

PUBLIC

AI Index: ASA 20/05/99

Distr: PG/SC

To: Health professionals
From: Medical Office / South Asia sub-regional team
Date: 29 January 1999

MEDICAL LETTER WRITING ACTION

DEATH IN CUSTODY

Mohammad Shafat Rather

INDIA

Theme: Death in custody / torture

Summary

Mohammad Shafat Rather, aged 14, died on 19 November 1998 in the Soura Medical Institute, Srinagar, Jammu and Kashmir, where he had been transferred to on 15 November following his arrest by members of the Border Security Force [Battalion 100] in the night of 11 to 12 November 1998. He is alleged to have been tortured during interrogation. The report of an autopsy performed at the Medical Institute gave 'rhabdomyolysis with ante-renal failure and pulmonary oedema' secondary to alleged torture as cause of death. A complaint was filed with police in Rainawari.

Amnesty International [AI] is concerned at the possibly arbitrary arrest, the reported torture and the subsequent possibly arbitrary arrest, the alleged torture and the subsequent death in custody of Mohammad Shafat Rather. It is calling on the authorities to urgently establish an independent inquiry into the circumstances of his death, and to bring to justice anyone found responsible for his alleged torture and death in custody.

Recommended actions

Letters are requested from medical professionals to the addresses given below. **Please be very detailed and mention in all correspondence the name of Mohammad Shafat Rather's father [Wali Mohammad Rather] and his address [R/o Gorapora Naidyar Ranawaris, District Srinagar]** - otherwise the authorities are likely to reply stating they cannot follow up on any your letters as they are unable to identify the alleged victim. Please send appeals:

- expressing dismay at the reported death in custody on 19 November 1998 of 14-year-old Mohammad Shafat Rather, son of Wali Mohammad Rather, resident of R/o Gorapora Naidyar Ranawaris, District Srinagar
- urging the authorities to take immediate steps to initiate a prompt and impartial investigation into the circumstances of the death of Mohammad Shafat Rather [you could mention the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by the UN Economic and Social Council (ECOSOC) as resolution 1989/65 in 1989. This sets out principles for the conduct of such investigations]

- calling on the authorities to make public the findings of such an investigation and to bring anybody found responsible for the torture and subsequent death of Mohammad Shafat Rather to justice
- asking why Mohammad Shafat Rather was taken into custody in the night of 11 to 12 November 1998
- reminding the authorities of their obligations under the Convention on the Rights of the Child which prohibits torture of children absolutely

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you are sending appeals after 26 March 1999, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Addresses

Dr Farooq Abdullah
 Chief Minister of Jammu and Kashmir
 Office of the Chief Minister
 Raj Bhavan
 Jammu
 Jammu and Kashmir, India
 Fax: + 91 191 545649
 Salutation: Dear Chief Minister

Mr Ali Mohammad Sagar
 Minister of State for Home Affairs
 Government of Jammu and Kashmir
 Jammu
 Jammu and Kashmir, India
 Fax: + 91 191 545649
 Salutation: Dear Minister

Copies to :

Justice G A Kuchhhai
 Chairperson
 Jammu and Kashmir Human Rights
 Commission
 Hyderpora
 New Airport Road
 Srinagar 190014
 Jammu and Kashmir, India

Indian Medical Association
 Indraprastha Marg
 New Delhi 110 002
 India
 Tel:+91.11.331.8819/331.9009
 Fax:+91.11.331.6270
 Email:inmedici@gems.vsnl.net.in

“Everyone has the right to life, liberty and security of person.”

**Universal Declaration of Human Rights
 Article 3**

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DEATH IN CUSTODY

Mohammad Shafat Rather, aged 14
INDIA [DISTRICT OF SRINAGAR Jammu and Kashmir]

Fourteen-year old Mohammad Shafat Rather died on 19 November 1998 in the Soura Medical Institute, Srinagar, Jammu and Kashmir. The boy had been admitted to the Bone and Joint Hospital in Barzulla on 12 November following his arrest by members of the Border Security Force [Battalion 100] stationed at Soura in the night of 11 to 12 November 1998. He was transferred to the Medical Institute in Soura on 15 November where he died at 10.45pm on the same day. Amnesty International has not received any information as to why Mohammad Shafat Rather was taken into custody and interrogated at the police station.

An autopsy performed at the Department of Nephrology of the Soura Medical Institute gave 'rhabdomyolysis [breakdown of muscle tissue] with ante-renal failure and pulmonary oedema secondary to alleged torture' as cause of death.

The situation in Jammu and Kashmir

Conflicts between government forces and armed opposition groups have continued for a long time in Jammu and Kashmir and the. After central rule was imposed on the state in 1990, the law and order situation deteriorated sharply and security forces were given wide ranging powers. Human rights violations committed by both state police and armed and paramilitary forces soared in the early 1990s. According to official handouts, 19,866 people have died in Jammu and Kashmir since January 1990; the real figure is believed to be much higher.

Central rule ended in October 1996 after elections to the State Legislative Assembly were won by the National Conference party. Following a restructuring of the police force and a strengthening of its counter-insurgency branch, the Special Operations Group [SOG], police security operations became more pro-active. Procedures for the arrest and detention of individuals established in law and reinforced by orders of the Supreme Court of India are regularly disregarded by security forces throughout India including Jammu and Kashmir. Hundreds of individuals remain in illegal detention without charge or trial, many in unofficial detention centres.

The number of deaths in custody in Jammu and Kashmir is estimated by many observers to be as high as 350 to 400 per year, although only about half as many are officially reported. Deaths as a result of the disintegration of muscle caused by torture have been documented by several researchers (see for example: Malik GH, Sorwal IA, Reshi AR, et al. Acute renal failure following physical torture. *Nephron*, 1993; 63:434-7). Doctors treating torture victims in clinics and hospitals in Jammu and Kashmir are so accustomed to seeing patients admitted from interrogation and torture centres with acute renal failure that they are now calling it "Physical Torture Nephropathy". The muscle breakdown is brought on by the rolling of wooden poles with great force across the thighs, a process which also causes severe pain to

the victim. [See *Torture and Deaths in Custody in Jammu and Kashmir*, AI Index: ASA 20/01/95, January 1995].

A human rights commission was established in Jammu and Kashmir in 1997 but is not mandated to investigate human rights violations by members of the armed and paramilitary forces.

Focus on Children's Rights

Throughout South Asia, children are increasingly targeted for abuses because of where they live or because of the politics, religion or ethnic origin of their family. Many children in Jammu and Kashmir have been arrested by the security forces on suspicion of having links with armed opposition groups. Some of them have died in police custody allegedly after having been tortured in detention,; others have 'disappeared' after arrest.

Amnesty International urges the Indian authorities to ensure that the detention of children as well as their treatment of children while in custody throughout India at all times conforms to the provisions of the Convention on the Rights of the Child to which India is a state party, and to ensure full and speedy implementation of all the provisions of the Convention in India.

Please also refer to the following documents for further information:

Children in South Asia: Securing their rights [AI Index: ASA 04/01/98, April 1998].

Torture and Deaths in Custody in Jammu and Kashmir [AI Index: ASA 20/01/95, January 1995]

A report on 'disappearances' in Jammu and Kashmir [*If they are dead, tell us - 'Disappearances' in Jammu and Kashmir*, AI Index ASA 20/02/99] will be published on 22 February 1999.