

EXTERNAL (for general distribution)

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UA 60/93 Torture

5 March 1993

INDIA: Manzoor Ahmed Ganai, 20

Amnesty International is concerned at reports that Manzoor Ahmed Ganai was tortured by the security forces in Kashmir and had to have the lower parts of both legs amputated. Manzoor Ahmed Ganai, son of Abdul Aziz Ganai and resident of Wakoora district, Gahderbal, Jammu and Kashmir, was reportedly arrested on 7 January 1993 along with 14 other persons by soldiers from the army 10 Bihar regiment during a search operation in his village. He was reportedly tortured for ten days with electric shocks, beaten with sticks and guns and was trampled on by soldiers. He was then alleged to have been hung upside down for some 24 hours until he lost consciousness. Reports that he was tortured have appeared in the local press.

Mr Ganai's relatives claim that he was released on 27 January 1993 and was in a coma. They say he was immediately taken to the Bone and Joint Hospital, Barzulla, Srinagar, where doctors had to amputate both of his lower legs. He is also reported to have suffered from injuries to his arms. Amnesty International is not aware of any inquiry into the torture allegations.

BACKGROUND INFORMATION

Since early 1990 there has been an increasingly violent campaign for independence in Kashmir. Armed separatists have kidnapped dozens of officials, politicians, members of the security forces and civilians, including women, killing some of their hostages. They have killed officials, members of paramilitary forces and civilians, acts which Amnesty International has repeatedly condemned. Many members of the Hindu community have fled the Kashmir valley out of fear for their safety. Although some Kashmiri militant groups have called for their return, others issued threats against them.

Amnesty International has repeatedly expressed concern to the Indian Government about a pattern of wide ranging human rights violations committed by members of the security forces in the course of their operations in Jammu and Kashmir. These include reports of deliberate killings of unarmed civilians, brutal torture and rape by members of the security forces, often in retaliation for attacks by Kashmiri militants on the security forces. Reports of arbitrary arrests of suspected separatists are widespread, and increasing numbers are reported to have "disappeared" and especially since mid-1992, to have died in custody of the security forces.

It is difficult to verify the numerous reports of human rights violations from Kashmir because Amnesty International has not been granted permission to visit the state. However, there are an increasing number of detailed allegations from a variety of sources indicating a pattern of gross human rights violations in Jammu and Kashmir: many of them have been submitted to the Jammu and Kashmir High Court in Srinagar where they remain pending often because officials fail to respond to the allegations. Medical reports on the treatment of released detainees are often consistent with allegations that they were tortured during interrogation.

Jammu and Kashmir's Governor, Girish Saxena, has ordered several investigations into such abuses, in one case leading to charges of murder being brought against the Director of the Border Security Forces (BSF). Such investigations have, however, usually been carried out by police or army officials, often themselves accused of committing human rights violations, rather than by an independent and impartial body. However, one such investigation, by a High Court judge, was recently ordered to investigate allegations of many extra-judicial executions in Sopore, (see ASA 20/02/93). Despite statements by senior army officials, such as those reported in January 1993 by Lt. General D.S.R Salini, responsible for the Northern Command, that breaches of human rights by soldiers would be severely punished in Jammu and Kashmir, Amnesty International is concerned that in fact those responsible are rarely brought to justice. Amnesty International only knows of one such case, in which two soldiers were convicted to imprisonment for raping a woman - a foreigner - and although the government informed Amnesty International in November 1992 that action has been taken so far against 230 members of the security forces in Jammu and Kashmir, in connection with reported human rights violations, it has failed to give details of the punishments given and the nature of the crimes committed.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes and airmail letters:

- expressing concern at reports that Manzoor Ahmed Gaini was tortured by members of the army and as a result both of his lower legs had to be amputated;
- urging the government to order an independent and impartial inquiry into the torture allegations and to fully protect the alleged victim and witnesses during the investigations;
- requesting that if members of the army are found to have been responsible that they be promptly brought to justice and that Manzoor Ahmed Gaini be granted full compensation and all necessary treatment to assist his recovery;
- expressing concern about the persistent and widespread reports of torture of detainees in Jammu and Kashmir and urging the government to implement the specific recommendations in Amnesty International's ten point program for the prevention of torture in India;

APPEALS TO:

1) Mr Rajesh Pilot
Minister of State for Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
India

Telegrams: Mr Rajesh Pilot, Ministry Home Affairs, New Delhi, India

Telexes: 3166427 REND IN

Faxes: +91 11 301 6781 (MINISTRY OF EXTERNAL AFFAIRS)

Salutation: Dear Minister

2) Mr Girish Saxena
Governor of Jammu and Kashmir
Raj Bhavan
Srinagar
Jammu and Kashmir
India

Telegrams: Governor Jammu and Kashmir, Srinagar, India

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

V.K. Kapoor
Chief Secretary of Jammu and Kashmir
Government of Jammu and Kashmir
Srinagar
Jammu and Kashmir
India

General M.A. Zaki
Advisor to the Governor of Jammu and Kashmir
Raj Bhavan
Srinagar
Jammu and Kashmir
India

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 17 April 1993.