

PUBLIC

AI Index: ASA 20/03/98

EXTRA 27/98

"Disappearance" / Fear of torture or ill-treatment

3 April 1998

INDIAHidiyat-ul-Rashid, aged 21, student

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Hidiyat-ul-Rashid was reportedly arrested at his home in Natipora, Srinagar, Jammu and Kashmir on the night of 29/30 March 1998 by members of the 13th Garhwal Regiment of the Indian army located in the area. His whereabouts remain unknown raising deep concern for his safety in the context of regular reports of torture and ill-treatment of detainees in custody.

The reason for Hidiyat-ul-Rashid's arrest is not known and he is not believed to have been involved in any political activities.

His parents have approached the army camp at Aloochoa Bagh, Srinagar, where the regiment is stationed but officials there have refused to confirm or deny his arrest and detention. They have also approached local police who have so far failed to file a complaint about his "disappearance" despite reportedly indicating that they were aware of his arrest by army officers.

So far, no petition has been filed in the High Court concerning his arrest.

#### **BACKGROUND INFORMATION**

Amnesty International has recorded hundreds of "disappearances" in Jammu and Kashmir since 1990. The whereabouts of the majority of those who have "disappeared" remains unknown, despite the filing of scores of *habeas corpus* petitions (for individuals to be brought before the court) in the state High Court.

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 in Jammu and Kashmir and hundreds of individuals remain in illegal detention without charge or trial, many in unofficial detention centres.

Access to redress is severely restricted as police have been instructed not to register First Information Reports (FIRs) where complaints are made against security forces. High Court orders for the release of detainees are regularly ignored by security forces. In addition a newly-established human rights commission in the state is not mandated to investigate human rights violations by members of the armed and paramilitary forces.

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

- urging the authorities to immediately disclose the whereabouts of Hidiyat-ul-Rashid;
- calling for the immediate and unconditional release of Hidiyat-ul-Rashid, unless he is charged with recognizable criminal offences;
- in the event that his whereabouts are disclosed, urging the authorities to immediately review the procedures followed for his arrest and detention, and to take action against any officials who are found to have failed to comply with legally prescribed procedures for arrest and detention laid down in 1997 by the Supreme Court of India.

#### **APPEALS TO:**

**Please note: fax tones may be difficult to obtain at certain times**

Dr Farooq Abdullah  
Chief Minister of Jammu and Kashmir  
Office of the Chief Minister  
Raj Bhavan  
Jammu

Jammu and Kashmir, India

**Telegrams: Chief Minister, Jammu, India**

**Faxes: + 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

**Telegrams: Minister of State for Home Affairs, Jammu, India**

**Faxes: + 91 191 545649**

**Salutation: Dear Minister**

**COPIES TO:**

Mr Lal K. Advani

Minister of Home Affairs

Ministry of Home Affairs

North Block

New Delhi 110 001, India

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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 1 May 1998.