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INDIA

@Masroof Sultan:

**a rare survivor of torture and
attempted killing in custody in
Jammu and Kashmir**

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Reports allege a sharp rise in custodial killings in Jammu and Kashmir since the middle of 1992. Civil liberties groups, journalists and other non-governmental sources in India have reported that in that period several hundred people have been killed in custody by the security forces shortly after their arrest, in nearly all cases after torture. Although the security forces often responded by saying such people have been killed in "cross fire" with militants, Masroof Sultan's testimony clearly illustrates that such statements have been used to cover-up the torture and killing of suspects in custody. This is a practice which now appears to have reached alarming proportions in Jammu and Kashmir. Amnesty International fears for Masroof Sultan's state of health, and is deeply concerned his safety, that of his family members and that of scores of men who are reportedly subjected to routine torture, often with fatal consequences, after being taken into custody by the security forces in Jammu and Kashmir.

Figure 1 Masroof Sultan in hospital, with open wounds on his legs, likely to have been caused by gunshots. The fracture of his leg "may well have been caused by severe beating".

The incident described below is unique in that the victim survived three attempts to shoot him, and that Masroof Sultan's testimony of torture and attempts to kill him in custody are consistent with the findings of examinations carried out by a foreign doctor in Srinagar.

Masroof Sultan, a 19 year-old college student from Batamaloo, survived brutal torture and narrowly escaped death at the hands of the paramilitary Border Security Force (BSF) who took him into custody on 8 April 1993. Left for dead, he was found by the Kashmir police, who had been told by the BSF that evening that one or more dead bodies of militants who had been killed in an exchange of fire between two militant groups, were lying at Solina.

In a detailed statement made available to Amnesty International, Masroof Sultan described how he was taken into custody by the BSF on 8 April 1993 when the bus he was travelling on was stopped and searched. He says he was beaten by four soldiers, blindfolded and, along with three other young men, taken to a building where four men in BSF uniform tried to force him to admit he was a militant. He says that when he refused, he was stripped, his hands and knees were tied together, he was hung from a pole by his knees and he was beaten until his leg was broken. He said that a senior officer, on hearing he had refused to admit he was a militant, told his torturers to "carry on". Orders were given to take him to Papa II, an interrogation centre near Srinagar from where torture is often reported. Unable to move, he was blindfolded and put in a van: "When I was in the gypsy (van) I heard my parents (who had managed to locate him) crying. But they took

sticks and beat my mother. The security forces men told me: "look at her, it's the last time you'll see her, after that you will die".

In Papa II, he alleges, metal rings and wires were attached to his body and he was given electric shocks ten or twelve times, on his toes, his right arm, legs and other sensitive parts of his body, until he started bleeding from the nose and lost consciousness. Unable to walk, he was taken to a jeep, where he was told: "Last night in Batamaloo four of our persons were killed. We know that you are innocent, but we have to kill you [because] our four persons have been killed."

After travelling for about an hour, he was dragged out of the jeep, stood against a tree, and fired upon by the security forces. "They hit my legs first," Masroof said. "I fell down." After ten minutes, they came back and found him still alive. An officer told one of the BSF men to shoot him in the heart, but the shot, hitting Masroof Sultan in his chest, again was not fatal. "You bastard, what are you doing, why are you misfiring?" Masroof Sultan heard the officer saying to the man who had tried to kill him. He says he was then shot a third time and hit in the neck and survived by pretending to be dead. He believes that three others were killed near the same spot, but their bodies have not been found.

Figure 2 A circular encrusted wound "highly consistent with... electric torture".

Doctors treating Masroof Sultan in Srinagar said he received at least five bullet injuries on the left side of his chest just above the heart, the left side of the neck, his right arm and both his legs. Masroof Sultan was also examined in the Bone and Joint Hospital in Srinagar by an independent doctor, who found, in late April, the following signs of violence:

- "1) On the left side of the thorax, just below the bandage, there was a circular encrusted wound measuring 1.5 cm.
- 2) Just above the left nipple was an irregularly shaped, nearly healed wound measuring 3 x 4 cm.
- 3) On the right side of thorax was an irregularly shaped, nearly healed wound measuring 8 x 5 cm.
- 4) On the left side of the right upper arm, just below the armpit, was a circular encrusted wound measuring 2.5 cm.
- 5) On the right hip was a nearly healed, pink coloured wound measuring 5 x 2 cm.
- 6) Next to 5) on the right buttock was a healed, pink coloured, circular wound measuring 1 cm.

