

EXTERNAL

AI Index: ASA 20/10/96

EXTRA 38/96

Prisoner of conscience / Fear for safety

12 March 1996

INDIA Jalil Andrabi, lawyer, human rights activist

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Amnesty International fears for the safety of Jalil Andrabi, Chairman of the Kashmir Commission of Jurists, who was reportedly arrested late in the evening of 9 March 1996 by members of the security forces in Jammu and Kashmir. The authorities have subsequently denied his arrest. Amnesty International believes that Jalil Andrabi is a prisoner of conscience, arrested solely for his activities as a human rights defender.

Jalil Andrabi was reportedly arrested by members of the Rashtriya Rifles, a paramilitary force, who stopped his car as he was driving home with his family. The paramilitaries were reportedly accompanied by "spotters" (arrested or surrendered separatists who are used by security forces to identify suspected members of armed opposition groups). Jalil Andrabi was asked to get out of the car and was taken away.

A *habeas corpus* petition was subsequently filed in the Srinagar High Court by the Jammu and Kashmir High Court Bar Association. However, the Rashtriya Rifles have denied that Jalil Andrabi is in their custody. The High Court has ordered the Chief of Army Staff to report to it on 12 March. Members of the High Court Bar Association have expressed grave fears for his safety and have called an indefinite strike.

Jalil Andrabi, as a lawyer and Chairman of the Kashmir Commission of Jurists (a local human rights organization), has been active in investigating and pursuing cases of human rights violations in Jammu and Kashmir, particularly through the High Court. In 1994 he filed a petition (No.850/94) which led to a High Court order of October 1994 that district committees consisting of judicial, police and medical authorities should make regular visits to all jails, detention centres, interrogation centres and police lockups in the state. As far as Amnesty International is aware, visits were restricted to only one district in the state during December 1994 and have not subsequently taken place. The visits found widespread allegations of torture, ill-treatment and illegal detention. Another petition, filed by Mr Andrabi in the High Court in October 1994, led in October 1995, to a commitment by the government that no detainee from Jammu and Kashmir would be transferred to a jail outside the state.

Jalil Andrabi recently addressed a meeting of human rights activists in New Delhi at which he condemned human rights violations by the state authorities; he was reportedly due to attend the UN Human Rights Commission in Geneva on 18 March.

#### 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 which the Indian government has sought to suppress by reportedly resorting to massive human rights violations. Armed separatists have kidnapped and killed government officials, members of the paramilitary forces and civilians. Security forces have reportedly been responsible for deliberate killings of unarmed civilians, widespread torture, including rape, and arbitrary arrests of suspected separatists. An increasing number of prisoners are reported to have "disappeared" or to have died in custody.

In recent months, Amnesty International has become concerned at an increasing number of attacks on human rights defenders and prominent citizens. On 29 January 1996 Jalil Andrabi himself was reportedly abducted by armed men who later released him. Many of the attacks are alleged to have been carried out by members of armed opposition groups who local observers report are sponsored by the Indian state authorities.

Since 1992, several individuals who have been closely involved in the documentation of human rights violations in Jammu and Kashmir, including lawyers and journalists, have been attacked and in some cases killed by unidentified gunmen. Several others have been subjected to arrest and detention for indefinite periods by the security forces. On 23 February 1995, Hussam-ud-Din Ahmad, a lawyer from Sopore, was arrested by the army. He was released only in February 1996 after a year in detention despite court orders for his release on bail. On 9 September 1995, Sheikh Mohammad Ashraf, the President of the Baramulla Branch of the Jammu and Kashmir High Court Bar Association was released after spending nearly three months in custody, reportedly without charge or without being brought before a magistrate (see EXTRA 80/95, ASA 20/16/95, 30 June 1995 and follow-ups). Both men are reported to have been ill-treated while in detention.

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

- expressing concern for the safety of Jalil Andrabi, Chairman of the Kashmir Commission of Jurists, who was reportedly arrested by members of the Rashtriya Rifles on 9 March and whose whereabouts are currently unknown;
- urging the authorities to immediately reveal his whereabouts and/or order an immediate inquiry into his whereabouts;
- seeking assurances that Jalil Andrabi is being humanely treated and will be allowed immediate access to lawyers, relatives and a doctor and brought before a magistrate forthwith;
- expressing concern that he has been detained solely for his activities as a human rights defender and calling for his immediate and unconditional release.

**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 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 15 April 1996.