's your process for dealing with the detainees?" (COUGHING) So I think it was a-- very convenient situation for intel agencies on both sides, which in my opinion, really drived (SIC) this relationship. That is the core of this relationship. When you work on the-- you know, when you work in the US government on Pakistan, you very quickly realize who's driv-- who-- who the drivers are on both sides.

And that's an unfortunate reality. And I think these issues just get ignored, for the most part. One-- one kind of funny experience I have is when-- before I was working on Pakistan, I was working on Indonesia and humanitarian assistance, and it was-- I felt so great going to work every day, because we're helping people. And when I went to the Pakistan desk, you know, I would learn about what was going on in the *New York Times*. And I would think (LAUGHTER), "Of course this is not true. I mean, I would know about it, right, if it was true."

And of course (BACKGROUND VOICE) I was wrong. You know, I mean, that's very naïve of-- and I was very young when I started, but-- that just-- I think that-- I tell people that because I want people to understand that on the US side too, there are lots and lots of layers of people not knowing things. So, it-- it-- I think the problems are on both sides.

I have a few comments and questions that I'm gonna throw out there to the three of you, and then I'd like you to-- you just unpack some of those-- ideas that I know you didn't get a-- chance to-- to talk about. So-- r-- w-- yo-- one thing that a lot of-- that all of you mentioned actually was the Pakistani government being complicit at a certain level.

And Sarah, you-- you started out by talking about how you couldn't get support from-- the-- the courts and the judges, and then-- you know, then you found some support, that some point-- the government turned on you guys and you lost it. And so I'd like to know from you, like, how much of that did you sense was from Pakistani government pressure-- and not fear of kind of going up against the United States? Because I want to challenge that a little bit, because I think the US is a very convenient and logical-- you know, excuse to put out there. Excuse is probably not the right word, because the US does get involved in Pakistan's domestic politics. It has a very bad history of doing that.

But it's not just the US in this case. And so I want-- I'd like it if you could talk about kind of how the Pakistani government's involvement, you know, stalled some of the work that you wanted to do, and why? And on this area in particular, because you know, Pakistani government does have a history of missing persons before 9/11, so what's different, right? So talk about that a little bit.

And then-- a-- Asim said something really interesting. He was talking about the victims of the war on terror, and in some ways, I mean, I feel like, you know, people who live in, you know, countries like the United States or-- you know, that have also experienced attacks or-- we're all victims of the war on terror, right? I mean, we have our own kind of first world problems that we have to deal with, that we don't like.

You know, I-- I get so annoyed when I hear people complain about the security of the airport, and I mean-- from my perspect-- perspective, I think if you only knew, you know, you would not c-- complain about this. But you know, there's that as-- that perspective. When you said "victims," you described all these detainees and their families, and I can understand their families, but I think there i-- could be some debate on-- on the detainees and if they're actually innocent or not.

And I know there's a legal term for being innocent, but when I read the narratives of some of these folks, I do have a lot of-- there are a lot of gaps for me, from my perspective, my experience of why they were in this area, what they were doing. I think other people might have those questions too, from-- if you're working from the national security perspective. So, I'd like to-- I'd like to know, you know-- your view or your take on this. I mean, I-- I'm sure it's come up-- come up.

And then finally for Saadia-- this is-- I-- I think this is actually the most interesting, and it's going to be a longer-term issue, is-- you mentioned that you couldn't get--

you know, the attention of fairly-- kind of left-of-center-- organizations to-- to talk about these issues.
And the other thing I've seen in th-- working on the US/Pakistan relationship is there is no organic-- kind of public constituency for this relationship in the United States. You have the-- the military and the Department of Defense guys, who have their own vested interest, and the Pakistani military on the other side. But it's not like, you know, there's such a large Diaspora here that's pushing some of these social issues, right? There's a fair amount of schizophrenia, I think, in that community anyway, on the politics. So, what-- why do you think that's the case? I mean, that's my view, but why do you think that there's-- I mean-- these organizations, for example? I mean, is it self-censorship? Is it—

SAADIA TOOR:

(UNINTEL) organizations?

SHAMILA CHAUDHARY:

You-- you mentioned kind of-- th-- *The Nation* and *Democracy Now*—

SAADIA TOOR:

Oh--

SHAMILA CHAUDHARY:

I mean, just kind of elaborate a little (COUGHING) bit on that. I-- my own take is that there's no kind of public constituency for this, and even when-- I remember we used to go up to Congress and ask them to-- members and-- and staffers to yo-- "Let's give more money for the floods. We need more money."

No one would do it, because they don't have anyone calling them, complaining about it, you know, and saying, "This is a big issue," right? So, there's-- on one aspect, there's a very natural thing happening, right? But o-- on the other hand, I think there's a political dynamic that we haven't really a-- addressed yet. And it could be self-censorship, but it could be something else. So--
(OVERTALK)

SARAH BELAL:

We didn't have Sean Penn--

SHAMILA CHAUDHARY:

Yeah-- (LAUGH)

SARAH BELAL:

--go down to Haiti. That's what we needed--
(OVERTALK)

SAADIA TOOR:

--Angelina though--

SARAH BELAL:

Or Angelina--
(OVERTALK)

SAADIA TOOR:

We did have Angelina.

SARAH BELAL:

She did? (LAUGHTER)
(OVERTALK)

SHAMILA CHAUDHARY:

And then one final question for all of you. Can you tell me what you actually think the national security threat is, coming out of Pakistan, both for Pakistanis and for, say, Americans or other kind of Western nations? What is the real threat?

SARAH BELAL:

(UNINTEL), should I begin with the first question?

SHAMILA CHAUDHARY:

Sure. Please, anyone, (UNINTEL)-- (LAUGH)

SARAH BELAL:

So-- I-- I wasn't quite sure exactly what you were asking, so I'm gonna answer it-- to the best of my knowledge, but if I'm-- you know, if I'm not answering what you asked, please do interrupt. I think the Pakistani government's reaction to these guys'-- to-- you know, to-- to the Bagram detainees in particular is that they're just not their problem.

And as far as their complicity is concerned, I think-- you know, the practice of rendition that's much more-- that's better documented and-- it was mu-- much more common, pre-Obama-- those guys are already in Guantanamo. Some of them have been released. A lot of them are still there.

So, I think the-- the Bagram group that you're talking about are-- are-- are different people. And you know, they have different stories about how they got there, as well. You know, I can tell you about a bunch of juveniles that have been there, that are still there, that were-- captured.

You know, whether it was in Afghanistan (?) or in Pakistan is unclear. We-- we've compiled their histories, you know, from when they disappeared from Pakistan. For example, I'll-- I'll give the story of-- Jamadula (PH)-- sorry, Sefula (PH)-- and Jamadula, actually both of them. You know, their families were displaced-- during the floods. And-- sorry, during the Savat (PH) operation.

They moved down to Karachi (PH) from Waziristan (PH). They were-- again, their-- their parents were incredibly poor, working as laborers, as security guards. For Jamadula, his father sent him back to go and collect-- you know, their family's belongings to bring them back. And-- you know, Jamadula went with a friend on a bus during his school holidays. You know, he was 14. Wanted to be a-- wanted to be a doctor. And you know, he-- his friend got off-- halfway through, where, you know, he needed to get off, and then Jamadula went and stayed with his grandparents-- in-- the area where his parents were, and was then last seen boarding a bus back to come to Karachi.

He was 14 years old at that time. You know, his parents didn't know where he was for two years, until an ex-detainee-- they thought he was dead. His father, who is incredibly poor-- spent all the money that they had for two years going to every single police station, you know, from the top of Pakistan, you know, down to Karachi-- you know, fo-- trying to find out where his son is.

And thought that he had died until-- an ex-detainee who was released came-- and came back and informed their family that, "Your child is actually there." So, you know, coming back to-- this-- this just goes a little bit to the question of, you know, who these people are and how they get to be there.

