

1992

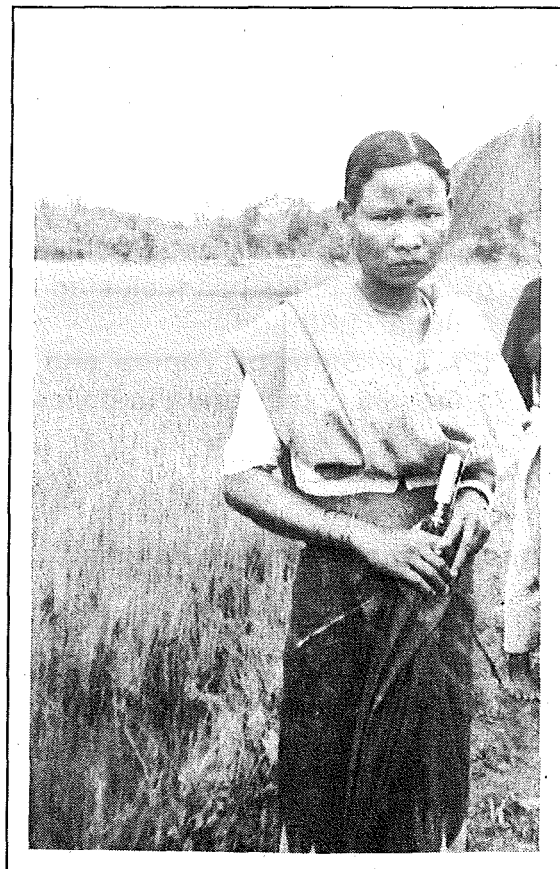
India Campaign

A P P E A LAmnesty
International**Mass Rape of Tribal Women in Ujan Maidan
village, West Tripura**

Tripura - India

A judicial investigation conducted by Justice S.C. Deb, a commissioner of the Supreme Court, has confirmed in a 137 page report to India's Supreme Court that soldiers of the Assam Rifles gangraped or raped at least six tribal women from West Tripura during 31 May and 2 June 1988 and that the army and the state government had tried to cover-up the crime. Amongst those gangraped was Banapati Deb Barma, aged 25 (opposite).

In June 1988 the Assam Rifles conducted a cordon-and-search operation in Ujan Maidan, Khowai district, in pursuit of members of the outlawed Tripura National Volunteers. At least 14 tribal women said they were raped during the search and were admitted to Khowai government hospital. The youngest victim was 12 years old. The state government dismissed the allegations but admitted that some women might have been beaten. An inquiry conducted by the police and Assam Rifles found that one women had "probably" been raped and that two others could have been molested, but no independent investigation was known to have been conducted.



However, on 22 March 1990 the Supreme Court asked its Commissioner, Justice Deb, to investigate the allegations. He examined eight tribal women during nine days, one of whom was Banapati Deb Barma. He reported that a fact finding committee of 12 June 1988, conducted by a district magistrate, the sub-divisional officer of Khowai and the Deputy Superintendent of Police was unreliable. The committee had concluded that the allegations of rape were "baseless".

Justice Deb examined Banapati Deb Barma and reported:

"Banapati Deb Barma is aged 25. She is so poor that sometimes she remains starved. Jawans of Assam Rifles used to visit Ujan Maiden and after making some enquiries about T.N.V. (Tripura National Volunteers), they used to beat her husband and youngmen of their village. So by seeing the jawans coming to their village they used to run away in the jungle out of fear. One night when the jawans went to their village, all youngmen and her husband fled away in the jungle. She went to sleep in her hut with Debaki, Hiranmala and Rajkannya and when they were sleeping 4/5 jawans of Assam Rifles entered into her hut by breaking the front door. They woke up by the sound of their boots. She was caught by the jawans and became very perplexed as a jawan started raping her. As she was very perplexed she did not notice when the other 3 women fled away from her hut by the back door in the jungle. She lost her sense after being raped by 2 jawans and as such she did not know whether the other jawans also raped her. In the morning she regained her sense. Those 3

women returned and she told them after she was raped by 2 jawans she lost her sense."

Justice Deb noted that the entire case diary smacked of foul play, that high ranking officials, who had produced reports absolving the Assam Rifles of responsibility for most of the alleged offenses, failed to appear before him and concluded his report with the following findings:

"(1) Some jawans (soldiers) of Assam Rifles had gangraped at least Radhika, Banapati, Sonakali and Subhalaxmi and raped Pravati and Laximiti and a soldier of Assam Rifles has molested Panchalaxmi in Ujanmaiden during 31 May and 2 June 1988 and

(2) The State of Tripura and the Army officers are trying to hush up the aforesaid crimes and the police investigation has proceeded in that direction."

