

EXTERNAL (for general distribution)

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This is a limited action. Please organize up to 15 appeals per section.

UA 136/93 Death in Custody

27 April 1993

INDIA: Constable Riaz Ahmed

Amnesty International is concerned at continuing reports of deaths in custody in Jammu and Kashmir, the most recent of which reportedly occurred on 21 April 1993 when police constable Riaz Ahmed died in the custody of the army. Policemen in the state, who have gone on strike after his death demanding action against those responsible, have said they suspect Riaz Ahmed was tortured and killed in custody. The government, however, says he was killed in crossfire between the army and the militants.

Constable Riaz Ahmed was picked up by the army on 21 April 1993 on suspicion of aiding militants in their fight to end Indian rule in Kashmir. He was dressed in civilian clothes when arrested and was detained despite showing his identity card. His dead body was brought to the police headquarters late on 21 April.

Since June 1992, reports of deaths in custody following torture have increased substantially. Recent reports indicate that there have been around 100 deaths in custody in Jammu and Kashmir in the first three months of 1993, 36 of those deaths are alleged to have occurred in April 1993. Amnesty International does not have detailed information on these cases.

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" or to have died in custody.

In March 1992, Amnesty International published its report entitled India: Torture, rape and deaths in custody (AI Index: ASA 20/06/92) and called on the government to implement a ten point program for the prevention of torture in India. The government has now created a special unit in the Home Ministry to investigate such cases and announced plans last autumn to strengthen legal safeguards to protect persons held in police custody from torture as well as investigation procedures in cases of custodial death. But neither the legal proposals made by the government nor Amnesty International's recommendations

have, to date, been implemented.

Investigations into allegations of human rights abuses in Jammu and Kashmir are usually carried out by police or army officials rather than by an independent and impartial body and prosecutions are very rare. The government says that action was taken against 230 members of the security forces in Jammu and Kashmir, but has until now failed to give details of the perpetrators, their actions and the nature of the punishments given to them.

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

- expressing concern at reports that police constable Riaz Ahmed died on 21 April 1993 in the custody of the army;

- urging the authorities to promptly institute an impartial and independent inquiry into Riaz Ahmed's death and into the allegations that he died after torture by the army; urging that its outcome be published and that if army personnel are found responsible for causing his death they be brought to justice, and that Riaz Ahmed's family be granted prompt and adequate compensation;

- expressing concern that despite repeated condemnation of custodial violence by senior government officials, many people continue to have been tortured and killed in custody in Jammu and Kashmir in recent months;

- urging the authorities to implement proposals to strengthen legal safeguards for those in custody and the recommendations made in Amnesty International's ten point program to prevent torture, including ensuring that up to date registers of arrests are being kept, that relatives are immediately informed after an arrest, that all detainees are brought promptly before a magistrate within 24 hours and be allowed immediate access to a lawyer and to a medical examination by an independent doctor.

APPEALS TO

1) Mr S.B. Chavan
Minister for Home Affairs
Ministry for Home Affairs
North Block
New Delhi 110 001
India

Telegrams: Home Minister, New Delhi, India

Faxes: + 91 11 301 0700/0680 (c/o Ministry for External Affairs)

Telexes: 3166427 REND IN

Salutation: Dear Minister

2) 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

COPIES OF YOUR APPEALS TO:

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

2) Mr Dinesh Singh
Minister of External Affairs
Ministry of External Affairs
South Block
New Delhi 110 001
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 8 June 1993.