The Pakistani government does not-- really view them necessarily as people that have committed crimes against the state, because the Pakistani government themselves has not seen any evidence-- from the Americans, who refuse to share any classified evidence (COUGHING) on these guys. And in the absence of that, I mean, you know-- they really don't have much to go on.

The ones that they have been complicit in-- there are some very well-publicized cases of people that have been-- picked up-- by the Pakistani authorities, handed over to the Americans, you know, rendered to-- I call it the "rendition tour." You know, to the Middle East, North Africa, you know, then Bagram, then Guantanamo Bay-- and you know, it has come out-- publicly that the Pakistanis were involved in picking them up, at the behest of the Americans and the British-- you know, and interrogating them.

There's also complicity-- in the sense of-- you know, in the legal sense, what we've argued in court is that there's different levels of complicity. So-- you know, there is the legal notion of being mixed up in the wrongdoing, which is a notion that's been recognized in the British courts-- for one of the detainees-- from Bagram. And-- that concept basically says that, you know, if the Americans have picked someone up and, you know-- a Pakistani citizen up, even in-- you know, (UNINTEL), and then they reach out to the Pakistanis to confirm his nationality or to, you know, find out who he is-- you know, they call up the Ministry of Interior. You know, "Get us some facts about this guy or his background."

If the Ministry of Interior complies with the request that then leads to that detainee's detention in a place like Bagram, then the Pakistani government is complicit. They're mixed up in the wrongdoing, and that constitutes a violation. And that's what we've argued in front of the Pakistani court, as well. So, we're looking at all levels of the complicity that they have.

ASIM RAFIQUI:

Okay. I'm just going to touch on the two points-- sorry, go ahead.

SARAH BELAL:

One other thing. I-- we will come back to this, but in terms of, you know, the Pakistani government interning their own people-- the AACP regulations were passed when, Chris?

CHRIS ROGERS:

Two thousand and eleven, July--

SARAH BELAL:

Two thousand eleven, and they're a piece of art, because we learned that from the Americans and the Patriot Act. They've literally copy and pasted a bunch of provisions. (LAUGHTER) You know, so we learnt this from the Americans, and we've continued to learn, you know, how to draft our counterterrorism laws and policies that are now used to intern thousands of Pakistanis that have come straight from, you know, the American experience of fighting the war on terror. So, that was (UNINTEL) us interning our own.

ASIM RAFIQUI:

So (UNINTEL) just-- I'm-- I'm just going to repeat, as I understand, your question, but if you-- if I have misunderstood your question, just please interrupt me. You made two points, one about the fact that we are all victims of the war against terror in different ways, I believe, was-- I just wanna be ver-- so I'll be very clear on that. So, I think equivalence between my inconvenience and having my bag checked at the airport with a family who's had a family member killed or detained at Guantanamo is a huge mistake. So yes--

SHAMILA CHAUDHARY:

Right, but what I-- what I meant to say is that I-- I mean, there will be ver-- different kind of definitions of the term "victim"—

ASIM RAFIQUI:

Sure, but I think--

SHAMILA CHAUDHARY:

--and way-- the way--

ASIM RAFIQUI:

--it's important--

SHAMILA CHAUDHARY:

--that you had described it was, you know, very unique, I felt like. And-- I wanted you to go into kind of--

ASIM RAFIQUI:

Yes, and--
(OVERTALK)

SHAMILA CHAUDHARY:

--'cause a lot of people in the US government wouldn't call those people victims, you know? They would--

ASIM RAFIQUI:

I had-- okay, I-- again, as I said, I am-- I am a photographer. And I r-- don't really care what the US government will call-- let's be honest. I'm sit-- I'm sitting here, speaking as an individual. I'm speaking about real victims. Lives destroyed, people killed, murdered, detained, displaced-- devastated.

That, to me, is victimhood. Inconvenience, not-- not really that interested, because we-- we deal with that-- I deal with that as an American-- so I-- for me, it becomes important about where the stress should lie. And equivalence is-- is something that I don't support, whether as a-- as a reporter or a photographer-- that's something I would discoura-- I think this balance/equivalence thing gets us into a lot of trouble. You also mentioned that there are gaps in the stories of the detainees and the families. I think what I find-- and this question was raised by-- Mr. William--
(OVERTALK)

ASIM RAFIQUI:

--Litzow (PH), who turned up yesterday at our event in-- this was a gentlemen who I believe formulated the detention policies for the Bush administration. Chris?
(LAUGHTER)

FEMALE VOICE:

Chris-- (LAUGHTER)

CHRIS ROGERS:

No, no, I—

FEMALE VOICE:

--you should just come up here--
(OVERTALK)

ASIM RAFIQUI:

I-- I'm-- I'm asking Chris-- (LAUGHTER) I'm asking Chris, because you know the-- (OVERTALK)

ASIM RAFIQUI:

--just to (UNINTEL PHRASE)-- (LAUGHTER)

CHRIS ROGERS:

He was the-- he-- he was in charge of-- US detention policy under Bush and Obama--

ASIM RAFIQUI:

Right, and he was very generous and kind enough to turn up at our--

FEMALE VOICE:

Curious--

ASIM RAFIQUI:

--event yesterday. Curious to turn up at the event yesterday. And he made the same argument. And I think what surprises me in this question-- where (UNINTEL) surprise me is that these questions are being asked of some of the weakest, poorest individuals that we know, and they're not being asked of the United States government.

I'm surprised that we're not pushing 50 times harder against a power that is defining our discourse about detentions and these people being terrorists and these people being al Qaeda, (UNINTEL) are more willing to ask a guy who breaks bricks for a living in remote Baluchistan that he somehow has to counter the government's narrative, which is based on secret evidence-- which is based on sloppy, by the way, detainee review board files-- I'm sorry, but--

SHAMILA CHAUDHARY:

But--
(OVERTALK)

ASIM RAFIQUI:

--I have--

SHAMILA CHAUDHARY:

--do you think actually that-- that has started to-- Americans have started to challenge that--

ASIM RAFIQUI:

No--

SHAMILA CHAUDHARY:

--though--
(OVERTALK)

ASIM RAFIQUI:

--I have-- I have an 11--

SHAMILA CHAUDHARY:

Well-- can--
(OVERTALK)

ASIM RAFIQUI:

Sorry, lemme just-- lemme just finish--

SHAMILA CHAUDHARY:

Just that--

ASIM RAFIQUI:

I-- I have an 11-year-old detainee review board file of a prisoner called Amanta Al Ali (PH), where this process has not even been able to correct the fact that they're accusing a Shia man of belonging to an anti-Shia, sectarian organization. (BACKGROUND VOICE)

Eleven years of (NOISE) detention in a (UNINTEL PHRASE) files. How intellectually rigorous is this process, that they couldn't be bothered to just walk down to Punjab (PH) where we can go and find out that this doesn't even make sense? So, I would like to say I agree with you that there are gaps in the narratives, but I would say there are larger gap-- there's a bigger onus on a power that is incarcerating without evidence, which is incarcerating in-- in a bizarre military tribunal-- not even a-- really a military tribunal process. And our job, certainly my job as a reporter, as a journalist, as a photographer, as a citizen of America, is to challenge that narrative first, and then worry about what these gaps are.

SHAMILA CHAUDHARY:

No, and I-- I appreciate that perspective. And I think-- I mean, my own view is that the-- you know-- within kind of the American policy community, the-- for example, the use of drones, that-- that particular policy has been challenged for a few years now, internally, and it's starting to bubble up into the public space, among civil society organizations. There's a fair amount of internal debate and argument between senior American policy makers over kind of this drone policy is basically intellectually lazy. We can't say we have no other alternative--

ASIM RAFIQUI:

Sure--

SHAMILA CHAUDHARY:

This isn't right, right? So then if-- you know, given the circumstances on the ground, what do we do? And at some point, it was very clear to everyone that the Americans were not, you know, using these strikes to get high-level targets. There were all these other (COUGHING) groups of people that were getting lumped into this kind of target definition, right?

