

INDIA

Assam: The killing of a human rights defender

1 Parag Kumar Das © Chinmoy Roy

Parag Kumar Das, a leading human rights defender, was shot and killed in Guwahati, capital city of the north-eastern state of Assam, on 17 May. His son Rohan Das, aged eight years, was shot in his left hand. Parag Das was the Secretary General of Manab Adhikar Sangram Samity (MASS), a human rights organization based in Guwahati and had recently established the North East Co-ordination Committee on Human Rights (NECOHR). He was also the executive editor of the daily newspaper, *Asomiya Pratidin*.

The killing of Parag Das has created an atmosphere of fear amongst other human rights defenders and journalists in Guwahati. His colleague, journalist and human rights activist, Ajit Kumar Bhuyan, was given police protection after the incident. The day after the killing of Parag Das over a hundred thousand people demonstrated, shouting slogans against the killing. A strike to protest the killing, called on 21 May by the United Liberation Front of Assam (ULFA), an armed opposition group active in Assam, was observed throughout the state.

Information received by Amnesty International indicates that “surrendered ULFA” (known as SULFA) activists are responsible for the killing, in reprisal for an attack in Tinsukhia district, Assam, on 16 May. Reports from Assam indicate that the killing was orchestrated with the complicity of those who have held key positions in the state administration. Since the establishment of the newspaper, *Asomiya Pratidin*, in 1994, Parag Das had been instrumental in reporting allegations of corruption within the state government, and of the links between SULFA activists and

officials in the state. Amnesty International is therefore concerned at the possible government connivance with the perpetrators of the killing, believed to be SULFA activists (see 'Background' below).

During the past few years, Parag Das has been one of several journalists and human rights defenders who have been repeatedly arrested in what appears to be a pattern of the arbitrary restriction of their freedom of expression. In January 1996, a case was filed under Sections 153(b) and 505(2) of the Indian Penal code against Parag Das, after a report based on the statement made by the Commander-in-Chief of ULFA was published in *Asomiya Pratidin*. In January 1994, copies of one of Parag Das's eight books, *Swadhinatar Prastab* (independence proposed), which advocated the secession of Assam from the Union of India, were confiscated from his residence in a police raid. When Parag Das was arrested under provisions of the now-lapsed Terrorist and Disruptive Activities (Prevention) Act (TADA), on 8 February 1993, Amnesty International had expressed its concern to the authorities¹.

Earlier, Parag Das had been arrested for his criticism of the state government. On 5 March 1992, Parag Das, together with Ajit Bhuyan and an advocate, had been arrested under provisions of the National Security Act, and released after two months. The charges against them were dropped. Prior to his arrest Parag Das had expressed his concern at what he considered to be the "compromising surrender" of ULFA leaders. At the time of the arrests, the Chief Minister had described the three men as a hindrance to "the peace process in Assam".

On 27 May, the state government directed the Central Bureau of Investigation (CBI) to take over the enquiry into the killing of Parag Das and the injury to his son. While Amnesty International welcomes the concern shown after the killing, the human rights organization believes that this incident should be investigated by an independent judicial body.

¹ *Amnesty International Report 1994*, AI Index: POL 10/02/94. See also *The Terrorist and Disruptive Activities (Prevention) Act: The lack of 'scrupulous care'*, November 1994, AI Index: ASA 20/39/94

Events of 16 and 17 May 1996

On the morning of 16 May, the Superintendent of Police for Tinsukhia district, R K Singh was being driven to his office accompanied by a personal security officer and an escort vehicle when a truck containing at least ten men fired at the entourage with automatic weapons. Mr Singh, his personal security officer and his driver were killed instantly. After the escort vehicle chased the perpetrators, there was further firing during which two more police officers were killed. The same evening, ULFA claimed responsibility for the attack, code-named "Operation Bordoichilla", carried out because of Mr Singh's "*anti-Assamese activities*". Details of the attack were published in *Asomiya Pratidin* on the morning of 17 May.

