

EXTERNAL (for general distribution)

AI Index: ASA 20/14/91
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UA 133/91 Extrajudicial Executions

22 April 1991

INDIA: Seven members of the family of Raja Ali:

Khan Wali
Satar Man
Yaqoub
Babu
Rasheed
Ismail
Gulaba

At 11 am on 20 April 1991, Indian security forces reportedly killed seven men and boys, aged between about 12 and 35, in Malangam in the Kashmir valley.

They all belonged to the family of Raja Ali: they included his four sons, Khan Wali, Satar Man, Yaqoub and Babu; his grandson, Rasheed; and two of his brother's sons, Ismail and Gulaba. According to witnesses, members of the Border Security Force (BSF), 116 Battalion, shot them after their hands had been tied behind their backs. Reports also suggest that the seven had been beaten prior to being shot and that their bodies were further disfigured when, after having been shot, they were dragged down the mountains by the BSF to Bandipur police station. The BSF reported to local police that the seven had been killed in "crossfire".

Mirza Khan, an area commander of the Al-Buraq militant group, had been shot earlier on 20 April in Malangam. He was reportedly found with a weapon, but the circumstances of his death are not known. However, before his death Mirza Khan had allegedly taken shelter in the house of Raja Ali. It was in connection with this incident that Raja Ali's family members were questioned and subsequently shot. These killings came a day after Governor Saxena said in an interview that the security forces had been told to use restraint, claiming that: *"We are taking every action to ensure that any ugly incident is not allowed and that excesses are minimised"*.

Amnesty International is concerned that the 20 April killings by the BSF in Malangam appear to have been extrajudicial executions of unarmed civilians. It is not known whether an inquiry has been ordered into the incident or whether members of the BSF, 116 Battalion, potentially implicated in the incident have been removed from positions of authority over Kashmiri civilians.

BACKGROUND INFORMATION

Since early 1990 there has been an increasingly violent campaign for independence in Kashmir. Armed separatists have kidnapped and killed officials, members of the paramilitary forces and civilians in their campaign. Amnesty International has repeatedly expressed concern to the Indian government about reports of deliberate killings of unarmed civilians and about widespread allegations of torture and rape by members of the security forces and about arbitrary arrests of suspected separatists or their relatives. In September 1990, the government announced that a screening committee would be set up to examine complaints of excesses by the security forces. Jammu and Kashmir Governor, Girish Saxena, has ordered several investigations of such abuses, in one case leading to charges of murder being brought against the Director

of the Border Security Force (BSF). But such investigations have usually been conducted by police or other officials rather than by an independent and impartial body. Amnesty International does not know of any cases in which officials allegedly responsible for such human rights violations have been brought to justice and convicted.

RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:

- expressing concern at reports that members of the Border Security Force beat and deliberately shot seven unarmed civilians aged between 12 and 35 in Malangam, Kashmir, on 20 April 1991;
- urging that there be a prompt and impartial inquiry into the incident; that those selected to carry out the inquiry be selected for their impartiality; that the methods and results of the inquiry be quickly made public; and that those people found responsible for the killings be brought to justice;
- urging that immediate steps are taken to ensure that those potentially implicated are removed from positions of control or power over complainants, witnesses and their relatives as well as those conducting the investigation;
- urging that the family of the victims be granted adequate compensation.

APPEALS TO:

His Excellency
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His Excellency
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and to diplomatic representatives of India in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 June 1991.