ASIM RAFIQUI:

Right.

SHAMILA CHAUDHARY:

And there was an internal discussion which, you know, arose and challenged that. And-- and-- and forced, you know, the people that were making these decisions-- "How do you define 'militant'? I want to know, because we've never had this conversation before. It's been how many years since September 11th, and we have never defined that."

And when you don't do that, you know, all these different actors start to take liberties, right, with the policy. And so-- I-- I mean, I have to say that there was an internal debate, and it's still going on, but it's not-- it's happening internally, but it's not happening--
(OVERTALK)

SHAMILA CHAUDHARY:

--at-- all these other levels--

FEMALE VOICE:

There--

SHAMILA CHAUDHARY:

--so with the-- with the American people, it's not happening--

FEMALE VOICE:

Yeah, so--

SHAMILA CHAUDHARY:

--and in between the Pakistanis and Americans, that's still very much (UNINTEL) as well--

SARAH BELAL:

I'd like to just jump in and say that, you know-- because of the fine folks at Open Society, I've had the opportunity to meet people-- in the last two, three days, from State Department, you know, Senate and House-- fo-- Congress. In fact, I got really confused by all the buildings. (LAUGHTER)

But-- by the way, internally, the Congress and Senate looks exactly the same to me, (LAUGHTER) so I never know who I'm in front of. You know-- we were talking to all these people who were involved in policy around this issue, and not a single person asked me who these guys were until the very end-- until the last meeting. The sixth meeting we had, one guy said, "Who are these people, by the way?" And I said, "Thank you. That is a question that we need to ask. That's a question that I would love to answer for you."

You know, I don't see that discussion happening within the United States government. I don't see questions of their innocence even being raised, because you know, frankly, as a lawyer (UNINTEL PHRASE) human rights activist-- they don't have anything to back that up. They don't.

We haven't seen any of it. You know, he told you-- Asim just told you a very simple story of, you know, mixing up a Shia-- you know, as a (UNINTEL PHRASE) member. I'll tell you that if the (UNINTEL)-- you'll see his wife's testimony here and her picture here. You know, he's mentally ill, and I have said this to the United States government. You know, to-- Dasti Litel (PH).

You know, he's mentally ill. We've got his community, we've got his doctors, we've got his family members to testify that he's mentally ill. You're accusing him of being an IUD manufacturer. There is not a single terrorist that I know-- I mean, the guy can't even count. I mean, he's not (LAUGH) going to be able to make anything.

He was working on a water (UNINTEL) project as a laborer because he couldn't get a job for 23 years. So, th-- but I don't find anybody in the United States government willing or rec-- you know, even the slightest big receptive to any discussion about their innocence.

And I don't understand how they're making these judgment calls-- you know, and where this narrative-- fact-based narrative is coming out of, because we've got facts to challenge that. I mean, when we first filed this in court-- the US government, through their Pakistani counterparts, came and gave a story of each detainee's capture. And for Jamadula-- sorry, for Sefula, who disappeared from Karachi-- and there's an eyewitness that saw him being kidnapped-- you know, that eyewitness is another child who will never come forward because, you know, he's scared for his life. Jam-- Sefula dropped his father off at the hospital, 'cause his father (LAUGH) had severe kidney problems.

Said, "I'm gonna go and get medicine," and then was never (COUGHING) seen again. His father was left waiting for him for two days at the hospital. He never returned. The American account is that he was picked up, you know, in Huse (PH) province, which is, you know, on the other side of (UNINTEL), you know, in-- I think they said 2006.

And that's what they said in court. We've got letters from Sefula, from Bagram, sent through the ICRC, that date back to 2004-- that predate two years of his capture. So, it's not only us challenging these facts but, you know, even the Pakistani court said, "This is ridiculous. You have nothing to hold them on," you know? And they're getting it wrong all the time. So-- you know, I don't think there's enough pushback on these facts. And I challenge all the facts that the US government has on these guys, 'cause I've never seen them.

SHAMILA CHAUDHARY:

Well, one of the-- a-- again, one of the internal tensions has always been, you know--
(BACKGROUND VOICE) the--
(OVERTALK)

SHAMILA CHAUDHARY:

No, I'm gonna go to-- I'm gonna get to you. But I was-- I was just gonna make a quick comment on kind of wha-- the facts and where the information comes from. And I-- you know, I-- one of the internal challenges has always been-- it's not just for the US government, it's for other governments as well, is the-- kind of the quality of the intelligence and the quality of the information that's being collected.

And it is-- it is true that a lot of-- kind of personal rivalries and, like, people that wanna get back each-- at each other-- like, this gets wrapped up into, like, reporting on a nefarious person. And it's-- I mean, it's a very common thing that I-- I think we've come to expect now. But intelligence is not fact, right?

I mean, you have intelligence. It's collected. It's often shared with partners, other countries-- to help shape views. And at the end, you have a very imperfect conclusion, right? And take that, I would say-- and this is just my observation. (UNINTEL) have that-- take that, combined with the fact that there's an active kind of conflict going on. There's a wa-- a war going on, and there are people in the battlefield.

I think it has-- (COUGHING) you know, made it very difficult for the US government to actually have a public discussion about some of these things. And frankly, I mean, I worked on these issues. Some of them are never gonna be public. I-- I don't think the Pakistan government wants anybody to know that they're collaborating with the United States on intelligence information sharing--

SAADIA TOOR:

That's too late, though--

SHAMILA CHAUDHARY:

--right--
(OVERTALK)

SAADIA TOOR:

--Musharraf has boasting--
(OVERTALK)

SAADIA TOOR:

--about it--

SHAMILA CHAUDHARY:

--they are--

SAADIA TOOR:

Everyone knows-- (LAUGH)

SHAMILA CHAUDHARY:

--and they aren't is the thing, right? So-- I mean, we're in this very grey space, and I think it's very hard to say things like, "They're not sharing," or, "They are sharing." They are doing it when they want to, and they're not doing it-- it when they don't want to, right? So, I mean, you have a little bit of both. So, it-- it--

FEMALE VOICE:

But it's the US--

SHAMILA CHAUDHARY:

--I mean, it really isn't about black and white, I think.

FEMALE VOICE:

But--

FEMALE VOICE:

What is not black and white?

SHAMILA CHAUDHARY:

Th-- no, you were saying that-- you're-- you're saying everything at once. You're saying that the Pakistani government is complicit, and you're saying it's all the United States' fault, right? And there are quotes actually in the report (LAUGHTER) which are very interesting--

SAADIA TOOR:

I'm not--
(OVERTALK)

SHAMILA CHAUDHARY:

No-- okay, go ahead--

FEMALE VOICE:

This is--

SHAMILA CHAUDHARY:

Okay--
(OVERTALK)

SAADIA TOOR:

--sorry. I think that actually your remarks were beautiful, because they captured exactly what we are up against, once we start to talk about the effect of the war on terror on real ordinary Pakistanis. And once we start to talk about how this is not even just about the war on terror, because instantly that becomes about, "Oh, but there is a national security threat," right?

ASIM RAFIQUI:

Right.

SAADIA TOOR:

That's why I was so careful to say that this is a-- this is about a relationship that has gone on for 60 years now, and that's a relationship that has produced all the problems that everybody loves to point out in Pakistan. (BACKGROUND VOICE) It has supported, directly and indirectly, incredibly (UNINTEL PHRASE) reactionary, right-wing forces in Pakistan, particularly the-- the Pakistani military and the intelligence.

