

EXTERNAL

AI Index: ASA 20/45/97

UA 354/97

"Disappearance" / Ill-treatment

11 November 1997

INDIAMohammad Rafiq Pahloo
Wajahat Bashir Qureshi
Riyaz Ahmad Gojri
Mohammad Ashraf Dar

Yasin Malik
Javid Ahmad Mir

The whereabouts of four activists of the Jammu and Kashmir Liberation Front (JKLF) have been unknown since their arrest on 6 November 1997. Mohammad Rafiq Pahloo, Wajahat Bashir Qureshi, Riyaz Ahmad Gojri and Mohammad Ashraf Dar were taken from the JKLF offices in Maisuma, Srinagar, by members of the Special Task Force (STF).

Two JKLF leaders, Yasin Malik and Javed Ahmad Mir, who were present at the arrests, reportedly refused to allow STF personnel to take the four men away unless they too were arrested. As a result, the two JKLF leaders were taken to Koti Bagh police station. Yasin Malik reportedly sustained injuries to his arm during the arrest and there are unconfirmed reports that his arm was broken. On 8 November, Yasin Malik and Javed Ahmad Mir were transferred to the Central Jail, Srinagar, which they are reportedly refusing to leave until their four colleagues are charged or released.

Police have made no official statements about the arrests of Mohammad Rafiq Pahloo, Wajahat Bashir Qureshi, Riyaz Ahmad Gojri or Mohammad Ashraf Dar, but journalists are reported to have been unofficially told that the four were wanted as part of the investigation into certain offences. However, no charges have reportedly been filed against the four, and none of them has been brought before a magistrate (Indian law requires that all detainees be brought before a magistrate within 24 hours of arrest so that they may be remanded to police or judicial custody).

Amnesty International is seriously concerned for the safety of the four given the pattern of "disappearances" in Jammu and Kashmir (see below).

BACKGROUND INFORMATION

Amnesty International has recorded hundreds of "disappearances" in Jammu and Kashmir since 1990. The whereabouts of the majority of those who have "disappeared" remains unknown, despite the filing of scores of *habeas corpus* petitions in the state High Court.

Procedures for the arrest and detention of individuals are regularly disregarded by security forces in Jammu and Kashmir and hundreds of individuals remain in illegal detention without charge or trial, many in unofficial detention centres.

Access to redress is severely restricted as police have been instructed not to register First Information Reports (FIRs) where complaints are made against security forces. High Court orders for the release of detainees are regularly ignored by security forces. A newly established human rights commission in the state is not mandated to investigate human rights violations by members of the armed and paramilitary forces. In addition, popular protests against human rights violations are regularly suppressed -- in recent days several

members of the All Parties Hurriyat Conference (APHC) were placed under house arrest after announcing their intention to hold a demonstration against human rights violations in the state.

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

- calling for the immediate and unconditional release of Mohammad Rafiq Pahloo, Wajahat Bashir Qureshi, Riyaz Ahmad Gojri and Mohammad Ashraf Dar, unless they are promptly charged with recognizable criminal offences;
- urging the authorities to ensure that, if the four men remain in detention on such charges, they be provided with prompt and regular access to relatives and lawyers of their choice and are not subjected to any form of ill-treatment or torture;
- calling for an independent and impartial investigation into the circumstances surrounding the arrest of Javed Ahmad Mir, Yasin Malik and the four other men, and reports that they were ill-treated, resulting in injuries to the arm of Yasin Malik. Ask for assurances that Yasin Malik will be provided with medical treatment in custody;

if possible, also:

- urging the authorities to give strict orders to all security forces to adhere to procedures for arrest and detention designed to protect detainees. Action should be taken against those who fail to do so.

APPEALS TO:

Dr Farooq Abdullah
Chief Minister of Jammu and Kashmir
Office of the Chief Minister
Raj Bhavan
Jammu
Jammu and Kashmir
India

Telegrams: Chief Minister, Jammu, India

Faxes: +91 191 545649

Salutation: Dear Chief Minister

Mr Ali Mohammad Sagar
Minister of State for Home Affairs
Government of Jammu and Kashmir
Jammu
Jammu and Kashmir
India

Telegrams: Minister of State for Home Affairs, Jammu, India

Faxes: +91 191 545649

Salutation: Dear Chief Minister

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 27 December 1997.