

AI INDEX: ASA 20/24/97
15 MAY 1997

INDIA: HIGH TIME TO PUT AN END TO IMPUNITY IN JAMMU AND KASHMIR

The arrest yesterday night in New Delhi of several members of the All Parties Hurriyat Conference (APHC) -- including Yasin Malik, leader of the Jammu and Kashmir Liberation Front (JKLF) -- who were protesting about the human rights situation in the Indian state of Jammu and Kashmir brings into focus once again the key problem of impunity there, Amnesty International said today.

In recent months, the organization has received reports of a sharp increase in deaths in custody and allegations of rape by members of the armed forces in Jammu and Kashmir.

"It's high time that the Government of India put an end to impunity for the perpetrators of human rights violations," the organization said. "The arrest and detention yesterday evening of Yasin Malik and others can only serve to undermine the government's stated commitment to human rights."

In an incident on 22 April, several armed forces personnel forcibly entered the house of a 32-year-old woman in the village of Wawoosa in the Rangreth district of Jammu and Kashmir. They reportedly molested her 12-year-old daughter and raped her other three daughters, aged 14, 16 and 18. When another woman attempted to prevent soldiers from attacking her two daughters, she was beaten. Soldiers reportedly told her 17-year-old daughter to remove her clothes so that they could check whether she was hiding a gun. They molested her before leaving the house.

A 29-year-old woman was also reportedly raped in her home in the same village. No action is known to have been taken against the alleged perpetrators, but according to information received by Amnesty International, the women were reluctant to file a complaint for fear of reprisal and being stigmatised in their community.

Amnesty International has documented violations in Jammu and Kashmir including torture, rape, deaths in custody, extrajudicial executions and "disappearances" over a number of years. Investigation and prosecution in cases of human rights violations are rare, and armed forces have been given a free reign in the region with little civilian control over their operations.

Even the proposed Jammu and Kashmir Human Rights Commission, to be set up under the recently passed Jammu and Kashmir Protection of Human Rights Act, will not be authorised to investigate allegations against members of the armed forces. Furthermore, the armed forces have systematically failed to comply with numerous court orders concerning detainees and human rights petitions.

"Access to redress for victims of human rights violations, a right guaranteed under international law, is being denied to victims in Jammu and Kashmir," Amnesty International said.

Background

Yasin Malik and other members of the APHC went on hunger strike on 12 May, calling for a commitment from the government that allegations of violations would be investigated and that those found responsible would be brought to justice. He and five others were arrested by police at 11.30 last night and taken to Tihar Jail (Delhi) where they remain in detention.
ENDS.../

For further information or to arrange an interview, please contact the Amnesty International press office on (44) 171 413 5566