But through them, all manner of other kinds of forces, right? No one here I think-- wants to say, "This is just the US' fault." We're talking about the Pakistani state's complicity. But that of course instantly rendered conversation shifts to, "Then let's talk about the complicity of the Pakistani"--
(OVERTALK)

SAADIA TOOR:

--"government," because apparently nobody's talking about that. (LAUGHTER) That-- apparently you never read that in the US media. Apparently you never read that in, you know, even Pakistani--
(OVERTALK)

SAADIA TOOR:

--newspapers. "That's such a shock. Let's talk about that," right? And let's talk about why it is that, you know, even left-of-center media-- (COUGHING) houses are not interested in these stories--
(OVERTALK)

SAADIA TOOR:

--because there's no Pakistani-- Diaspora that pushes for it. So, that's how people make decisions in these kinds o-- especially-- places like *The Nation* and *Democracy Now*. That's how they make decisions about how to pitch a story, which stories to pitch, because there's a Diaspora that wants it? I don't think so, right?

So, I think in fact this is precisely why you see-- let me finish. This is precisely why you see the kinds of stories you see in the media, because most people think this way, that, "This is happening because there is a problem with Pakistan. And there is not just a prob-- problem with the Pakistani state"--
(OVERTALK)

SAADIA TOOR:

--"and the Pakistani government. There's a problem with the Pakistani people. They are strange. They h-- they behave suspiciously, (BACKGROUND VOICE) (LAUGHTER) and therefore, they must have done"--

SARAH BELAL:

Done something wrong--

SAADIA TOOR:

--"something wrong." And therefore, there must be a national-- why am I asked after I've talked about 60 years of a-- messed-up relationship that has done nothing but destroy democratic-- you know-- forces in Pakistan-- why am I asked to talk about whether there is actually a national security threat coming out of Pakistan? There is a national security threat coming out of Pakistan. It's aimed at the Pakistani people, whether we're talking about the US or talking about the Pakistani--

SARAH BELAL:

State--

SAADIA TOOR:

--state, okay? And then of course there is-- instantly there's this thing, "Yes, well, there's a lot of emotion in the relationship." I am not interested in the emotion in the relationship between the-- Pakistani state--

SARAH BELAL:

State and the US--

SAADIA TOOR:

--and the US state. These are emotional issues, because these are ethical issues. These are people's lives at stake. These are people's-- not-- and not just one person's life, in one family's life. We are talking about generations that are going to get messed up. How is this mess going to get cleaned up. We have not even dealt with the mess that the 1980s produced in Pakistan and Afghanistan, right?

SARAH BELAL:

And I-- I'd like to-- I mean, I wanted to talk about the emotion, as well. I think there's actually not enough emotion from (?) the part of the victims. I'm actually outraged that there isn't, because you know, I happened to be here on September 11th, and it's been how many years? Twelve--

SAADIA TOOR:

Twelve, yeah--

SARAH BELAL:

--I'm really bad at math.

SAADIA TOOR:

Yeah, 12--

(OVERTALK)

SARAH BELAL:

Twelve years since September 11th, and every September 11th, I've been watching-- you know, I've been riveted to the same Discovery Channel documentary-- you know, on the attacks, and how they unfolded-- you know, and how, you know, they-- they-- they-- I mean, it's a really well done piece of work.

And then they-- you know, they go telling the story of each victim, you know, from the wife to the child to the mother. And there's one that I watch every year, in which, you know, she talks about-- you know, it-- it's the widow of a fireman. And she's watching the first tower come down, and her husband's in the second tower.

And she c-- you know, she's waiting for it to come down, and she can't stand it anymore. She's watching it with her child. And she goes in to take a shower, and as she's taking a shower, you know, she's left the door open so she can hear, and she hears that the second tower has come down. And at that point, she's wearing this-- this necklace with her husband's picture in it, which falls, and she knew her husband had died.

Incredibly powerful stuff, you know? Incredibly tragic stuff. Where is that about our drone victims? Where is that about the families of people that have been in prison in Bagram for years? And you know, we all need to be telling those stories. You know, where is that music and where is that outrage and where is that victimhood of what has happened to these guys and their families for the last ten, 11, 12 years?

I would love-- you know, not to berate in anyway (BACKGROUND NOISE) the violence that-- that took place here. It is abhorrent in every way. You know, and it takes years for a nation to (UNINTEL) that. But what about the violence that's been unleashed in Pakistan? You know, where is the story of the drone child, you know, who can't go to school because of the constant noise that is there while he's sleeping, while he's, you know, doing anything, and how he's terrorized by it?

Where is the story of this, you know, woman who's in her hut (?), like-- you know-- you know, waiting for her husband, and she sees, you know, a-- missile come down and devastate her family? And maybe her (UNINTEL PHRASE) falls off, you know? And she knows that her husband has died? Where are those stories? Why aren't they being told?

SAADIA TOOR:

And can I also just address, since I don't know when I'll get the floor again-- (LAUGHTER) (UNINTEL PHRASE) a couple of other things.

SHAMILA CHAUDHARY:

And then-- then we'll open it up for questions--

SAADIA TOOR:

Sure. But I want to challenge this idea that somehow-- well, I'll just have to take your word for the fact that there are intern-- I'm sure there are internal discussions about all these things. But as-- I think Sarah and Asim were pointing out, (NOISE) you know, I'm not sure that I believe that those discussions have anything to do with (BACKGROUND VOICE)-- thinking about the victims of these policies and these-- programs, right?

They may be-- there are all kinds of-- we get those kinds of arguments in the mainstream press when it's supposedly about-- talking about-- drone strikes. It's all coated in a sense of, you know-- this algebra, right? Or the calculus, rather, of, like, "So, does it make more sense to do-- you know, is it cheaper? Is that why we're doing drones? Or is that-- is that the sort of conversation we should be having about drones? Is it just, you know, politically easier, because you know, you-- you don't have boots on the ground?" So, it's those conversations, right? Those kinds of conversations--
(OVERTALK)

SARAH BELAL:

And the legal framework--

SAADIA TOOR:

Th-- and the legal framework--

SARAH BELAL:

My favorite--

SAADIA TOOR:

"Is it legal," right? "Is it legal, according to US law? Is it legal, according to international law," (BACKGROUND VOICE) as if the law-- I mean, the fetish-ization of the law really around all of this has just been incredible, as if the law is something that is magical, right? That just-- it comes out of, (LAUGHTER) like, you know, some, like godly thing.

It is-- it's clean and pure and good, right? As opposed to being something that is deeply political, right? And that-- it can change, right? It-- some things that are not legal can become legal, right? And-- anyway, so there's that. And so-- but this-- so I wanted to challenge this idea that the conversation around drones-- the mainstream conversation started to happen-- in the public (UNINTEL) in the US because the-- somehow these in-- you know, people inside the US state machine, they decided it was time. No.

It started to happen because people broke the news. Because there were reports that could not be ignored. Because bra-- you know, there were some brave, you know-- places, like *The Guardian*-- thank God for *The Guardian*, (LAUGHTER) you know? That relentlessly kept putting this stuff out, because the US media wouldn't do it.

And then when the issue became so big that the US media couldn't ignore it, the suddenly you start seeing stories in the *New York Times*. But please notice-- please, you know, if you haven't already noticed, please start noticing the way in which all these stories are framed, because it's all about framing.

So, this-- you know, there's many different ways for those of you who are, you know-- professional or amateur media critics, and we should all be, as I think informed citizens, that-- you know, but mo-- mostly two main ways. There's the stories that are told, and therefore by implication the stories that are not told, and then how the stories that are told are framed, right?

And I've ha-- I've actually had to deal with journalists who ar-- have been very well-meaning journalists. This fellow came after-- this is after the emergency-- or doing the emergency in ba-- oh, no, no. This was after Benazir (?) was assassinated. (COUGHING) So he came-- he was-- an American correspondent-- for one of the big newspapers, I forget which, but something like *Washington Post* or something like that.

