

# AMNESTY INTERNATIONAL INDIA

## PRESS RELEASE

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### **India: Authorities must not shield soldiers suspected of involvement in Bandipora killings**

Indian authorities should ensure that soldiers allegedly responsible for the killings of two people in Bandipora, Jammu and Kashmir (J&K), on 30 June 2013 are investigated and prosecuted, Amnesty International India said today.

“These deaths must be investigated promptly, thoroughly and impartially, and where sufficient admissible evidence is found, a competent, independent and impartial civilian court should prosecute the suspects,” said Shashikumar Velath, Programmes Director, Amnesty International India.

“Authorities must ensure that the process is not impeded, either by the army taking the matter to a military court or by the central government blocking prosecution using the Armed Forces (Special Powers) Act.”

Eighteen-year-old Irfan Ahmad Ganaie was shot dead outside his house in Markundal village, Bandipora district, early on 30 June. Army authorities have said that the army was conducting a military operation in the area at the time, but have denied that they fired on anyone. Media reports have quoted eyewitnesses who said they had seen soldiers open fire at Ganaie.

Hundreds of villagers then reportedly gathered to protest the shooting in the area. Some of them also reportedly threw stones at soldiers in an army camp and at an army ambulance vehicle. The soldiers opened fire, killing 24-year-old Tariq Ahmad Leharwal and injuring three others. An army spokesperson has said that the soldiers fired in self-defence.

The J&K police have filed a First Information Report against unnamed army personnel for the murder of Irfan Ganaie. Authorities in the Indian army have said that they are also looking into both incidents.

Allegations of human rights violations by members of the armed forces in J&K have rarely been fully investigated and prosecuted. Court rulings have reinforced the powers of

military authorities to try personnel accused of rights violations in military courts. Authorities have consistently withheld information about the outcomes of these cases.

The Armed Forces (Special Powers) Act (AFSPA) mandates prior permission from the central government before any soldier can be prosecuted for exercising powers conferred by the Act. Such permission is almost never granted.

A number of Indian bodies, including the Second Administrative Reforms Commission and the Jeevan Reddy Commission, and UN bodies, including the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights defenders, have stated that the AFSPA must be repealed.

“The AFSPA gives armed forces sweeping and unfettered powers, including to shoot and even kill ‘any person who is acting in contravention of any law or order’, and then protects them from being prosecuted,” said Shashikumar Velath.

“The result has been numerous violations of the right to life - a key human right under international and Indian law – with virtually absolute impunity.

“Authorities must ensure that investigations into these two incidents are taken to their logical end, those responsible are brought to justice in fair trials, and the AFSPA is repealed in J&K and elsewhere.”

**ENDS**