Background

Custodial Rape of Women in India

One common form of torture by police is rape. It is so routine in India that in 1988 a newspaper reported: "Another mass rape by Bihar cops". Although the Indian Penal Code lays down a minimum of 10 years imprisonment for police officers and other public servants, including soldiers, who commit rape, few custodial rape cases come to trial and convictions are rare.

Apart from the traumatic mental, physical and emotional consequences, rape has severe social repercussions in India. Because of the negative social stigma attached to rape, and the obstacles to obtaining compensation and rehabilitation, women are often reluctant to complain of rape to the police. This is especially true for women of the *dalit* (oppressed castes) and *adivasi* (tribal) communities, who are especially vulnerable to sexual abuse and intimidation from the police.

Women's Groups in India

Often it is only as a result of intervention by voluntary organizations, particularly women's groups, that custodial rape is reported at all. There are several women's organizations which have been very active in bringing human rights violations to public attention.

There are numerous organizations campaigning on women's issues in India. Their activities include consciousness-raising programs and seminars, family welfare advice, encouraging self-sufficiency, documentation of abuses against women, rehabilitation programs, and the organization of political action to bring about change.

Tribal Communities in the Northeast

More than 220 hill tribes live in seven states in northeast India: Assam, Nagaland, Manipur, Arunachal Pradesh, Meghalaya, Mizoram and Tripura. They are ethnically, economically and socially different from inhabitants of other parts of India, from which the northeast is nearly cut off by Bangladesh.

Accusing the central government of neglect and exploitation, several tribal movements in the northeast states have advocated autonomy or independence and some have taken up

arms against the central government. Members of the security forces were first posted to the northeast Indian states in the 1950s. Human rights violations have been attributed to the police and the army, particularly the Assam Rifles, who report directly to the central government's Home and Defence ministries. Torture and ill-treatment occur routinely during counter-insurgency operations to flush out suspected members and supporters of the opposition.

The most serious abuses have been reported from the areas where armed groups such as the National Socialist Council of Nagaland, the People's Liberation Army of Manipur, the United Liberation Front of Manipur and the United Liberation Front of Assam, are active. All these organizations are banned. Amnesty International strongly condemns torture or killings reportedly carried out by these groups.

Custodial Rape in Tripura and the Northeast

In August 1990, a report compiled by the government found that:

"the law and order machinery has completely broken down in the state of Tripura. There is no safety for life and property, especially of the tribal men and women." (The Sunday Statesman - 12 August 1990)

Rape by the security forces is repeatedly reported in Tripura state. Opposition members in the state assembly in April 1989 alleged that there had been 100 cases of rape in the previous few months. Rape usually occurs during counter-insurgency operations and gang rapes of tribal women by members of the police force and soldiers are frequently reported.

Reports of rape in the northeastern states were so frequent that the Assam High Court (the highest legal body in the northeast) issued an order in March 1991 prohibiting the army from taking any women to their camps for interrogation, not even when in police custody. In July 1991 the Supreme Court ordered the army in the northeast specifically to take measures to protect women from torture and harassment during army operations.

points to make in letters

- Say that you are concerned about the reported rape of tribal women by members of the Assam Rifles in Tripura in June 1988 (Please cite the exact date and location of the incident).
- Explain that Amnesty International is aware of the problems facing the military in the northeast, that it condemns the killing of prisoners by anyone, including armed opposition groups, but that nothing justifies the human rights violations being perpetrated by the Indian army.
- Welcome the fact that the Supreme Court ordered a commissioner to conduct an independent inquiry into the allegations and note that the Deb Commission inquiry confirmed the allegations of rape in Ujan Maidan village (You should outline the findings of the inquiry).

- Ask the government to ensure that, if the Supreme Court accepts the commissioner's findings, those responsible be promptly brought to justice and that the government provide adequate compensation and rehabilitation to the women found to have been raped.
- Express concern that State and army officials have attempted to conceal the truth about the incident, and have obstructed investigations.
- Welcome the July 1991 Supreme Court order that the army in the northeast specifically are to take measures to protect women from torture and harassment during army operations, including observation of the provisions in the Code of Criminal Procedure to protect women during investigations and searches. Ask that these orders be implemented in all cases.

please write to the following

Official

Salutation

1. Mr Sudhir Ranjan Mahjumdar
Chief Minister of Tripura
Office of the Chief Minister
Agar
Tripura
India

Dear Chief Minister

Note that the Assam Rifles report to the Union Home and Defence Ministries. Letters should therefore be written to:

2. Mr Sharad Pawar
Minister of Defence
Ministry of Defence
South Block
New Delhi 110 011
India

Dear Minister

3. Mr M. M. Jacob
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
India

Dear Minister

4. Ms Bibhu Kumari Devi (Member of Lok Sabha for Tripura)
Ujjayanta Palace
Agartala
Tripura
India

Dear Madam

Please send copies of letters you write to the Indian embassy in your country.