And he asked me-- I spent actually-- a lot of time talking to him, because I was so invested in making sure that the usual kinds of narratives about Pakistan don't appear-- if he's listening to me, then I wanted-- you know, I don-- I know I don't have any control over the story, but at least I want him to, you know, hear me. And he seemed incredibly, you know-- sincere and-- and I think he was.

And of course he wouldn't show me the final copy before it went out. And he sh-- but he showed me, like, early draft. And I caught some things, you know, as I (UNINTEL)-- the story opens with an azan (?) and it's (LAUGHTER) very sinister, right? And you're like, "Why does every story of Pakistan, you know, have to open with, like, azans," you know? (LAUGHTER)

Yes, they're a part of everyday life, but they're a very (LAUGHTER) ordinary part of everyday life. But you know, in a-- in a story in the US media about Pakistan, they stand out like, you know, "This is a s-- this is a country (LAUGHTER) that is, like, obsessed with, like, Islam," which is automatically this crazy religion, right?

Anyway, (LAUGHTER) so-- so anyways, I told him, "You know, well, I wouldn't do that because of this, this, this," because he's o-- obviously he had no idea. He had no idea that this is what people could read in this, right? He's like, "But I heard the azan." (LAUGHTER) And I was like, "Yes, you hear it five times a day," you know?

(UNINTEL PHRASE), "You know, if you could just not mention that," and-- or start with that, right? And he's like, "Okay," you know? And then I saw the story once it came out, and there was the azan. (LAUGHTER) And-- there was-- you know, it was a story about Benazir, and so he was talking to all-- these women-- you know, who have been touched in some way by her life and her death.

And it's like-- incredible. Noth-- nothing in what they were saying had anything to do with (BACKGROUND VOICE) religion and Islam, and-- and yet it snuck in, in his, like, commentary, you know? It was all about how incredible it was that in an Islamic country, you had this, you know, woman, and-- et cetera. So, you know, so-- so there's th-- there-- there's the whole media kind of campaign.

And I wanted to also sort of (BACKGROUND VOICE) touch upon very quickly in my one minute about this issue of, like, you know, the Pakistani Diaspora again being strange and schizophrenic because it doesn't speak in one voice. Well, I challenge you to find me any Diaspora that speaks in one voice, because guess what? The Pakistani Diaspora is not born of whole cloth, right?

So who is it that we are asking to approach-- the US state or th-- these US media houses to tell th-- tell the story properly? Are we asking the people whose sons are in-- in special am-- under special administrative measures (COUGHING) in federal prisons? They tried, believe me. Fasil Hashmi's (PH)-- parents tried incredibly hard to have their story heard. The *New York Times*, even their metro editor didn't want to touch that story or-- or write about it, you know?

SHAMILA CHAUDHARY:

Okay, I'm gonna open it up for-- questions. But I will just say that-- on the drones--
(OVERTALK)

SHAMILA CHAUDHARY:

--just to respond, that-- I do know those conversations were happening because I was in them--
(OVERTALK)

SHAMILA CHAUDHARY:

--so I can—

SAADIA TOOR:

--I-- I (UNINTEL)--

SHAMILA CHAUDHARY:

--we can talk about it more later if you'd like, but-- it's part--
(OVERTALK)

SAADIA TOOR:

--what was happening--
(OVERTALK)

SAADIA TOOR:

--inside the US--

SHAMILA CHAUDHARY:

No, I just--
(OVERTALK)

SAADIA TOOR:

--curious about what's happening in the public--
(OVERTALK)

SHAMILA CHAUDHARY:

--like to finish my thought. It's part of the conversation, it's part of the whole story. It's not the part of the story that you all are talking about, but I think that they're connected, and that's why I brought it up, because I wanted to refer back to what was happening in the United States, in that policy community. Okay, questions. Why don't we take-- maybe a few questions at one time? Is that good? Because we have a few minutes left, so--

STEVE:

Please, line up behind the mic if you have a question. Please identify (BACKGROUND VOICE) yourself and please make your questions short and, if possible, make it a question. (LAUGHTER)

SANJAY PATEL:

Thanks, Steve. Sanjay Patel (PH) with the public health program here at OSF. So, having-- being a Canadian, having worked on the commission of inquiry into-- Meharar (PH), I have a lot of sympathy for the work that you guys have been doing with respect to rendition and the devastating consequences that flow from rendition.

But what I wanted to ask about was sort of what was touched upon to some extent but not fully-- is the way forward. So, we-- we-- we got very good understanding I feel of the impact that the US and the Pakistan states have both respectively had on the kind of rendition policies that you've been talking about, but I think one of the facts that ha-- wasn't really spoken about much that we can't sort of deviate too much from is the fact that thousands of people within Pakistan have died as a result of terror-related acts.

And so we have on the one hand the Imran Khan (PH) school of thought on what should be hand. On the other hand, we have what we've seen over the past 12 years being done. Hopefully, the three of you-- four of you have some ideas that fall somewhere in between, in-- in the spectrum of rationality, that we could talk about in terms of a way forward, because I find that the two camps that we've seen play out in the discourse haven't necessarily spoken to the root causes for why things are happening in the way that they're happening and the way forward. So, if you guys could talk about that, that would be appreciated.

(OFF-MIC CONVERSATION)

SAADIA TOOR:

(UNINTEL) a few--
(OVERTALK)

SARAH BELAL:

--question--

SAADIA TOOR:

--questions at time.

SARAH BELAL:

There's only one.

SAADIA TOOR:

Okay-- oh--
(OVERTALK)

SARAH BELAL:

--people are scared. (LAUGHTER)

SAADIA TOOR:

Well—

SHAMILA CHAUDHARY:

Oh, there's another one--

SAADIA TOOR:

Oh, good.

JOHN NEFFLE:

Hi, John Neffle (PH). I'm a journalist. (CLEARING THROAT) Two, I think, que-- questions. If the US government continues to hold detainees at Bagram-- following the drawdown, does JPP have different-- does that change what JPP can do-- either in the court of law or the court of public opinion?

And-- second quick question. In terms of the US/Pakistan-- relationships-- Mark Rosetti (PH) reported on the-- the drone program in Pakistan sort of beginning with what some called a-- "bargaining chip killing." Sort of tit for tat-- "You scratched my back. I'll scratch yours." And I was wondering if there are other examples of that kind of back and forth that-- have not received that same kind of attention?
(OFF-MIC CONVERSATION)

SAADIA TOOR:

I mean, I think getting into root causes begs the question of what is the problem that we're trying to get to the root cause of, right? And I think that's sometimes the disconnect that (COUGHING) at least I have faced-- when we're having conversations about the war.

For me, the problem is the US militarization a-- across the world, but particularly in my region, right? And not just, again, last ten years or so, but the long history of it, which really-- we're looking for root causes. Really, we're talking about (UNINTEL)-- if you're-- if you're talking very specific about the root cause of this, you know, this national security threat, al Qaeda, or-- you know-- (UNINTEL PHRASE) or the Taliban or whoever the-- the militant du jour is-- the-- the root cause of that really is the US' proxy war in Pakistan in the 1980s, right?

Now, what are you gonna do about that? And that-- you know, of course then instantly it sounds like I'm saying, "Well, it's just the US"-- I mean, it's never that simple. Nobody's ever saying that. But if that war had not happened, the course of his-- world history, I can promise you, would be very different. Okay, counterfactual. You cannot play with counterfactuals.

But that's what happens when you're-- when you're sort of looking for root causes, unless you're looking for a root cause that was, like, maybe five years ago or something, and then you can say, "Okay, now we can think of this and fix it." But these-- these kinds of things have such huge consequences that, you know, once you make a mess like this, it's really hard to figure out how to clean it up.

