

**EXTERNAL (for general distribution)**

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**UA 05/93      Extrajudicial Execution/Legal Concern**

**8 January 1993**

**INDIA:      At least 53 people in Sopore, Kashmir**

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Amnesty International is concerned at reports of the killing of at least 53 people in Sopore, Kashmir, by members of paramilitary forces and at the inadequacy of the government's response to effectively investigate the killings. The organization is concerned that the investigation, now announced to be carried out by the state's Governor, lacks the independence required for a fully effective and impartial investigation necessary if those found to be responsible for extrajudicial killings are to be brought to justice.

On 6 January 1993 members of paramilitary forces are said to have indiscriminately shot or burned to death scores of civilians, including women and children, setting fire to houses and shops, in retaliation for an attack by Kashmiri separatists earlier that day, in which at least one member of the paramilitary forces was killed. To date, 53 people have reportedly been killed in the incident which happened in the town of Sopore, Kashmir.

Initial reports from official sources said that those killed were militants or civilians shot in cross-fire and that an explosion of arms stored by militant separatists had caused the fire. These reports were contradicted on 7 January by Senior Superintendent of Police S. Sahay who reportedly admitted that men of the paramilitary Border Security Force (BSF) went on a rampage in retaliation for the killing of one of their men, setting fire to shops and houses, and that the BSF threatened to kill the head of a police station when he tried to intervene to stop the killings.

Witnesses told reporters that BSF men fired indiscriminately around Iqbal Square, one of the main bazaars of the town, shooting some civilians at point blank range, sometimes after dragging them out of their houses, and burning others to death. This reportedly happened to a local press photographer and four people in his studio. Seven shopkeepers were reported to be among those killed. "The soldiers were out of control. They were firing in every direction. People were running and falling down", Ghulam Mohammed Butt, a fruit merchant, was quoted as saying. Mohammed Ramzan, who works in a fruit shop, said he was dragged out of the shop, shot by a soldier, but survived. A lecturer, who said he fled his college which had been set on fire, told reporters that he saw members of the BSF stopping a bus full of workers, forcing them out and shooting them. The driver and at least 15 bus passengers were reportedly killed.

The government has sent the Minister of Parliamentary Affairs to Sopore and announced an inquiry into the incident, reportedly to be carried out by the state's Governor. The Prime Minister is reported to have announced ex-gratia payments to relatives of those killed. Mr. B.S. Bedi, the Chief of Police of Kashmir, told reporters that what happened was "unfortunate" and that those responsible would be "severely dealt with".

Amnesty International is concerned that the measures the government said it had taken to punish those responsible for violating human rights in the past have failed to prevent extrajudicial killings and other grave human rights violations, such as "disappearances",

deaths in custody, torture, including rape, and arbitrary detentions from being persistently reported from Kashmir. While welcoming the government's initiative to grant some financial assistance to the victims, the organization is equally concerned that the proposed measures to investigate these killings fall far short of those necessary to prevent further such human rights abuses.

Amnesty International is urging the government to have the inquiry conducted by an authoritative and fully independent and impartial body, to order that the findings of the investigation be published in full and without delay, that those found guilty of extrajudicial killings be brought to justice, preferably before ordinary courts of law,

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and that the victims and their relatives receive prompt and full compensation. The scope of the inquiry should include a review of the wide powers currently available to members of the security forces in Kashmir to shoot people at sight. Amnesty International is also urging the government to instruct the security forces operating in Kashmir that human rights violations like the above will not be tolerated under any circumstances, that they will invariably lead to prosecutions of those responsible and that it will consider ordering a prompt review of training methods of the security forces stationed in Kashmir, to ensure they receive appropriate human rights training.

#### **BACKGROUND INFORMATION**

Since early 1990 there has been an increasingly violent campaign for independence in Kashmir. Armed separatists have kidnapped and killed officials, members of paramilitary forces and civilians. Amnesty International has repeatedly expressed concern to the Indian Government about reports of deliberate killings of unarmed civilians by members of the security forces, about widespread allegations of torture and rape by members of the security forces and about arbitrary arrests of suspected separatists, an increasing number of whom are reported to have "disappeared".

Jammu and Kashmir Governor, Girish Saxena, has ordered several investigations of such abuses, in one case leading to charges of murder being brought against the Director of the Border Security Forces (BSF). Such investigations have usually been carried out by police or army officials rather than by an independent and impartial body. However, such prosecutions are very rare. The government says that action was taken against 230 members of the security forces in Jammu and Kashmir, but has failed to give details of the perpetrators, their actions and the punishments.

#### **RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English or your own language:**

- expressing grave concern at reports of the extrajudicial killing of at least 53 people in Sopore, Kashmir, by members of paramilitary forces in early January 1993;
- noting the government's proposals to investigate the incident but urging that the inquiry be conducted by an authoritative, fully independent and impartial body and that the findings of such an investigation be published in full and without delay;
- urging that those found guilty of these killings be brought to justice, preferably before the ordinary courts of law;
- urging that the victims and their relatives receive prompt and full compensation.

#### **APPEALS TO**

1) Mr Girish Saxena  
Governor of Jammu and Kashmir  
Office of the Governor  
Srinagar  
Jammu and Kashmir  
India

**Srinagar, India**

**Salutation: Dear Governor**

**Telegrams: Governor Jammu and Kashmir,**

2) Mr S.B Chavan  
Minister of Home Affairs  
Ministry of Home Affairs  
North Block  
New Delhi 119 991

**Telegrams: Minister Home Affairs, New  
Delhi, India**

**Telexes: 3166427 REND IN**

**Faxes: + 91 11 301 6781 (Ministry of  
Foreign Affairs)**

**Salutation: Dear Minister**

**COPIES OF YOUR APPEALS TO:**

1) V.K. Kapoor  
Chief Secretary  
Government of Jammu and Kashmir  
Srinagar  
Jammu and Kashmir  
India

2) S. Sahay  
Senior Superintendent of Police  
Sopore  
Jammu and Kashmir  
India

and to diplomatic representatives of India accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 19 February 1993.