2 Rohan Das, the eight year old son of Parag Das, receiving treatment for his injuries in hospital in Guwahati
© Gopal Mishra

Parag Das was collecting his son from his school, Assam Jatiya Vidyalaya, at about 4.30 in the evening of 17 May. They were hand in hand at the school gates, surrounded by children and parents, when four men alighted from a van. The men opened fire and reportedly shot over 20 rounds from their AK 47 rifles. Parag Das died instantly. Immediately after the shooting his son was admitted to Guwahati Medical College Hospital where he received treatment for the gunshot wound.

Role of the police

Questions have been raised about the conduct of the police in this case. Although the local police station is located at Chandmari, a short distance of about 300 metres from the Assam Jatiya Vidyalaya, and despite the presence of many children at the site of the killing, police officials did not arrive at the scene until at least 30 minutes after the incident, after the arrival of Parag Das's family and colleagues.

Amnesty International has received reports of connections between police officials and SULFA activists. The absence of key police officers after the incident, appears to support allegations of links between SULFA activists and officials in the state.

The lack of central authority governing police has also been suggested as a cause for the initial delay in attending to the incident. It was only on the evening after the killing that the new Asom Gana Parishad government appointed a new Director General of Police (DGP) in the state. The previous DGP for Guwahati, Mr Ranju Das, had left the state along with other officials including the Inspector-General of Police (Law and Order), after the election results were announced. In a statement on 25 May, the new Chief Minister Mr Prafulla Kumar Mahanta, described the absence of key officials as having had a "demoralising effect" on the administration.

Human rights activity under threat

The killing of Parag Das highlights the suppression of human rights activity within Assam, where human rights violations and abuses have been committed with virtual impunity by the security forces and by armed opposition groups active in the state. Amnesty International has been concerned for many years about human rights abuses against human rights defenders in Assam and has continuing concerns for their safety. The deliberate targeting of a leading and respected figure in the human rights community worsens the already serious human rights situation in the state. Amnesty International condemns violations and abuses by government forces and by armed opposition groups.

Special legislation, enacted to ensure the maintenance of law and order where there is perceived to be a threat to the internal security of the state, was first enforced in many parts of what is now the state of Assam on 5 April 1980. Both the Assam Disturbed Areas Act, 1955 and the Armed Forces (Assam and Manipur) Special Powers Act, 1958 confer powers upon forces operating under these acts to arrest without warrant and to shoot to kill. Both of these acts protect those acting under them from prosecution, except with the sanction of the concerned state government.

In his capacity as editor of *Boodhbar*, a weekly newspaper that ceased to publish in 1994, Parag Das had filed an appeal in the Supreme Court of India challenging the constitutional validity of the Armed Forces (Special Powers) Act which had been upheld in the Guwahati High Court.² In response to this appeal, the Supreme Court gave a rare order relating to the conduct of security personnel: "*The Army Officers while affecting the arrest of a woman or making search of woman or in searching the place in the actual occupancy of the female shall follow the procedure meant for the police officers .. under the various provisions of the Code of Criminal Procedure*".

In recent months, Parag Das had been participating in the establishment of a Campaign against the Armed Forces (Special Powers) Act, initiated by organizations in the human rights movement from all over India.

² Civil Appeal No 2551 of 1991.

Background

Following the recent general elections, an alliance led by the Asom Gana Parishad (AGP, the Assam People's Party) took power in Assam on 15 May 1996. Prior to this the Congress (I) had been in government in the state since 1991, under the Chief Ministership of Hiteshwar Saikia, before his death on 22 April this year.