7) On the right side of the left lower leg was a red coloured area measuring 20 x 10 cm./ this area was extremely sensitive when touched."

He concluded:

"The x-rays showed a partial fracture of the upper thigh bone. This fracture may well have been caused by severe beating. The photographs taken ...show an open wound on each leg and one circular wound under the armpit. These wounds may well have been gunshot wounds. The physical examination showed wounds and scars highly consistent with alleged beating and electric torture".

Background

Since early 1990 there has been an increasingly violent campaign for independence in Kashmir. Armed separatists have kidnapped and killed officials, members of paramilitary forces and civilians. Amnesty International has repeatedly expressed concern to the Indian Government about reports of deliberate killings of unarmed civilians by members of the security forces, about widespread allegations of torture and rape by members of the security forces and about arbitrary arrests of suspected separatists, an increasing number of whom are reported to have "disappeared" or to have died in custody. _

A report in The Kashmir Times of 26 April 1993 says that according to police records 132 persons were killed in custody in the preceding 33 days alone. The Independent, London, of 25 March 1993, asked a senior Kashmiri official about increasing reports of custodial death and quotes him as saying: "Yes they're killing them. Maybe it's because the jails are full - or they want to frighten people." Even policemen are alleged to have been tortured and killed in custody (see UA 20/23/93).

Mr Rajesh Pilot, the Minister of State for Home Affairs and the Governor of Jammu and Kashmir, Mr Krishna Rao, have both stated that every custodial death would have to be accounted for and that the sternest possible action would be taken against those responsible for these killings. However, such action is rarely if ever taken. Investigations into allegations of human rights abuses in Jammu and Kashmir are usually carried out by police or army officials rather than by an independent and impartial body, their findings are almost never published and prosecutions are very rare. In November 1992 the government said that action was taken against 230 members of the security forces in Jammu and Kashmir, but has still failed to give details of the perpetrators, their actions and the nature of the punishments given to them. More than one hundred and sixty specific complaints of custodial deaths have been pending before the High Court of Jammu and Kashmir since September 1991 but, to Amnesty International's knowledge, the government has so far failed to respond to any of them.

Please send appeals to the Indian authorities with the following recommended actions:

- ◆ expressing grave concern at the alleged torture and attempted killing of Masroof Sultan while in custody of the security forces and urging the Indian authorities to immediately order an independent and impartial inquiry into the allegations and to ensure that those

found to be responsible for his torture and attempts to kill him in custody are immediately brought to justice;

- ◆ urging the government to order a judicial inquiry into allegations that dozens of Kashmiri men are killed in custody each month after torture and to answer petitions about over one hundred and sixty such killings which have been pending in the Jammu and Kashmir High Court without receiving a response from the government;
- ◆ urging the government to take steps to ensure that Masroof Sultan, his family and those of other alleged victims of custodial deaths are offered full protection from harassment and intimidation during the investigation and afterwards;
- ◆ urging the authorities to ensure that all necessary medical facilities are made available to Masroof Sultan, that provisions are made for his full rehabilitation and that he is granted prompt and adequate compensation.

SEND YOUR APPEALS TO

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Prime Minister of India
South Block, Gate No 6
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Fax: +91 11 310 6857
Telexes: 3166427 REND IN
Salutation: Dear Prime Minister

K.V. Krishna Rao
Governor of Jammu and Kashmir
Office of the Governor
Srinagar
Jammu and Kashmir
India
**Telegrams: Governor Jammu and
Kashmir, Srinagar, India**
Salutation: Dear Governor

AND COPIES OF YOUR APPEALS TO:

Mr Rajesh Pilot
Minister of State for Home Affairs
Ministry of Home Affairs
North Block
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Mr Dinesh Singh
Minister of External Affairs
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KEYWORDS: HARASSMENT / TORTURE/ILL-TREATMENT / DEATH IN CUSTODY / STUDENTS / JUVENILES / PRISONERS' TESTIMONIES / PARAMILITARIES / MEDICAL CONFIRMATION / POLITICAL VIOLENCE / PHOTOGRAPHS /

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