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India: Proposed anti-terrorist legislation risks human rights violations

Indian government and parliamentary representatives must ensure that if new anti-terrorist legislation is to be passed, it does not repeat the mistakes of previous legislation and provides safeguards for human rights, Amnesty International said today in a new report.

Currently under consideration by the Government of India, the Prevention of Terrorism Bill bears many similarities to the former Terrorist and Disruptive Activities (Prevention) Act (TADA). Amnesty International is concerned that it does not provide sufficient safeguards to prevent human rights violations. It is not compatible with international treaties to which India is a party.

"There are human consequences to this proposed legislation which cannot and must not be ignored. There are individuals whose lives have been irrevocably damaged by provisions of TADA and whose experiences could be repeated if identical provisions are re-enacted," Amnesty International warned.

One young man who was detained under TADA in April 1993 after bomb blasts in Mumbai, was hung upside down, given electric shocks in his genitals, fingers, tongue and nose, and forced to eat human faeces.

Kashmir Singh of Punjab was told eight years after the "disappearance" of his son Harjit Singh that the TADA charges identifying his son as a "terrorist" were cooked up in order to justify a "stage-managed encounter" in which he was killed.

Seva, along with several other women and men from Chamraj Nagar district of Karnataka, was detained, tortured, sexually abused and charged under TADA in 1993 in connection with smuggling activities and has been awaiting trial for seven years without the chance of bail.

"We are aware of widespread public concern about violence perpetrated by armed groups and that there is a desire to address this violence. But enacting legislation which in turn violates the fundamental rights of individuals as a short cut to tackling terrorism is not the answer," the organization said.

If passed, the proposed Bill will give enhanced powers to a police force which is widely acknowledged to resort to torture during investigations. It will also withdraw the right to presumption of innocence in a situation where fabrication of evidence is widespread. Furthermore, in a country where many people await trial for longer than their ultimate sentence, the Bill will also deny bail prior to trial unless the court is convinced of the innocence of a detainee.

Amnesty International acknowledges that in proposing the draft Bill, the Law Commission of India has omitted certain provisions which existed in TADA which were violative of international standards and included some provisions aimed at preventing abuse of powers granted in the legislation. However, the organization urges that such safeguards be more than just paper thin promises.

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For more information or a copy of Amnesty International's report, "The Prevention of Terrorism Bill 2000: Past abuses revisited?" please call Amnesty International's press office in London, UK, on +44 20 7413 5566

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