

EXTERNAL (for general distribution)

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UA 132/93 "Disappearance"

26 April 1993

INDIA: Ashaq Hussain Ganai, 17

Amnesty International is concerned about the safety and whereabouts of Ashaq Hussain Ganai who has not been seen since his arrest on 3 March 1993. Amnesty International fears he is being held in unacknowledged detention and therefore is at risk of torture or of being killed.

Ashaq Hussain Ganai, son of Gulam Rasool Ganai of Dangiwacha, Rafiabad, Baramulla district, was reportedly last seen at 12 noon on 3 March 1993 being taken away during a cordon and search operation by soldiers of unit 79, Jakli 17, under the command of Majors Gurpal Singh and Ashok Ahuja. Ashaq Hussain Ganai's family have persistently asked various authorities for permission to see him in custody, but have been refused. On 16 March 1993 the Deputy Inspector General of Police of Baramulla/Kupwara reportedly asked unit 79 to see Ashaq Hussain Ganai, but he was also denied permission.

On 21 March, Major Gurpal Singh raided Gulam Rasool Ganai's house and made him and another of his sons sign their names on papers, the contents of which they were not allowed to read. Mr Ganai protested about this in a statement to the Panzalla Rafiabad police on 22 March. On that same day the family was told by Major Gurpal Singh that Ashaq Hussain Ganai would soon be released. On 23 March, Mr Ganai contacted Major General Indor Kumar Verma, who had reportedly taken part in the cordon and search operation of 3 March, and was assured that Ashaq Hussain Ganai was in the custody of unit 79 and would be released on 25 March, the festival of Eid. However, later the same day, Major Ashok Ahuja informed Mr Ganai that his son had "escaped" during "cross fire" at Sangranpora. To date Ashaq Hussain Ganai has not returned home and it is feared that he remains in custody.

A delegation, including the District Magistrate, went to Major General Indor Kumar Verma's office on 26 March to express their concern about Ashaq Hussain Ganai's safety. They were reportedly assured that the Major General would look into the case and that anyone found guilty would be brought to justice. On 28 March the new Governor of Jammu and Kashmir, K.V Krishna Rao, visited Baramulla and Mr Ganai expressed concern about his son's safety and whereabouts to him. The Governor also reportedly assured a thorough inquiry into the case. Mr Ganai has also raised his concerns with the state's Director General of Police, the Chief Secretary and the Commissioner for Home Affairs, all without success.

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. Amnesty International is concerned at the continuing pattern of "disappearances" and extrajudicial executions which are occurring in the Kashmir valley, despite condemnation by officials of such practices.

Girish Saxena, Governor of Jammu and Kashmir until 10 March 1993, had ordered several investigations into such abuses, in one case leading to charges of murder being brought against the Director of the Border Security Forces (BSF). Such investigations have usually been carried out by police or army officials rather

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than by an independent and impartial body. 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.

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

- expressing concern about the safety of Ashaq Hussain Ganai who since 3 March 1993 has reportedly been detained by soldiers of unit 79, Jakli 17, who have refused to disclose his whereabouts;

- urging the authorities to order an independent and impartial inquiry to immediately establish his whereabouts;

- seeking assurances that if Ashaq Hussain Ganai is in custody of the security forces that he be humanely treated and be allowed immediate access to lawyers, relatives and a doctor and that he be brought before a magistrate forthwith;

- urging that he be immediately released if he is not charged with a recognizably criminal offence.

APPEALS TO

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

Salutation: Dear Minister

Telegrams: Home Minister, New Delhi, India

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

Telexes: 3166427 REND IN

2) K.V. Krishna Rao
Governor of Jammu and Kashmir
Office of the Governor
Srinagar
Jammu and Kashmir
India

Salutation: Dear Governor

Telegrams: Governor Jammu and Kashmir, Srinagar, India

3) Lt. Gen. D.D. Saklani

Salutation: Dear Lieutenant General

Advisor to the Governor
Office of the Governor
Srinagar
Jammu and Kashmir
India

Telegrams: Lt. Gen Saklani, Governor's Office, Srinagar, India

COPIES OF YOUR APPEALS TO:

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|---|------------------------------|
| 1) Mr Rajesh Pilot | 2) Mr Dinesh Singh |
| Minister of State for Home Affairs | Minister of External Affairs |
| Ministry of Home Affairs | Ministry of External Affairs |
| North Block | South Block |
| New Delhi 110 001, India | 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 7 June 1993.