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No more delay: 15 years after Jalil Andrabi's murder, India must seek extradition of former Indian Army Officer

India should ask the United States to extradite Major Avtar Singh, a former officer of the Indian Army, who has been evading murder charges for 15 years after being formally charged with the murder of prominent Kashmiri human rights lawyer Jalil Andrabi, Amnesty International said.

A team of Jammu & Kashmir police officials are currently in New Delhi to urge India's Ministries of Home, Defence and External Affairs to formally take up the extradition of Major Singh so he can face trial at a court in Srinagar, in the Indian state of Jammu & Kashmir.

Singh was arrested in a case of alleged domestic violence in late February in California. His wife testified against him to the California police. He was later released on bail. An Interpol notice, issued by a Srinagar court, has been pending against him since February 2010.

Jalil Andrabi, a Kashmiri lawyer and activist, exposed a number of human rights violations by India's security forces in Kashmir in the early 1990s. He was last seen on 8 March 1996 when he was taken away by Srinagar based military personnel who were led at that time by Major Singh. Nineteen days later, his dead body was found in the river Jhelum.

Jalil Andrabi's case is emblematic of the culture of impunity which has prevailed during the conflict in the Kashmir valley. Amnesty International has repeatedly appealed to the Indian authorities to ensure that his killers are brought to justice and that people's confidence in the rule of law is restored.

Any further delay will only add to the impression that perpetrators can commit human rights violations with impunity and that the state will shield its agents from being brought to justice.

Amnesty International also calls on the Government of India to not attempt to block the prosecution of Major Singh. Section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA) restricts legal proceeding against Army officials operating in "disturbed areas" to only those cases permitted by the central government.

Amnesty International reiterates its demand for the repeal of the AFSPA.

Background

Those responsible for the death of Jalil Andrabi have remained free for years, despite persistent efforts by his family and members of the Jammu and Kashmir Bar Association to obtain legal redress for his death.

Speaking to Amnesty International, Jalil Andrabi's brother and lawyer, Arshad Andrabi, blamed the Indian authorities for failing to ensure that Major Singh stood trial even after he was named as

accused by a special investigation team set up on the orders of the Jammu and Kashmir high court a year after the murder. According to Arshad Andrabi, evidence exists which suggests that at least five others were present in the room at the time of Jalil's death, but none of them were ever charged with any offence.

Arshad Andrabi accused the Indian authorities of trying to avoid a trial. The Jammu and Kashmir high court had noted that central government officials had not been cooperating with the special investigation team in a proper manner, and the Indian army has also failed to take any action, merely stating that Major Singh was untraceable. Singh left India for Canada before moving to the United States.

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