

Public Statement

26 March 2001

AI Index ASA 20/021/2001 - News Service Nr. 55

India: Five years after Jalil Andrabi's death and still no decisive action taken to arrest those responsible

The continuing failure of the Government of Jammu and Kashmir to bring to justice those responsible for the death of human rights lawyer Jalil Andrabi five years ago sends a signal that human rights protection is not its priority, Amnesty International said today.

On 27 March 1996, the dead body of human rights lawyer Jalil Andrabi was found in the river Jhelum, 19 days after he was seen being taken away by military personnel. Those responsible for his death remain free despite continued efforts by members of the Jammu and Kashmir High Court Bar Association to obtain legal redress for the death of their former colleague. The Jammu and Kashmir High Court noted in late 1996 that 'the functionaries of the Union of India have not been cooperating with the Investigation Team in a proper manner'.

The special investigation team set up on High Court orders in early 1997 identified an army major as prima facie responsible for the death but army representatives argued at the time that the major was not employed by the army any longer and that he had not committed the offence in his official capacity. Later, army sources said the major was not traceable.

In October 2000, the case gained momentum when the investigation team submitted a report of its findings to the High Court which asked the army to present the accused in the court of competent jurisdiction, the Chief Judicial Magistrate in Budgam. Despite repeated requests, the army did not comply. It announced in January 2001 that

the major concerned was to be tried by a court martial. Lawyers representing Jalil Andrabi's family have challenged the trial by court martial before the High Court. While their petition is pending in the High Court, the trial by court martial will not proceed. The accused army major does not appear to have been suspended or arrested.

Justice must be done and must be seen to be done to ensure that human rights violations end. Undue delays resulting from efforts of the state to stall legal redress will produce the impression that perpetrators can get away with abuses and that the state shields its agents from being brought to justice. The organization reiterated its earlier appeals to the Government of Jammu and Kashmir to break the cycle of impunity by ensuring that perpetrators of all human rights violations in the state are brought to justice without delay and in a transparent manner in order to restore people's confidence in the rule of law.

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