

EXTERNAL

AI Index: ASA 20/46/97

12 November 1997

Further information on UA 354/97 (ASA 20/45/97, 11 November 1997) -
"Disappearance" / Ill-treatment and new concern: Prisoners of conscience

INDIA Mohammad Rafiq Pahloo
Wajahat Bashir Qureshi

Riyaz Ahmad Gojri
Mohammad Ashraf Dar

Yasin Malik
Javid Ahmad Mir

and new names: Mushtaq Ahmad Khan

G. M. Hubbi
A.K. Hanif
G.N. Sumji
Mohammad Maqbool Wani
Mohammad Sidiq Shah
Ghulam Nabi Kashmiri
Bashir Ahmed Quandoo
Ghulam Qadir Baba

According to information received by Amnesty International, two of the political activists arrested on 6 November 1997, Mohammad Rafiq Pahloo and Wajahat Bashir Qureshi, were released on 10 November. In addition, the organization has been informed that one other man, Mushtaq Ahmad Khan, was arrested with the others on 6 November. Riyaz Ahmad Gojri, Mohammad Ashraf Dar and Mushtaq Ahmad Khan remain in unacknowledged detention. Police have failed to state officially that the three men are being detained or under what charges they are being held.

Yasin Malik and Javid Ahmad Mir remain in detention at the Central Jail, Srinagar, without charge.

In addition, eight activists of the All Parties Hurriyat Conference (APHC, of which the JKLF is a part), were arrested at around 11am on 12 November while undertaking a silent protest against the arrests of 6 November. The eight men, G. M. Hubbi, A.K. Hanif, G.N. Sumji, Mohammad Maqbool Wani, Mohammad Sidiq Shah, Ghulam Nabi Kashmiri, Bashir Ahmed Quandoo and Ghulam Qadir Baba, were detained under section 144 of the Code of Criminal Procedure (CrPC)* while sitting in peaceful protest with tapes over their mouths in the Lal Chowk area of Srinagar. The eight are currently being held at Koti Bagh police station.

*Section 144 empowers magistrates to "direct any person to abstain from a certain act" if he/she considers that such a direction "is likely to prevent... obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot or an affray". This section has been widely used throughout India to prevent the assembly of more than five persons and hence to suppress protest. Section 144 has been permanently invoked in parts of Jammu and Kashmir for several years.

Please continue to send telegrams/faxes/express/airmail letters in English or in your own language:

- urging the authorities to officially disclose the whereabouts of Riyaz Ahmad Gojri, Mohammad Ashraf Dar and Mushtaq Ahmad Khan;
 - calling for the immediate and unconditional release of the three men unless they are promptly charged with recognizable criminal offences;
 - urging the authorities to ensure that, if the three men remain in detention on such charges, they be provided with prompt and regular access to relatives and lawyers of their choice and are not subjected to any form of ill-treatment or torture;
 - asking for assurances that Yasin Malik will be provided with medical treatment in custody;
 - expressing concern at the arrest of the eight men on 12 November in violation of their internationally recognized rights to freedom of expression and peaceful assembly, and calling for the immediate and unconditional release;
- if possible, also:**
- urging that the authorities ensure the right of citizens to peacefully express their opinions without fear of arrest and detention.

APPEALS TO:

Dr Farooq Abdullah
Chief Minister of Jammu and Kashmir
Office of the Chief Minister
Raj Bhavan
Jammu
Jammu and Kashmir, India
Telegrams: Chief Minister, Jammu, India
Faxes: +91 191 545649
Salutation: Dear Chief Minister

Mr Ali Mohammad Sagar
Minister of State for Home Affairs
Government of Jammu and Kashmir
Jammu
Jammu and Kashmir, India
Telegrams: Minister of State for Home Affairs, Jammu, India
Faxes: +91 191 545649
Salutation: Dear Minister (Please note corrected salutation)

COPIES TO:

Mr Indrajit Gupta
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001, India
Faxes: +91 11 301 5750

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 27 December 1997.