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# AMNESTY INTERNATIONAL NEWS SERVICE 172/93

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TARGETED AND LIMITED NEWS RELEASES

**\*\*Jamaica - 5 January\*\***

The enclosed item on Jamaica is embargoed for 5 January to go with the document: Jamaica: Proposal for an inquiry into deaths and ill-treatment of prisoners in St Catherine's District Prison, AI Index: AMR 38/04/93. The document has not been printed and will not be with sections in time for the embargo - please call the IS if you need it. It is being targeted at Jamaican media by the IS - apologies for late notice, we do not expect you to have time to do anything much with this.

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**INDIA: AMNESTY INTERNATIONAL DISAPPOINTED BY INDIAN GOVERNMENT RESPONSE TO REPORT ON "DISAPPEARANCES" IN JAMMU AND KASHMIR AND PUNJAB**

Amnesty International is disappointed by the summary response to its recent report on "disappearances" into official custody in Jammu and Kashmir and Punjab made in a press release by the Indian High Commission in London on 14 December.

In its press release, the Indian Government fails to address the issues raised in Amnesty International's report: An Unnatural Fate: "disappearances" and impunity in the Indian states of Jammu and Kashmir and Punjab, (AI Index: ASA 20/42/93) - notably the pattern of "disappearances" in Jammu and Kashmir and Punjab exemplified by 208 specific cases of "disappearances" described in the appendix.

The Indian Government's four-page response stated that Amnesty International's report was "substantially incorrect or based on incomplete and probably motivated reports; totally objectionable in terms of its tone, approach and methodology and ill-advised and ill-timed considering the fact that the government of India has gone out of its way to demonstrate its good faith and establish a constructive dialogue with Amnesty International".

Although the government's response states that Amnesty International's report is "substantially incorrect", it fails to point out any specific inaccuracy in the report. Nor does it account for any of the 208 "disappeared" who were reported to be in the unacknowledged custody of its security services.

The Indian Government's response also complains that Amnesty International failed to postpone publication of its report until the end of January, as the government requested, and indeed until Amnesty International had a chance to visit Punjab. However, Amnesty International has raised concern about "disappearances" in India for several years with the Indian Government, which is well aware of these human rights concerns. Indeed, over a third of the cases listed in the report were raised with the Indian Government more than a year ago. The report was sent to the government for comment five weeks before publication.

Furthermore the government alleges that Amnesty International has distorted the facts by saying that "there have been punishments after investigation in only two cases in Jammu and Kashmir". "On the contrary," the government says, "dozens of security personnel have been suspended, dismissed or imprisoned after detailed investigations." But it does not refer to specific cases in which members of the security forces have been brought to justice for committing human rights violations.

Until the government provides details of the members of the security forces, the offences they committed and the specific punishments meted out to them, such statistics will fail to convince the international community that the government has taken concrete and effective steps to bring the perpetrators of human rights violations in Jammu and Kashmir and Punjab to justice.

To date, Amnesty International knows of no members of the security forces who have been brought to justice for perpetrating "disappearances" -- acts of unacknowledged and arbitrary detention that may lead or may have led to the torture or murder of these prisoners.

The Indian Government also alleges that Amnesty International's reports of "disappearances" are in the greater part "suspect since in several cases there is no record of a complaint being made in police stations on behalf of the persons who have allegedly disappeared". Amnesty International wishes to point out that the Indian Government should, in fact, carry out immediate investigations into

such allegations, regardless of whether a specific complaint has been made to the police, as provided in Article 13 of the UN Declaration on the Protection of All Persons from Enforced Disappearance.

The Indian Government statement ends with the assurance that the report will be examined and that "detailed reactions (will be) communicated in due course". Amnesty International hopes that the Indian Government's examination of Amnesty International's report will lead to the clarification of many, if not all, of the "disappearances" described in the report.

The human rights organization also hopes that the government will take immediate steps to implement the recommendations made in Amnesty International's nine-point program to halt "disappearances" in India. In particular Amnesty International hopes that the government will proceed with establishing a committee to protect detainees, with effective powers to intervene immediately whenever there is *prima facie* evidence that a person has "disappeared".

