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India: Seven deaths intensify fears of excessive use of force by police against land protestors in Andhra Pradesh

Amnesty International is concerned at reports of excessive and unnecessary use of force by police in Modugonda village, Khammam district, Andhra Pradesh against farmers, political party workers and others demonstrating in response to local land distribution issues on 28 July 2007.

According to reports, the police opened fire on protestors resulting in the death of seven persons, the seventh succumbing to his injuries the following day. At least twelve people are also reported to have sustained injuries as a result of the firing and a *lathi* (long wooden stick) charge by police.

Though events leading to the shootings remain disputed, reports suggest that violence erupted when police reportedly targeted and beat a worker of the Communist Party of India (Marxist) who had been campaigning for land rights, which had helped organize the demonstration along with the Communist Party of India.

According to reports, less than ten members of the 500 person strong crowd responded to the beating by throwing stones, which prompted a senior police officer at the scene to open fire. Subsequent firing was reportedly carried out by state "special party personnel"- members of a unit specifically trained and deployed to respond to *naxalites* - leftist armed group members - operating in the state.

Amnesty International understands that the crowd was not given any warning that the police were about to open fire. Photographic evidence shows victims with bullet wounds to the abdomen, waist and head, but allegations that the "special party personnel" shot at protestors with AK-47 assault rifles have been denied by the Andhra Pradesh authorities.

Amnesty International reminds the Andhra Pradesh authorities that they are bound under international law to respect the right to life in all circumstances. In this context, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials provide strict guidance on the use of force in crowd control situations. In particular Principle 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials clearly state whenever the lawful use of force and firearms is unavoidable, officers shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life.

Amnesty International is concerned that the actions of the police at the demonstration violated the Principles, and the victims' right to life. The organization has reason to believe that the actions of protestors did not warrant such a response – where at least 70 rounds were reportedly fired at the crowd. The use of AK47 assault rifles is regarded by the organization to be a particularly inappropriate method of policing such demonstrations.

Amnesty International welcomes the ordering of a judicial enquiry by the Chief Minister of Andhra Pradesh on 29 July 2007; statements by the state Home Minister that "if any policeman is found guilty we will take action"; and reports that four senior police officers involved in the incident have been suspended or transferred pending the enquiry. The organization also notes reports that the Andhra Pradesh State Human Rights Commission has requested a detailed report into the circumstances which led to the firing.

However the organization believes in order for the enquiry to be effective and to challenge the culture of impunity associated with unlawful police actions in Andhra Pradesh and elsewhere in India, the enquiry must entail the following:

- o It should be completely impartial, independent and thorough,

- o The parameters of the enquiry need to be promptly and clearly outlined,
- o The enquiry should determine whether the use of force by police was consistent with national law and international standards including the Basic Principles on the Use of Force and Firearms, and the Code of Conduct for Law Enforcement Officials,
- o Any police officer found having resorted to excessive use of force should be promptly criminally prosecuted.

Amnesty International further believes that:

- o Existing rules that govern the use of force and firearms by police in response to assemblies in India falls short of international standards and should be urgently reviewed. The organization believes that they should be amended to bring them into full compliance with the UN Basic Principles on the Use of Force or Firearms by Law Enforcement Officials,
- o Specifically, the government should ensure that any such rules and regulations permit no more than the minimum use of force and require full accountability for any action taken resulting in loss of life.

Background

It is reported that the current ruling Congress state government had agreed to implement plans to distribute housing sites to the urban poor and cultivable land to the rural landless across Andhra Pradesh. Leftist political parties – including the CPI and CPI (M) – had been in ongoing negotiations with the state government on this matter.

Amnesty International understands that the call for intensifying the protests gained momentum when the leftist parties call for the establishment of an independent commission -- with quasi-judicial powers to address land reform issues -- was rejected by the State government. They instead proposed the appointment of a Special Commissioner for land issues.