

PUBLIC

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EXTRA 14/99

Fear for Safety/fear of "disappearance"

4 February 1999

INDIAZahoor Ahmed Khanday, aged 15

Amnesty International is concerned for the safety of 15-year-old Zahoor Ahmed Khanday, after he was detained by state police. His whereabouts are unknown. He is apparently being held hostage, and is at risk of torture or death in custody.

Zahoor Ahmed Khanday was taken from his parents' house in the village of Maloora near Srinagar by members of the Special Operations Group (SOG), a branch of the state police, on 2 February 1999.

The SOG denied this when his parents made enquiries on 3 February. His parents visited the police station at Parimpor on 4 February and asked police to file a First Information Report (FIR) to record their son's "disappearance". The police refused to do this. That day Zahoor Ahmed Khanday's uncle visited the SOG headquarters at Hafthchinar, Cargo Complex. SOG officials apparently admitted that they were holding the boy, but would not let his uncle see him, saying that he would be detained until his brother, Abdul Khanday, presented himself for questioning.

Zahoor Ahmed Khanday has apparently not been charged with any offence; nor was he brought before a magistrate within 24 hours, as required by law.

India has ratified the Convention on the Rights of the Child, which states: "No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time".

BACKGROUND INFORMATION

Since 1990, some 700 to 800 people have "disappeared" after being arrested by police, military or paramilitary forces in Jammu and Kashmir. Though the number of "disappearances" has fallen recently, hundreds of cases remain unsolved. The victims, ranging from juveniles to the very old, have included businessmen, lawyers, labourers and many teachers.

Attempts by victims' relatives to bring complaints against the security forces have been persistently obstructed. Relatives have first to register a complaint with the local police, who are obliged by law to take their statement down in writing in a First Information Report (FIR). However, lawyers allege that the local police have been secretly instructed to refuse to register complaints of human rights violations without permission from higher authority, which clearly contravenes Indian law.

The Special Operations Group (SOG), previously called the Special Task Force, was set up in 1994 as the counter-insurgency arm of the police force. Amnesty International has previously received reports that the SOG has held innocent family members in detention to force suspects to come forward.

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

- expressing grave concern that 15-year-old Zahoor Ahmed Khanday is apparently being held hostage by the Sepcial Operations Group;
- strongly urging that the whereabouts of Zahoor Ahmed Khanday be made known immediately;
- strongly urging the authorities to release him immediately, as there appear to be no grounds for his detention, other than to put pressure on his brother to surrender himself;
- reminding the authorities of their obligation under the Convention on the Rights of the Child to protect the human rights of Zahoor Ahmed Khanday.

APPEALS TO:

Dr Farooq Abdullah
Chief Minister of Jammu and Kashmir
Raj Bhavan
Srinagar
Jammu and Kashmir
India

Telegrams: Chief Minister, Srinigar, India

Salutation: Dear Chief Minister

Mr Girish Chandra Saxena
Office of the Governor
Raj Bhavan
Srinagar
Jammu and Kashmir
India

Telegrams: Governor Rao, Jammu and Kashmir, India

Salutation: Dear Governor

COPIES TO:

Mr L K Advani
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
India

Faxes: +91 11 301 5750

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 18 March 1999.