Amnesty International welcomes the government's stated unswerving commitment to human rights and hopes that it will now put this into effect by taking immediate steps to clarify the fate and whereabouts of the hundreds of people who have "disappeared" after detention in India.

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AI INDEX: AMR  
EMBARGOED FOR 5 JANUARY 1994

**JAMAICA: AMNESTY CALLS FOR URGENT COMMISSION OF INQUIRY INTO DEATHS AND ILL-TREATMENT OF PRISONERS IN KINGSTON PRISON**

Amnesty International is calling on the Jamaican Government to appoint an urgent Commission of Inquiry into the deaths and alleged ill-treatment of prisoners at St Catherine's District Prison, a maximum security prison near Kingston.

Amnesty International urges that the inquiry should examine, among other things, the circumstances leading to the shooting of four death row inmates on 31 October 1993. The four were shot dead by warders after allegedly taking warders hostage. However, Amnesty International said it was concerned by reports that two of those killed had received death threats from warders, and by other circumstances suggesting that the shootings may have been summary executions.

Amnesty International's concerns are described in an 18-page report issued by the organization following a fact-finding mission to Jamaica from 20 to 24 November 1993.

The report describes allegations from inmates that the prisoners killed on 31 October were unarmed and were shot dead in their cells, and that one prisoner, Arthur Morrison, was killed while on his knees pleading for his life. Several other inmates were also reportedly beaten or shot at by warders during the incident, allegations which Amnesty International said are consistent with other evidence, including injuries sustained by inmates. Although the full facts are not yet known, Amnesty International said the shootings appeared to violate international standards which require that law enforcement officials use deadly force only as a last resort and only against the imminent threat of death or serious injury.

Amnesty International also expresses concern about the deaths and ill-treatment of other inmates at the prison. The report cites the cases of Phillip Leslie, allegedly beaten to death by warders in September 1989, and three death row inmates who died in May 1990 from injuries allegedly inflicted by warders. Although several warders are currently awaiting trial for offences relating to the deaths of prisoners, investigations have been slow and little appears to have been done to address other serious complaints, despite a small number of warders being named repeatedly as perpetrators of abuses.

Other concerns include allegations that prisoners were beaten by soldiers during cell searches in May 1993; that some prisoners have received death threats or suffered ill-treatment as a result of testifying against warders in a court case; and that a particular group of warders, who sometimes patrol the prison outside their normal working hours, is responsible for persistent abuses toward inmates. Amnesty International also finds that the complaints procedures are inadequate. Several prisoners are alleged to have suffered reprisals from warders after complaining about ill-treatment. Although an Inspectorate Unit exists within the Correctional Services to investigate serious alleged abuses, its reports have apparently not been made public.

Amnesty International's report describes the appalling general conditions in the prison which appear to have exacerbated tensions on both sides. The prison is acutely overcrowded, with no work or other facilities for the vast majority of inmates and no integral sanitation, lighting or furniture in the cells. Amnesty International states that the warders whom its delegates observed were courteous and respectful toward the prisoners and noted the difficult conditions under which they were required to work. However, the allegation that a minority of warders engage in persistent abuses, and are able to operate unchecked outside their normal duties, should be investigated as a matter of urgency.

Amnesty International is urging that an inquiry should examine all the circumstances surrounding the deaths, threats and other alleged abuses of inmates in the prison in recent years and its report should be made public. It should, among other things, examine the

adequacy of the complaints procedures and whether guidelines and training in the use of force and firearms conform to international standards. It should look at all relevant sources of information, including the prison complaints book and complaints registered with the Ombudsman, and take steps to identify warders named repeatedly in complaints. Such an inquiry, Amnesty International emphasizes, would not prejudice the separate police investigation into the 31 October shootings or the possible prosecution of individuals against whom there is *prima facie* evidence of criminal behaviour.

Amnesty International has also urged that the autopsy reports on the inmates killed on 31 October 1993 be made immediately available to relatives if this has not already been done; that warders alleged to have been involved in the shootings be transferred from the area where they took place while the case is being investigated; and that immediate steps be taken to ensure the physical safety of prisoners who complain of ill-treatment or who may be witnesses in proceedings against warders or former prison staff.

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