

PUBLIC

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17 July 2003

UA 217/03 Fear for safety/"disappearance"/ill-treatment

INDIA Mohammad Hussain Ashraf (m), aged 16

Mohammad Hussain Ashraf was reportedly arrested on 24 May by an army patrol in the town of Sampore in the northern Indian state of Jammu and Kashmir. His whereabouts are unknown and Amnesty International is gravely concerned for his safety.

Mohammad Hussain Ashraf, a carpet weaver, was returning to his home in Sampore after spending the night with friends in the village of Wyan Balhuma, Pampore district. He stopped at a workshop in Sampore to talk to friends. An army patrol, believed to be members of the 7 Para Rashtriya Rifles based at Khrew army camp near Sampore, called Mohammad Hussain Ashraf over to speak to them. Mohammad Hussain Ashraf, who is believed to have a mental disability and does not like talking to strangers, ran away from the soldiers. The soldiers reportedly caught Mohammad Hussain Ashraf and beat him before taking him to Khrew army camp.

Later the same day, Mohammad Hussain Ashraf's parents learned of his detention from friends. They immediately went to Khrew camp, where army personnel admitted that he was in their custody and assured them that their son would soon be released. When Mohammad Hussain Ashraf did not return home, his parents visited the camp five or six more times but were not permitted to speak to any officials. On 5 June, Mohammad's parents filed a complaint at Panthachowk police station that their son had been abducted. Around 7 June, the army reportedly told the family of Mohammad Hussain Ashraf had been in their custody for a short time but had later been released.

The family of Mohammad Hussain Ashraf have persistently tried to establish his whereabouts. The Chief Minister of Jammu and Kashmir and the Inspector General of Police have both promised the family that they would look into the case but to date there has been no further news on his "disappearance".

BACKGROUND INFORMATION

According to the Government of Jammu and Kashmir, almost 4000 people have disappeared since the onset of armed conflict across the state in 1989. Though the newly elected authorities promised in autumn 2002 that the perpetrators of human rights abuses would be prosecuted, in practice only a fraction of "disappearance" cases have been investigated. In May 2003 the National Human Rights Commission asked the Chief Secretary of Jammu and Kashmir for specific information on the systems used by the State Government to record and investigate allegations of enforced or involuntary disappearances. The Commission also requested the number of such allegations recorded and the measures taken to prevent their occurrence. To Amnesty International's knowledge, the Commission's requests remain outstanding.

According to local observers, about 60 "disappearances" have taken place since the state elections in October 2002.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Mohammad Hussain Ashraf, who has not been seen since his arrest on 24 May, reportedly by soldiers from the 7 Para Rashtriya Rifles;
- urging the Government of Jammu and Kashmir to reveal the whereabouts of Mohammad Hussain Ashraf immediately;

- calling on the authorities to ensure that, if he is in detention, he is treated humanely;
- if he is in detention, urging the authorities to release Mohammad Hussain Ashraf immediately unless he can be charged with a recognizably criminal offence.

APPEALS TO: *(Please note fax numbers may be difficult to obtain: please keep trying)*

Mufti Mohammad Sayeed
Chief Minister of Jammu and Kashmir
Office of the Chief Minister
The Legislative Assembly
Srinagar
Jammu and Kashmir, India

Telegram: Chief Minister, Jammu and Kashmir, India

Fax: + 91 194 2452120

Salutation: Dear Chief Minister

Muzaffar Hussain Beig
Minister for Law & Parliamentary Affairs
Government of Jammu and Kashmir
Jammu and Kashmir
Srinagar
Jammu and Kashmir, India

Telegram: Minister for Law and Parliamentary Affairs, Jammu and Kashmir, India

Fax: + 91 194 2546159

Salutation: Dear Minister for Law

COPIES TO:

Gopal Sharma
Director General of Police
Office of the DGP
Police Headquarters
Jammu
Jammu and Kashmir, India

Fax: + 91 191 2540524

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 28 August 2003.