

EXTERNAL (for general distribution)

**AI Index: ASA 20/16/95
Distr: UA/SC**

EXTRA 80/95

Fear of torture / Fear for safety

30 June 1995

INDIA

Sheikh Mohammad Ashraf, lawyer

Sheikh Mohammad Ashraf, President of the Baramulla Branch of the Jammu and Kashmir High Court Bar Association, has reportedly not been seen since his arrest on the night of 15/16 June 1995. Amnesty International fears for his safety.

Sheikh Mohammad Ashraf was reportedly arrested at his home in Baramulla, west of Srinagar, by members of the Army Rashtriya Rifles. At first the army is said to have denied that he was in their custody despite their having arrested him in front of his family. The army subsequently acknowledged that he was in their custody and being interrogated, but despite appeals by his family to police officials and local authorities, his whereabouts have not been revealed and his relatives have not been allowed to visit him. His home was raided by security forces on 20 June.

BACKGROUND INFORMATION

Since early 1990 there has been an increasingly violent campaign in Jammu and Kashmir for independence from India and/or accession to Pakistan. Armed separatists have kidnapped and killed government officials, members of the paramilitary forces and civilians. In addition, Amnesty International has repeatedly expressed concern to the Indian authorities about reports of deliberate killings of unarmed civilians by members of the security forces, about widespread allegations of torture and rape by members of the security forces and about arbitrary arrests of suspected separatists, an increasing number of whom are reported to have "disappeared" or to have died in custody.

The Jammu and Kashmir Bar Association have documented human rights violations such as "disappearances", deaths in custody and extrajudicial executions occurring in Kashmir over the past four years, and have also filed numerous petitions in the courts asking for investigations into such violations.

Since 1992, three men who played an important role in the documenting of human rights violations in Jammu and Kashmir have been shot dead in suspicious circumstances. In April 1995, in separate incidents, the President of the Jammu and Kashmir Bar Association, Mian Abdul Qayoom, and the Secretary of the Srinagar Branch of the People's Union for Civil Liberties, Parvez Imroz, were shot at and injured by unidentified gunmen.

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

- expressing concern for the safety of Sheikh Mohammad Ashraf, President of the Baramulla Branch of the Jammu and Kashmir High Court Bar Association, who has been in military custody since 15 June 1995;
- urging the authorities to immediately reveal his whereabouts;
- seeking assurances that Sheikh Mohammad Ashraf is being humanely treated and will be allowed immediate access to lawyers, relatives and a doctor and brought before a magistrate forthwith;
- urging that he be immediately released if he is not charged with a recognizably criminal offence.

APPEALS TO

Mr K. Padmanabhaiah
Home Secretary
c/o Office of the Prime Minister
Gate No.6, South Block
New Delhi 110 011, India
Faxes: + 91 11 301 9817 ATTENTION HOME SECRETARY
Telegrams: Home Secretary, New Delhi, India
Salutation: Dear Home Secretary

General K.V. Krishna Rao
Governor of Jammu and Kashmir
Office of the Governor
Raj Bhavan
Srinagar
Jammu and Kashmir
India
Telegrams: Governor Jammu and Kashmir, Srinagar, India
Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

Mr Venugopal
Secretary to the Prime Minister
Office of the Prime Minister
Gate No.6, South Block
New Delhi 110 011
India

Mr Salman Khurshid
Minister of State for External Affairs
Ministry of External Affairs
South Block
New Delhi 110 011
India

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 31 July 1995.