

EXTERNAL (for general distribution)

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UA 97/93 Fear of Extrajudicial Execution

2 April 1993

INDIA: Dr Abdul Ahad Guru
Ashiq Hussain

Dr Abdul Ahad Guru, a surgeon at the Institute of Medical Sciences in Soura, Srinagar, and an ardent supporter of the Kashmir independence cause, was found shot dead on 1 April 1993. He had been abducted the previous day by two unidentified gunmen. The killing of Dr Guru is one in a series of recent killings of people who have been vocal in raising concern about reported grave and persistent human rights violations in Jammu and Kashmir. Dr Guru was deeply concerned and often spoke about the many victims of brutal torture treated in his hospital and there is a distinct possibility that he may be one more victim of an extrajudicial execution by the security forces or their agents for his political or human rights activities. Dr Guru often met journalists and members of human rights organizations, including, last November, a delegation from Amnesty International to whom he described methods of apparently routine torture used by the security forces which often resulted in acute renal failure.

Ashiq Hussain, Dr Guru's brother-in-law, was killed on 1 April when police opened fire on mourners in Dr Guru's funeral procession who argued with members of the security forces about the maximum number of people allowed to participate in the procession. Police say Mr Hussain was accidentally killed.

Dr Guru was travelling in a car on 31 March 1993 with another passenger who was allowed to go free when they were seized by two armed young men. His body was found the following day close to his hospital with three gunshot wounds, one in the head, apparently shot at close range. According to the Jammu and Kashmir Liberation Front (JKLF), the main armed opposition group in Jammu and Kashmir advocating independence for the state, Dr Guru was seized on his way to a meeting of one of the JKLF's ruling bodies. Although senior police officials are reported to suspect armed opposition groups of killing him, and although that possibility certainly cannot be excluded, several such groups maintain that persons described as "Indian agents" were responsible. The government has announced an inquiry into his death but the nature of the inquiry is not known. Three years ago, Dr Guru was detained for four months under preventive detention laws and was released in December 1990 without being charged.

Prominent human rights activist H.N. Wanchoo was killed on 6 December 1992, also after abduction by unidentified gunmen. Although the government has denied responsibility for his death, suspicion that government forces may in fact have been responsible has not been laid to rest by the government's unwillingness to order an impartial and independent inquiry into his death, as human rights organizations had urged it to do. On 18 February 1993 Dr Farooq Ahmad Ashai, an orthopaedic surgeon at the Bone and Joint Hospital in Srinagar, who had documented many cases of torture, was shot dead at night when travelling in his car by a picket of the security forces, possibly the Central Reserve Police Force. Official reports that he died "in cross-fire" are not known to have been substantiated.

BACKGROUND INFORMATION

Since early 1990 there has been an increasingly violent campaign for independence in Kashmir. Armed separatists have kidnapped and killed officials, members of 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".

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Jammu and Kashmir Governor, Girish Saxena, has ordered several investigations of such abuses, in one case leading to charges of murder being brought against the Director of the Border Security Forces (BSF). Such investigations have usually been carried out by police or army officials rather than by an independent and impartial body. The inquiry ordered into the Sopore incident is to Amnesty International's knowledge the first of its kind ordered into such grave allegations of human rights violations. However, such prosecutions are very rare. The government says that action was taken against 230 members of the security forces in Jammu and Kashmir, but has failed to give details of the perpetrators, their actions and the punishments.

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

- expressing deep concern at the killing of Dr Guru after his kidnapping on 31 March 1993;
- urging that the government order an independent and impartial inquiry into allegations that the security forces were responsible for Dr Guru's death, that its findings be published in full and that those found to be responsible are promptly brought to justice;
- urging that such an inquiry also be ordered into the circumstances in which Ashiq Hussain, Dr Guru's brother-in-law was killed during the funeral procession;
- expressing concern at the government's failure to institute such investigations into previous allegations that persons active in raising human rights concerns in Jammu and Kashmir were extrajudicially killed.

APPEALS TO

1) Mr K.V. Krishna Rao
Governor of Jammu and Kashmir
Office of the Governor
Srinagar
Jammu and Kashmir
India

Telegrams: Governor Jammu and Kashmir, Srinagar, India

Salutation: Dear Governor

2) Mr S.B. Chavan
Minister for Home Affairs
Ministry for Home Affairs
North Block
New Delhi
India

Telegrams: Minister Home Affairs, New Delhi, India

Telexes: 3166427 REND IN

Faxes: +91 11 301 6781

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Mr Rajesh Pilot
Minister of State for Home Affairs
Ministry for Home Affairs
North Block
New Delhi, India

Mr Dinesh Singh
Minister for External Affairs
Ministry for External Affairs
South Block
New Delhi, 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 14 May 1993.