What I can tell you is that what doesn't help is to have a war like this. Is to have a war that-- that devastates lives, that creates anger, that moves the society further right, which is what has happened. And these thousands of people that have died in terrorist (UNINTEL) in Pakistan have also died in the last 12 years. (BACKGROUND VOICE)

CHRIS ROGERS:

Sorry--
(OVERTALK)

CHRIS ROGERS:

--be-- before-- before the others respond to that, I think the problem--

(OFF-MIC CONVERSATION)

CHRIS ROGERS:

--I think the problem I have with that analysis is that-- it locates the violence in Pakistan strictly to the war on terror. I mean, the truth is-- is that violence in Pakistan is not specific only to the war on terror or even to the war-- the invasion and the subsequent support for Jihad-- in the '80s.

I mean, if you look back-- I mean, violence has been endemic to the region for a very long time. And if you look at, like, the militants (UNINTEL)-- with the borders along India, or prior to that, like-- I-- the problem I have is the simplistic reduction (BACKGROUND VOICE) of violence in Pakistan, strictly to the war on terror, which is why when we talk about a way forward, we do have to think about more than just the war on terror, and-- and there was a question earlier posed about, you know, disappearances in the Pakistani state are not specific just to the war on terror. So, if you look at the institutions, when you look at governance, when you look at all these issues, it's not specific to, you know-- history didn't begin in 1980 is my point. And so if we--
(OVERTALK)

FEMALE VOICE:

--fifty-four. (LAUGHTER)
(OVERTALK)

SHAMILA CHAUDHARY:

Just-- can I just make one quick comment--

MALE VOICE:

Yes, please, go ahead—

SHAMILA CHAUDHARY:

--on this? I mean, just my two take-- points on the way forward is-- and I've already said one of them is-- you know, for that-- for this relationship to actually address some of these issues, which they both have their own stakes in, United States and Pakistan, they are going to have to have some kind of-- and the recommendations address this, some kind of public acknowledgement of what both sides are willing to do, and-- and say it actually publicly, right? And get something on paper. There have to be terms of engagement. There have to be-- I don't know if you wanna call it a MOU, you wanna call it a treaty, you call it an accord, and then you have, you know, systematic engagements with the other side. I think your report re-- recommended a-- every three months or whatever.

That has to be in place. But for years now, we haven't had the-- the personnel relationships on both sides that were strong enough to even do that, because we had these Raymond Davises and the bin Laden raids and setting everything off track every once in a while. So, that's my one-- point on the way forward there.

And I think that-- you know, I-- Sarah mentioned this, (COUGHING) on the-- the need for-- wel-- actually maybe you didn't. You might've disagreed with it, but the c-- the counterterrorism legislation. You know, it's kind of working against what you-- your-- you know--

SARAH BELAL:

Yeah--

SHAMILA CHAUDHARY:

--your interests. But-- if you can take that kind of negative space that's been created and, you know, co-opt it and-- and work-- I mean, work it through legal channels, I think that's kind of the-- a-- another way forward that's middle of the ground.

And that's another area where two-- two countries can work together. And that's very optimistic (BACKGROUND VOICE) analysis. I mean, I'm not saying that that's within the realm of possibility. But-- I actually do think the legal approach is probably the only way that these two extreme sides can-- can meet somewhere and move forward, so-- sorry.

ASIM RAFIQUI:

Thank you, Shamila. I-- I want to sort of-- I want to-- really, like, look at the way you asked that question. I'm just intrigued by the way you used the word "violence" in such (BACKGROUND VOICE) a sweeping way, to not be able to differentiate violence in Pakistan. Well, that's one thing.

Secondly, you know, there's a lot of violence in India. There's a lot of violence in Sri Lanka, and yet no one fra-- frames the issues in those countries starting from the violence. So, when you talk about, you know, what to do with these-- the-- the violence that has affected Pakistanis-- we will now talk about specifically the violence as the result of the policies of the state of Pakistan, post-9/11. A lot of that violence is in reaction to military activities, for example, that have taken place in Baluchistan and in Farta (PH), for example, right? So, this is not violence emerging out of some-- (OVERTALK)

SARAH BELAL:

--Karachi--

ASIM RAFIQUI:

Or in Karachi, but--
(OVERTALK)

SARAH BELAL:

--as well, it's--
(OVERTALK)

ASIM RAFIQUI:

But let's just-- let's just talk about the regions that are obvious. So, I have been in (UNINTEL) in-- right after 9/11, covering the region, 2000, 2003, and have seen entire villages being cleansed. I have seen helicopter-- gunships firing into civilian populations. I've seen what the military, the Basher (?) military has done in Farta.

And it was four or five years after which the suicide bomb attacks begin in Pashab (PH) or in Lahore. So there is a trajectory to certain kinds of violence. And by the way, the people from Farta, the so-called "Taliban," were always very clear about what they were reacting to. We may not believe them, what have you, but their trajectories (?) to certain violence-- you're absolutely right that disappearances were happening before, but the state policies were also happening before.

We should-- we can't forget 1971, Bangladesh. We cannot forget the military campaigns in Baluchistan that followed. We have a state that has a deeply troubled, if not completely colonial relationship to the (BACKGROUND VOICE) majority of its citizens, and performs immense amount of violence against its citizenry.

So, you-- you have institutional-- structures of violence that are in play, that of course get exacerbated when you have, say, an-- (UNINTEL) invasion happening next door. It sort of resonates with this-- s-- s-- national security state. They jump right into it. They're having a field day, by the way, right now in Baluchistan.

And you hear a lot about this anti-Hazara (PH) violence or what have you. This-- this is part and parcel of a violence that has been unleashed on Baluchistan which we'd never hear about. So, you get one side of the picture, but you don't hear about what the State has been doing. So, they are-- you know, they are clearly-- reactions related to policies in Afghanistan (?), the American presence there, what is happening in Farta. But yes, you are right. There are other-- there are other, you know, disappearance and (UNINTEL) thing which have other reasons which are l-- say, more domestic or more related to what the State's trying to do, you know, within-- within itsel-- outside of the (UNINTEL).

I mean, the-- the im-- the Pakistani military-- has its own goals within Pakistan. Non-- (UNINTEL) which is to r-- you know, maintain its economic and political control over the State. It's one of the principle prisms in which you should try and start to understand Pakistan, as well. I think that's one of Saadia and (UNINTEL PHRASE) main arguments in-- in their work over the last eight, nine years.

I mean, this military sort of stands apart. It's-- reminds me of what-- (UNINTEL PHRASE) pointed out when she spoke about the Indian middle class. It-- you know, the Indian middle class has seceded from India. They've sort of (LAUGHTER) run-- run off somewhere.

Well, the Basher military, you know, never-- (BACKGROUND VOICE) never became Pakistani. They're sort of running a-- parallel (COUGHING) state, and they see it as that. And-- you know, they-- it's-- it's an incredibly violent-- and distancing and-- and sort of a colonial settler kind of mentality, so--

SARAH BELAL:

Can I--

SHAMILA CHAUDHARY:

So let's--

SARAH BELAL:

--address the first question that the gentleman asked--
(OVERTALK)

SHAMILA CHAUDHARY:

Yes, and then--

SARAH BELAL:

--never-- your question--

SHAMILA CHAUDHARY:

--and then I want--

SARAH BELAL:

--got lost--
(OVERTALK)

SHAMILA CHAUDHARY:

--let Fasia (PH) ask a question, as well. But please go ahead.

SARAH BELAL:

I think that's a really good question, and it's something that we've been asking-- in all our meetings with government officials. You know, "What is your plan, post-2014? What is that gonna look like?" And we constantly hi-- you know, highlight for them that the issue of Bagram and the United States possibly continuing to hold non-Afghan nationals on Afghan soil s-- post, you know, the 2014 handover is really gonna go to the crux of what the United States presence-- will look like in Afghanistan-- after the drawdown.

