

EXTERNAL

AI Index: ASA 20/07/96

19 February 1996

Further information (1) on UA 13/96 (ASA 20/04/96, 24 January 1996) - Fear for Safety / Health Concern / Torture

INDIAFiroz Ahmad Ganai

Amnesty International continues to be gravely concerned for the safety of Firoz Ahmad Ganai.

On 14 February 1996, Amnesty International received a copy of a response to allegations concerning the torture and safety of Firoz Ahmad Ganai, from the Border Security Forces (BSF). Amnesty International has several concerns about the response.

The BSF acknowledge the arrest of Firoz Ahmad Ganai on 29 November 1995. They state that after interrogation he was taken to recover some weapons, but that he attempted to escape in heavy snow and jumped from a wall, fracturing his left leg. It continues:

"He was immediately taken to BSF hospital, Panthachowk and his leg was plastered. The subject did not observe proper precautions as advised by the doctor and kept on moving his leg. On 12 December 1995 some blood stains were noticed on the plaster and he was taken to BSF hospital, from where he was further referred to Bone and Joint Hospital, Barzulla. On the advice of the specialist his left leg was amputated. He was further shifted to Soura Medical Institute for post operative care and treatment. It may be mentioned that five jawans (soldiers) of 12 Bn BSF had donated blood at the time of operation".

Amnesty International is not satisfied with this response which fails to address the very serious allegations that Firoz Ahmad Ganai was tortured and the testimony of doctors at the hospital where he was being treated that he was suffering from acute renal failure. The organization is calling on the authorities to provide medical documentation concerning the treatment and deteriorating condition of Firoz Ahmad Ganai. Amnesty International continues to have grave concerns about the safety and medical condition of Firoz Ahmad Ganai. It is calling for a prompt and impartial investigation into his alleged torture in accordance with Article 9 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International's concerns about the safety and medical condition of Firoz Ahmad Ganai are strengthened by information given by the BSF that "since there is no space in PII" (an interrogation centre), Firoz Ahmad Ganai is presently being held at the headquarters of the 12th Battalion of the BSF. Amnesty International is concerned that Firoz Ahmad Ganai is being detained in exceptional circumstances. It is concerned that as a result, UN standards for the safeguard of detainees set out in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Standard Minimum Rules for the Treatment of Prisoners and the Declaration on the Protection of All Persons from Enforced Disappearance will not be met and that Firoz Ahmad Ganai will suffer further violations of his human rights.

Amnesty International is further concerned that during his time in detention, Firoz Ahmad Ganai has not been brought before a judicial authority in contravention of Principle 4 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. In its response, the BSF has stated that Firoz Ahmad Ganai was charged under "various" sections of the Ranbir Penal Code and the "local and Special Laws" by the State Criminal Investigation Department on 2 December 1995, four days after his arrest. Amnesty International is seeking clarification of the precise charges under which Firoz Ahmad Ganai is being held.

Finally, the BSF states that the relatives of Firoz Ahmad Ganai were permitted to visit him while he was in detention, giving dates when they say he was visited by his family. This contradicts information provided to Amnesty International. In fact, the Indian High Court was forced to issue an order calling on the BSF to allow relatives to visit Firoz Ahmad Ganai.

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

- urging the government to ensure that Firoz Ahmad Ganai is immediately provided with medical treatment for his injuries;
- urging the government to ensure that the lawyer and relatives of Firoz Ahmad Ganai are granted immediate access to him;
- urging the government to immediately order a fully independent and impartial inquiry into allegations that Firoz Ahmad Ganai was tortured, and for those found responsible to be brought promptly to justice;
- health professionals could ask what steps were taken to monitor Firoz Ahmad Ganai's health during detention and what treatment he has received for his injuries.

APPEALS TO:

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Gate No.6, South Block
New Delhi 110 001
India

Faxes: +91 11 301 9817 ATTENTION HOME SECRETARY

Telegrams: Home Secretary, New Delhi, India

Salutation: Dear Home Secretary

General K.V. Rao
Governor of Jammu and Kashmir
Office of the Governor
Raj Bhavan
Jammu
Jammu and Kashmir
India

Telegrams: Governor, Jammu, Jammu and Kashmir, India

Salutation: Dear Governor

COPIES TO:

Mr Pranab Mukherjee
Minister of External Affairs
Ministry of External Affairs

South Block
New Delhi 110 001
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 1 April 1996.