

EXTERNAL

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Fear for safety

4 March 1997

INDIABashir Ahmad Butt (50), lawyer

Bashir Ahmad Butt, Vice-President of the Jammu and Kashmir Liberation Front (JKLF) appears to have been taken hostage by members of the Indian security forces in an attempt to force the surrender of his brother-in-law Ghulam Rasool Dar. Fears for Bashir Ahmad Butt's safety are heightened by reports that he was threatened with death and severely beaten before he was taken away in the early hours of 4 March 1997.

At about 11.45pm on 3 March, personnel of the Border Security Force (BSF -- a paramilitary force operating in the state of Jammu and Kashmir) entered the house of Ghulam Rasool Dar in Sant Nagar district of Srinagar, looking for him. Ghulam Rasool Dar has been targeted for attack by members of the security forces in the past. In February 1997 he was reportedly beaten by members of the BSF during a raid on his home and is currently recovering in hospital in New Delhi.

Members of the BSF reportedly beat Ghulam Rasool's wife, Mumtaz Begum, and his two sons -- Faizal Rasool (18) and Fahad Rasool (13) -- who were also in the house at the time, destroyed several possessions and took away a large amount of money. They reportedly stayed at the house for around two and a half hours.

When BSF personnel failed to find Ghulam Rasool Dar, they took away Bashir Ahmad Butt from the house at about 1am on 4 March. Witnesses claim that the BSF commander in charge threatened to kill Bashir Ahmad Butt if Ghulam Rasool Dar did not surrender to his forces. Bashir Ahmad Butt was reportedly severely beaten before he was taken away by BSF personnel.

A First Information Report (FIR) was filed at the local police station on 4 March 1997 concerning Bashir Ahmad Butt's arrest, and the police are reportedly investigating. However, they have told colleagues of Bashir Ahmad Butt that as yet they have no information about where he is being held. A *habeas corpus* petition will reportedly be filed in the Jammu and Kashmir High Court, Srinagar on 5 March.

BACKGROUND INFORMATION

Bashir Ahmad Butt -- a lawyer by profession -- is a leading member of the JKLF, one of several political organizations in the state which forms part of the All Parties Hurriyat Conference (APHC), a political organization comprising some 30 political groups with different political agendas which, however, agree in opposing accession of Jammu and Kashmir to India. In March 1996, the Government of India renewed its ban on the JKLF as an unlawful organization under the Unlawful Activities (Prevention) Act.

Bashir Ahmad Butt spent several years in detention in Jammu and Kashmir under special legislation in force in the state before being released in 1994. Yasin Malik, president of the JKLF, was himself detained without trial for several years under the Terrorist and Disruptive Activities (Prevention) Act and was released in 1994. He has since been arrested along with other political leaders on several occasions and held for short periods after leading protests.

Since early 1990 there has been an increasingly violent campaign in Jammu and Kashmir for independence from India. Armed separatists have kidnapped and killed officials, members of the paramilitary forces and civilians. Amnesty International has repeatedly expressed concern to the Indian government about reports of deliberate killings of unarmed civilians by members of the security forces, about widespread allegations of torture and rape by members of the security forces and about arbitrary arrests of suspected separatists, an increasing number of whom are reported to have "disappeared" or to have died in custody. Investigations into incidents of this nature are rarely carried out, and when they are, are usually carried out by police or army officials rather than by an independent and impartial body.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- urging the authorities to immediately disclose the whereabouts of Bashir Ahmad Butt;
- opposing the apparent holding of Bashir Ahmad Butt as a hostage to force the surrender of Ghulam Rasool Dar;
- calling for his immediate and unconditional release unless there are recognizably criminal charges against him;
- expressing concern at reports that he was severely beaten by members of the BSF and seeking assurances that he will not be subjected to torture in custody, and that he will be given any medical attention he may need;
- urging the authorities to ensure that, if Bashir Ahmad Butt remains in detention on recognizable criminal charges, he be provided with prompt and regular access to his family and a lawyer of his choice;
- calling for a prompt independent and impartial investigation into reports that the family of Ghulam Rasool Dar, including his wife and two sons, were beaten by members of the BSF.

APPEALS TO:

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

General K.V. Krishna Rao
 Governor of Jammu and Kashmir
 Raj Bhavan
 Srinagar
 Jammu and Kashmir, India
Telegrams: Governor Rao, Jammu & Kashmir, India
Salutation: Dear Governor

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 5 April 1997.