And we've tried to say-- and this is why the-- the-- the name of the report is that-- you know, we-- we draw parallels between what the United States is facing right now in terms of a PR nightmare with Guantanamo yet again, with people being force-fed-- you know, o-- you know, on hunger strike, that you're gonna see the same-- you know, with Bagram.

In fact, there have been hunger strikes already. But, you know, it-- it-- it's just not tenable. And that's why, you know, this report is quite timely, because it's an effort to, you know, really say to both governments that, "You're staring at another Gitmo PR nightmare in the face. You know, you wanna solve it, solve it now."

And it can be solved. We have heard different things from the administration about-- you know, what the plan on doing to these guys. They don't have a-- what's really disheartening after, you know, speaking to them over a year and a half, two years, is that they still don't have a plan. They don't have a clear policy, and they don't have a plan.

And it's incredible to me that you wouldn't learn from the mistakes of the past and try to be proactive about it. I always thought that my government was one of the laziest, in terms of being proactive, you know, when it came to standing up for the rights of its own citizens. But my goodness, like, has the United States government, which is also my government-- you know, have you not realized, like, (COUGHING) you didn't get it right with Guantanamo.

Please, you know, learn from that. And I don't see that political will-- or that incentive to actually solve this problem, either. But I can tell you what JPP intends on doing, you know, if-- if they still stay there. I think-- you know, there's only a couple of options.

You-- you know, you hand them over to the Afghans. That's going to be a-- nightmare for the US, because, you know, Pakistanis as prisoners in Afghanistan are one of the most vulnerable group of people that you could have. There is a lot of dis-- mistrust and-- antagonism between the Afghans and the Pakistanis. I've been to Kabul many times, and I've actually been to-- you know, I'm not allowed to go to

Bagram, but I've been to the regular prisons ar-- around Kabul, and I've s-- met with Pakistani prisoners there.

And I mean, their lot is just 1,000 times worse. Now, throw in the fact that you have, you know, UN and Open Society and other, you know, reports that detail the level of torture that's inflicted under the Afghan regime (COUGHING) on its detainees, the United States is leaving itself open to severe allegations (LAUGH) of torture. So, they're-- they're gonna be handing them over to-- to the Pakistanis-- Pakistani detainees in a very risky situation.

Fly them back to the United States? I don't think you guys are very-- th-- there's been much success with that, either. Can't fly 'em into Gitmo either. You know, I don't think-- Obama would like that or want that. You know, it'd be s-- more hunger strikers with tubes down their nose. And they might have access to legal representation, so why would you do that?

So-- I think-- I-- I mean, that-- I mean, I wish I knew what they were going to do. I wish they'd-- I wish they had a policy-- they knew wha-- exactly what they were going to do. But we k-- we're keeping a very close eye on it, and we intend to follow it through. And also, the other option is transfer them to Pakistan to be tried-- and you know, not have them whisked away under these AACP regulations to far-off areas-- where, you know, again, it's another internment regime. So, we intend to fight those, as well, if that's what happens.

SHAMILA CHAUDHARY:

Okay, Fasia, please?

FASIA:

Because Shamila has not been provocative enough-- (LAUGHTER) let me try to pick up where she might've failed. None of you mentioned the word "Saudi Arabia." (BACKGROUND VOICE) (LAUGHTER) (UNINTEL) you have (UNINTEL) understand what this-- this panel is about, but I-- I'd like you to address-- what I, in my estimation, is right now an actor that is far more potent and lethal and important and financially-- you know, involved in Pakistan and what is happening than-- than the United States, which looks like a schoolyard bully compared to them.

I would also like to really push on-- I don't wanna play the numbers game, but-- you know, I'm about to arrive at the age of 50, and so I have lived through-- many years of

Pakistan's violence, as Sanjay (UNINTEL) said. And you know, those-- holding the guns and shooting and killing and whipping and beheading happen to be Pakistanis.

And so I'd like you to also a-- address-- a little bit about the victims-- of sectarian killings-- and-- victims-- who are from the (UNINTEL) community, the Christians, the Hindus-- who are fleeing because their women are being kidnapped and-- and rapped and-- et cetera, et cetera-- an-- and all of that, because I think that Shamila asked a very important question, which is-- and I wanna ask it in another way, Shamila, which is-- I-- I'd like you also to tell me what has gone wrong with our homeland and two generations of people who do have a huge-- ambivalence (COUGHING) towards what is terrorism, what is right, what is wrong-- and-- and-- and what has gone on?

And-- and-- and so please, do address what is the threat coming out of Pakistan? Number one, for Pakistan, from Pakistanis, all of us complicit in that, and what is the threat to the world, should we not be able to get this-- get this figured out?

SARAH BELAL:

Before you do launch into this--

FEMALE VOICE:

No, no--

SARAH BELAL:

--and I-- I can sense the tension-- (LAUGHTER) I would actually-- you know-- I can tell you as-- before I started doing the JPP, I worked as a criminal lawyer. And you really get a very good idea of the kind of violence, you know, Pakistani-on-Pakistani violence that's being committed, 'cause you see it played out in the criminal courts. (COUGHING)

You know-- what I can tell you is that when you have-- drawing on what Asim said, when you have a police force or institutions that are perhaps colonial (?) legacies, you know, that are-- ar-- are structurally there to perpetuate a level of violence on its citizens-- I have seen that violence get internalized by Pakistanis and perpetrated on others.

And I would say this-- I mean, I would say that that's what's happening with our society. When you see-- and this is an argument we make in court against the government all the time-- that when you see the State perpetuate that violence on its own citizens and not respect their lives or their rights, then you see the citizens absorb that level of violence.

What I see when I moved to Pakistan, you know, after finishing my law degree-- you know, after leaving during the (UNINTEL) years, when I was-- I was-- taken aback by how-- how brutal-- and violent the State has become. But at the same time, I could see why society had reacted that way-- because I saw-- for example, JPP also works on-- defending-- victims of torture-- by the police-- police torture-- because that's a whole other project on its (LAUGH) own. It's endemic, it's systematic, and when you see what's perpetuated on the lives of these communities on an everyday level-- that you can understand that-- why, you know, at what point does that dehumanization become just, you know, internalized and the citizens start wreaking it on each other.

I don't believe we're a particularly violent society, you know? I think we have learned from years and years of violence being-- you know, inflicted on us-- to really stop (?) valuing each other's lives, either. So, I won't deny that we're a violent society now. I don't think we're more violent than other societies, but I think there's a history (UNINTEL) context to that violence. And to just come out and say that we are people who-- flog women in the streets-- or any of that, I think that-- that presents a very myopic view of where that violence comes from-- and why it's being perpetuated. Sorry, now feel free to go--
(OVERTALK)

SARAH BELAL:

--go ahead. (LAUGH)

SAADIA TOOR:

No, I mean, I think again, it's just wonderful-- you know, I-- I tried and-- and obviously in five to ten minutes, I obviously failed to-- do justice to what is an incredibly complex history. But you know, I-- I'm a social scientist and a historical sociologist in particular, so I-- I do think structurally and historically, s-- and so that's one thing.

So, I did try to kind of show that what is going on today, however you want to slice that question of what the problem is, right, has a history and a logic to it, right? But we can go over that-- as well. But I-- I just-- I find it fascinating that again, what is it that this event was supposed to be about? Somehow, we have, as usual, come down to talking about what is wrong with Pakistan--

ASIM RAFIQUI:

Pakistan--

SAADIA TOOR:

--and what is wrong with Pakistanis. Well, number one, long history of having this kind of constant militarization fro-- from abroad and locally-- I mean, I challenge you to find me any (NOISE) society that is going to be able to deal with that. You were speaking, Shamila, about Indonesia. Hav-- have you people had a chance to see *The Act of Killing*?

