

PUBLIC

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Fea.

**INDIA: JAMMU AND KASHMIR Farman Ali]sons of Muhammad Shafi Wani
Farooq]**

Brothers Farman Ali and Farooq were arrested by soldiers on 10 November in the Indian state of Jammu and Kashmir. Soldiers from the same battalion have been accused of raping their sister and mother. Neither brother is known to have been charged with any offence.

The two were arrested on 10 November in Mermat, in the district of Doda, by soldiers of the 10th battalion of the Rashtriya Rifles and the ADA-322 battalion. Their family has been continually harassed by police and soldiers since March 1999, when their sister and mother lodged a complaint that they had been raped by soldiers of ADA-322 battalion.

The brothers were held for around 10 days at a temporary army camp at Goha Mermat, and then moved to a joint police and army interrogation centre (JIC) in Doda, though it is not clear where they are held now. Accordingly to a relative who was allowed to see the brothers in the JIC, they had been severely beaten and repeatedly asked why their mother and sister had lodged the rape complaint.

On 12 November the brothers' family went to the Senior Superintendent of Police (SSP) in Doda to seek their release. The SSP wrote to the commanding officer of the security forces in Doda to ask about the case against the brothers, but when their mother, Raja Begum, went to see the officer herself he reportedly asked her why she had previously filed a complaint of rape and took no further action. After Raja Begum filed an application for her sons' release before the District and Session Judge in Doda, a magistrate ordered Doda Police Station to disclose the men's whereabouts and ensure that they were produced before a court. The police are not known to have taken any action.

BACKGROUND INFORMATION

On 14 March 1999 Raja Begum and her daughter Gulsham Bano were detained by soldiers of the ADA-322 battalion as suspected militants, after a landmine exploded near their village. When they were released without charge on 19 March they alleged that in custody they had been raped repeatedly, and they filed a complaint against several soldiers of the battalion at Doda police station.

On 31 May 1999, Gulsham Bano and their father, Muhammad Shafi Wani, were detained for several hours by soldiers from ADA-322 battalion, who reportedly threatened to bring false charges against them, in an attempt to force the women to drop the complaint. Soldiers and police have repeatedly pressured the women to drop the complaint and threatened to harm their male relatives if they do not comply. The case against the soldiers accused of raping the women is now being heard by the Jammu and Kashmir High Court. (See UA 138/99, ASA 20/23/99.)

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

- urging that Farooq and Farman Ali be immediately released if they are not charged with recognizably criminal offences and brought before a recognised court of law;
- urging the authorities to prevent any further harassment of the men's family;

- calling on the authorities to safeguard the right to raise complaints of human rights violations against the security forces without threats of harassment, arbitrary arrest or detention.

APPEALS TO:

Dr Farooq Abdullah
The Chief Minister
Office of the Chief Minister
Raj Bhavan
Jammu
Jammu and Kashmir

Fax: + 91 191 545649
Telegrams: Chief Minister, Jammu, India
Salutation: Dear Chief Minister

The Unified Command
c/o The Chief Minister
Address as above

Fax: as above
Telegrams: Unified Command, C/O Chief Minister, Jammu, India

Mr P L Handoo
Minister for Law & Parliamentary Affairs
Government of Jammu and Kashmir
Ministry for Law & Parliamentary Affairs
Jammu
Jammu and Kashmir

Fax: + 91 191 545649

COPIES 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 8 January 2001.