Between 1992 and 1995, a total of 4,968 activists claiming to be members of ULFA are reported to have surrendered to the authorities. Many of these activists, known as SULFA (surrendered ULFA), later became members or supporters of the ruling Congress Party. The activists, many of whom were suspected as having committed a number of serious human rights abuses, had surrendered following a dialogue with the state government in early 1992. Under a rehabilitation package named the "100 Per Cent Special Margin Money Scheme", each surrendered ULFA activist who "gave up his gun" was to be given government-secured loans of 2 lakhs rupees (approximately US\$5700) to enable the establishment of small businesses. Since the scheme was launched in 1992, at least 3,105 men claiming to be surrendered ULFA activists have been provided with loans and 813 have been provided with government jobs.

There have been numerous allegations relating to human rights abuses perpetrated by surrendered ULFA activists with the connivance of officials in the state government. Four members of the National Human Rights Commission (NHRC), including the Chairperson Justice Ranganath Misra, visited Assam from 16-18 March, 1994 in response to complaints about human rights violations by the security forces. During its visit the NHRC enquired into allegations that the "*ex-members of ULFA (who are in popular parlance called SULFA) have been resorting to extortion in connivance with the ruling party*".³ The NHRC concluded the section in the report entitled "Allegations against surrendered members of ULFA" with the statement "*The delegation of the ruling Party which called on the Commission denied any link with the SULFA; though popular feelings were strongly to the contrary.*"

In this case Amnesty International is concerned at the apparent acquiescence of the state authorities in the killing of Parag Das. However, Amnesty International also opposes human rights abuses, including extra-judicial executions and hostage-taking, by armed opposition groups, incidence of which have been reported from Assam.

RECOMMENDATIONS

Amnesty International:

- Urges the authorities to facilitate the conduct of a full, thorough and impartial judicial inquiry and ensure that those found responsible are promptly brought to justice;

³ Report of the visit of the Commission to Assam, (New Delhi, 25 July 1994), signed by Justice Ranganath Misra, Justice M Fathima Beevi, Justice S S Kang and Mr Virendra Dayal.

- Urges the central government authorities to ensure that any evidence which indicates that government officials may have acquiesced in the killing of Parag Das is fully investigated, and to ensure that any officials implicated are promptly brought to justice;
- Urges the authorities to ensure that the family of Parag Das receive compensation and that his son, Rohan Das is provided with all necessary medical treatment and rehabilitation;
- Urges the state authorities to ensure that journalists and human rights defenders are able to carry out their legitimate activities without fear for imprisonment, fear for physical safety and fear of arbitrary restrictions on their freedom of expression.
- Calls on all armed groups in the state to halt human rights abuses including torture, deliberate and arbitrary killings and hostage-taking.

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WHAT YOU CAN DO

Please send appeals to the Chief Minister of Assam and to the Director General of Police, Assam:

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- Urging the authorities to facilitate the conduct of a full, thorough and impartial judicial inquiry and ensure that those found responsible are promptly brought to justice;
- Urging the authorities to ensure that the family of Parag Das receive compensation and that his son, Rohan Das is provided with all necessary medical treatment and rehabilitation;
- Urging the state authorities to ensure that journalists and human rights defenders are able to carry out their legitimate activities without fear for imprisonment, fear for physical safety and fear of arbitrary restrictions on their freedom of expression;
- Stating that Amnesty International condemns violations and abuses by both government forces and armed opposition groups, and that Amnesty International consistently calls on armed groups to halt human rights abuses.

Appeals to:

Mr Prafulla Kumar Mahanta
Chief Minister of Assam
Office of the Chief Minister
Guwahati
Assam, India

Mr K Hrishikeshan
Director General of Police
Police Headquarters
Guwahati
Assam, India

Please send copies to:

Mr H.D. Deve Gowda
Prime Minister of India/Minister of Home
Affairs
Office of the Prime Minister
South Block
New Delhi 110 001, India

When sending copies, urge the central authorities to:

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- Ensure that any evidence which indicates that government officials may have acquiesced in the killing of Parag Das is fully investigated, and to ensure that any officials implicated are promptly brought