My God, I could not sleep that night. Do not watch it at night, first of all. (LAUGHTER) It was the most horrifying-- like, the banality of evil, really. And-- and you know, then you can ask the question, "What is wrong with Indonesians?" Well, let me remind you about the Cold War. I am sorry, I'm-- and I know it always sounds like I think that (UNINTEL) wonderful-- the US responsible for everything, but it is a superpower. It did set the terms. It did define a lot of how the world functions today, and it continues to. So, I'm sorry if I'm sitting in New York City, talking to you and wanting to talk specifically about something that doesn't get talked about, which is US complicity (BACKGROUND VOICE) in the violence in particular places.

And I want to keep challenging the fact that every time we talk about that, this gets turned (?) onto, "Yes, but there is obviously something wrong with Pakistan, too." Well-- and so again-- again, let me say, yes, there is something wrong in Pakistan. That is connected-- I mean, first of all, it's no different from any other society. Any other society under these (COUGHING) kinds of conditions, historical and otherwise, would produce the same result, right? And then (BACKGROUND VOICE) you need to-- and-- and it would not pr-- this-- these conditions that we are talking about have everything to do with how the US has functioned in the world.

SARAH BELAL:

And it's not-- I'm sorry. I mean, as a criminal lawyer, I would say-- I mean, I look at the US correction system, and you guys have the highest rate-- you're number one in the number of people that you incarcerate. You know, I look at the level of gun violence here-- you know, massacres of, you know, shooting children and-- you know, in kindergarten and all of that.

So-- you know, and there's actually an index now-- I c-- wish I had looked that up now. It's been a while. But there's an index of how violent the country is in terms of, like, murder rate. Pakistan is, like, somewhere in the '70s, you know? I think we just beat the United Kingdom, and so we're not really that high up-- in terms of violence. So-- (BACKGROUND VOICE) you know, I-- I again-- I-- I go to that--
(OVERTALK)

SARAH BELAL:

--like why is it always about—

SHAMILA CHAUDHARY:

Do you have any l--
(OVERTALK)

SHAMILA CHAUDHARY:

--final words, and--

ASIM RAFIQUI:

Yeah, I just want to make, like, a couple (UNINTEL)--

SHAMILA CHAUDHARY:

And then--

FASIA:

--answer my question--
(OVERTALK)

SHAMILA CHAUDHARY:

Yeah, answer the question and then we'll--

ASIM RAFIQUI:

So-- but, I mean, but your question's--
(OVERTALK)

SHAMILA CHAUDHARY:

--one minute--

ASIM RAFIQUI:

--a very difficult one, right? So, I can't pretend to answer them. I'll just make a few points. S-- so you mentioned-- the sectarian violence against minorities, and part of my work was to-- was in Quetta (PH), where the Hazara Shia community was facing a very difficult sort of assault-- on-- particular in the city itself.

I think that we-- and-- and-- and so-- and I want to differentiate-- I think it's important to look at each community wi-- in terms of the context of where they belong and where this act-- where these things are happening. So, for example, the Amadia (PH)-- one of the earliest-- re-- you know-- discrimination and attacks against them, you know, takes us back to 1953 in Pakistan, when we were still a liberal, modern state, and it was c-- concocted by a liberal middle-class modern Pakistani pol-- political movement.

So, from a very early age, there was-- th-- they were-- they were used as pawns in a political game, and that has continued. Th-- the Hazara Shia context (?), which was always posed (?) as a genocide or a sectarian, cannot of course be understood, de-contextualized from the violence that is happening in Baluchistan. And the religious groups that have been unleashed there to undermine the Balochi (?) (UNINTEL) movements.

It's very hard to separate these-- what happened to the Hazara and claim that it's purely because they were Shia. I think that there are these other factors, because yo-- you know, the-- the-- what's the group called that's working-- the Lashika Jungvi

(PH) (BACKGROUND VOICE) has very close relationships with the (UNINTEL) military establishment, and they were invited into Baluchistan to undermine (BACKGROUND VOICE) these very powerful nationalist movement-- that they continue to do so.

And Lashika Jungvi has its own agenda, which is anti-Shia. And so they're having a bit of a party and having fun, and it's this-- part of this trying to posit Baluchistan as a sectarian issue, as opposed to one has to argue that it is actually, you know, (BACKGROUND VOICE) sort of a-- so-- I know I'm not answering your question because-- but I think (BACKGROUND VOICE) time and--
(OVERTALK)

ASIM RAFIQUI:

--geography should help us understand why something is happening. We had the Shia killings in Karachi in the 1990s, which (UNINTEL) extreme, but that's different from the Shia killings in Koyta (PH) in 2000. I think that's my-- that's my point-- on the question.

So, I-- and we have a very interesting and-- and by the way, and Hindus-- you know, that's-- (UNINTEL) a bit different, because that's tied into Pakistani nationalism and it's tied into the antagonisms of post-partition and how we see that. And you know, they do actually live a very deeply discriminated life in Pakistan, but the Hazara Shia actually have some of the more successful communities in Pakistan.

They're deep-- you know, they're important members of our military establishment. They've been mo-- important members of the federal government. So many military heroes-- even the Hazara themselves, their own narratives about Pakistan are very nationalistic, as opposed to a Hindu, who of course on day one is, you know, seen to be alien and bizarre and not belonging because of it.

So, I think that your-- I mean, that's a good question, but I think it's-- again, it goes back to context with geography and time, which is part of what (?) we're trying to s-- help people see Pakistan, not as a universal pathology, but to study it and see it as a-- you know, as a secular, worldly issue that needs to be understood from when something happens and what's being exploited to, you know, bring this violence.

Saudi Arabia is a tricky one. I-- I wanted Sa-- I thought Saadia's in better position to talk about it. I know that Manisa (PH) has some-- and I have had many discussions about which is-- who is Fasia's sister, by the way. (BACKGROUND VOICE) I've had many discussions about Saudi Arabia's role, and-- and you're right. So, I'm just going to just quickly close, sorry. (BACKGROUND VOICE) So, I think one of the things that throughout this conversation that we were-- we always did is this "us versus them," right? And I would just wanna, like, point out, there is not us and there's no them. So, this, you know, "Why do they hate us" thing was the first gambit of this rather false dichotomy that has been set up.

But we have interests in communities in Pakistan that are completely aligned with segments of America's, you know, neo-conservative community, for example, and that-- and-- and in very powerful position in Pakistan, and so they are more than happy to be a part of-- whether it's drone programs or detentions or, you know, any neo-conservative ideas about redrawing the Middle East or South Asia or whatever.

There are resonances-- I think that we-- we cannot do these geographical-- separations, (UNINTEL) American versus Pakistan. I think our challenge is more on-- a-- sort of perspectives, attitudes, approaches to-- to a-- to issues and how we address issues of justice and rights, as opposed to, you know, communities-- "Okay, this is America's problem. This is Pakis"-- because there is a lot of collusion.

There's a lot of, you know, benefit that Pakistanis gain from these wars and from, you know, from these-- you know, the presence of all this money sloshing around. There's tens of billions, lots of it coming from Saudi Arabia, that-- you know, warrants our BMW dealerships all over the country. I mean, we don't really have industry, but we have lots and lots of high-end consumer products that I don't know where they came from. (LAUGHTER)

SHAMILA CHAUDHARY:

And we are out of time. (LAUGHTER) I-- I would like to thank the panelists for their-- insights and-- and bringing these photographs here and-- introducing this narrative that is very much-- not evaluated and-- and essentially absent in-- in the policy debate here in the States, and especially in Washington. So, thank you, and thank you for the great questions--

SARAH BELAL:

And thank you--
(OVERTALK)

SARAH BELAL:

--for your patience--
(OVERTALK)

(OFF-MIC CONVERSATION) (APPLAUSE)

* * *END OF TRANSCRIPT* * *