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14 AUGUST 1998

India: 50 years of independence – Rights of people denied

As India completes 50 years of independence on 15 August, Home Minister Lal Krishna Advani in statements to the Press Trust of India indicated a regrettable disregard for the fundamental rights of people in Jammu and Kashmir, Amnesty International stated today.

Asserting that the military crackdown on armed opposition groups in Jammu and Kashmir was succeeding, the Home Minister said: *“We are satisfied with the progress we are making. Daily eight to 10 militants are being eliminated. The process of attrition is on ... There is no other solution but just to eliminate the terrorists.”*

Speaking of the death of Ali Mohammad Dar, a leader of the Hizb-ul-Mujahideen, an armed opposition group favouring accession to Pakistan, and two associates on 9 August 1998 in Srinagar, the Home Minister said, *“it wasn’t easy to eliminate the deputy chief of the Hizbul Mujahideen”*. Following the killing in an alleged encounter, Amnesty International received allegations that Dar had been arrested and then killed while in custody.

The government’s disregard for human rights in Jammu and Kashmir means in practice that some 200 people reportedly died in custody in Jammu and Kashmir last year and that the whereabouts of some 500 to 600 “disappeared” persons continue to be unknown. The arbitrary arrests of people suspected to sympathize with armed opposition groups also continues to be reported.

Amnesty International also expressed concern about harassment and victimization of human rights activists in Jammu and Kashmir.

“In this, the year of the 50th anniversary of the Universal Declaration of Human Rights, those who defend human rights in Jammu and Kashmir still lack adequate protection and are themselves denied basic rights,” Amnesty International said.

Shaheen Ghulam Nabi Thokar, Secretary General of the Jammu and Kashmir High Court Bar Association and Ghulam Rassol Dar, a human rights activist, were duly accredited by the United Nations (UN) in Geneva to attend the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities currently held in Geneva. Despite possessing valid travel documents, visas and accreditation documents, the two delegates were stopped on 11 August at the international airport in New Delhi. They were told that immigration officials had orders from the Government of India not to permit the two human rights defenders to leave the country.

Two years after the initial “disappearance” and subsequent unlawful killing of human rights lawyer Jalil Andrabi in March 1996, no one has been brought to justice. Though an army major was identified by an inquiry as possibly responsible for the killing, he has not been arrested.

Armed opposition groups, too, continue to perpetrate torture and killing of civilians in Jammu and Kashmir. Amnesty International has repeatedly raised concern about such abuses, for instance killings of groups of Hindu civilians killed by armed opposition groups reported several times this year.

“The coincidence of two 50 years’ anniversaries, of Indian independence and of the Universal Declaration of Human Rights, should be viewed as an opportunity for the Government of India to reiterate its commitments to the protection and promotion of human rights and to ensure that the rights enshrined in the Indian Constitution are upheld,” Amnesty International said.

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