

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 20/006/2004 (Public)
News Service No: 120
7 May 2004

India: Attacks on voters, election workers and candidates unacceptable

In advance of the fourth and final phase of voting in India's parliamentary elections on 10 May, Amnesty International appeals to armed groups in Jammu and Kashmir to respect humanitarian law standards that prohibit deliberate attacks against civilians. Violence or the threat of violence must not be used to intimidate or coerce voters, election workers or candidates.

In the period immediately before the elections and during the previous three phases of voting, violent attacks in Jammu and Kashmir reportedly left scores of people dead and hundreds of injured.

Armed opposition groups had called for a boycott of elections and had threatened "dire consequences" for those who participated in elections. The All Parties Hurriyat Conference (APHC), a conglomerate of some 23 separatist parties, had called for an election boycott on the grounds that elections are not considered to be an adequate substitute for the resolution of the 57 year-old conflict that has killed tens of thousands of people in the area.

Attacks by armed opposition groups on polling stations, election workers and candidates have further increased the sense of insecurity around the election process in many of the areas. There have been numerous attacks on pre-poll rallies and polling sites. For example, on 8 April, a bomb was thrown at an election rally in Uri, killing 11 people and injuring almost 70 others. The Save Kashmir Movement claimed responsibility for the attack and threatened more violence. On 14 April, hours before Prime Minister A. B. Vajpayee was to address an election rally, a hand grenade was thrown at an election rally in Banihal, Doda district, killing one person and injuring 24. On the following day, the Jamiat-ul-Mujahideen claimed responsibility for the attack. On the eve of elections, suspected militants attacked 11 polling booths with grenades and opened fire on police and paramilitary personnel guarding them. In the most recent phase of voting, on 5 May, suspected militants reportedly attacked two dozen polling booths, leaving one person dead and 35 injured. On this day, turn out in the constituencies being polled in Jammu and Kashmir was reported to be only 16 per cent.

Mines were planted in several places resulting in civilian deaths and injury. On 20 April, a woman journalist and human rights activist monitoring the elections and her driver were killed when the car they were travelling in hit a landmine in Kupwara.

In some areas, following these threats, many of those eligible to vote were reportedly too frightened to leave their homes. There are reports that government security forces coerced some people to cast their ballots. One report from Akad village in Pahalgam stated that protesters alleged that they had been beaten for refusing to vote.

Common Article 3 of the Geneva Conventions provides minimum standards that must be observed in internal armed conflicts. This article prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" of persons taking no active part in the hostilities. These standards should be observed by all armed groups in India.

Although many observers have noted that these elections have been relatively peaceful across much of India, excluding Jammu and Kashmir, election related violence has been reported in Andhra Pradesh, Assam, Bihar, Chhatisgarh, Jharkhand, Manipur, Mizoram and Uttar Pradesh. Armed opposition groups reportedly called for poll boycotts in Andhra Pradesh, Bihar, Chattisgarh, Manipur, Maharashtra and Tripura and threatened violence against those who participated despite these instructions. In West Bengal, a block divisional officer reportedly received a letter containing a death threat and warning him of violent retribution from the People's War Group (PWG) and the Maoist Communist Centre (MCC) if polls were held in the area. Attacks on polling stations have also been reported in Bihar, Tripura and Jharkhand.

Election related threats and violence have also been reported in the context of caste conflict, in Bihar, and communal conflict, in Gujarat. Five people were reportedly injured in a stone throwing incident when local residents tried to prevent *dalits* from voting in Nawadih, Chapra constituency, Bihar. In Gujarat, there are reports that Muslims in some areas have faced intimidation preventing them from voting. Indian officials should take all possible steps to ensure that every effort is made to prevent such incidents and that such incidents are fully investigated and that perpetrators are brought to justice.

In the final phase of voting scheduled for 10 May, polls will be held in constituencies in Haryana, Himachal Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Punjab, Sikkim, Tamil Nadu, Uttar Pradesh, Uttaranchal and West Bengal and in the union territories of Chandigarh, National Capitol Territory of Delhi, Lakshadweep and Pondicherry.