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PAKISTAN: ARBITRARY ARREST OF POLITICAL ACTIVISTS BEFORE ELECTIONS IN AZAD JAMMU AND KASHMIR

Amnesty International today protested the arbitrary arrest of up to 200 peaceful demonstrators this week, on the eve of elections in Azad Jammu and Kashmir -- that part of the disputed territory controlled by Pakistan.

Those held were participating in a "Long March" to protest against the rejection of the nominations of 36 candidates in the 30 June elections in the state. A large numbers of arrests were also reported in the towns of Gilgit and Baltistan.

"These arrests are totally unjustified as the demonstrators were merely exercising their right to protest peacefully," Amnesty International said today.

"Those arrested are prisoners of conscience and as such we demand their immediate release. The authorities should ensure nobody else is arrested for simply expressing a political opinion contrary to that of the government."

The "Long March" began on 21 June, and was initiated by the Kashmir National Alliance, an umbrella organization of four local parties -- the Jammu Kashmir National Awami Party, the Kashmir National Democratic Party, the Jammu Kashmir National Liberation Front and the Jammu Kashmir National Student Federation.

Marchers from all districts of Azad Jammu and Kashmir (AJK) were to converge on the capital Muzaffarabad for a joint demonstration. However, shortly after they set off, many of them, estimated by some local observers to number around 200, were arrested by police without being shown any arrest warrant. They were released in stages, with the last being freed on bail on 25 June.

In related developments, peaceful protesters in Gilgit and Baltistan were arrested in the past few days. On the nights of 22 and 23 June, United Front leader, Hussain Shah, said during a BBC interview that his house in Gilgit town was just then being surrounded by police and army personnel. He was arrested immediately after the interview and taken to an army interrogation centre. It is not known if he has been charged. In the following days, Hussain Shah was to have filed a petition in the Azad Jammu and Kashmir High Court urging that residents of Gilgit and Baltistan also be given the right to vote.

On 22 June, peaceful demonstrations in Gilgit, protesting against "domination" by Pakistan and discriminatory recruitment practices which allegedly disadvantage Gilgitis, were broken up by Pakistani security forces. When police opened fire, more than a dozen people were injured. While the media reported one person shot dead, local sources have said that four people

were killed in police firing. More than 800 people were reportedly arrested and taken to undisclosed detention centres. Gilgit has been placed under continuous curfew.

BACKGROUND

Pakistan denies the legitimacy of the accession of Jammu and Kashmir to India and has emphasized the provisional and autonomous status of Azad (“free”) Jammu and Kashmir, the part of Jammu and Kashmir which is under Pakistan’s control pending a plebiscite to determine the future of Kashmir. The Azad Jammu and Kashmir Interim Constitution Act of 1974, however, limits the right to freedom of association in the state when it says in Article 4(7)(2): “No person or party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State’s accession to Pakistan”.

Prospective candidates for the 42-seat legislative assembly have to sign an affidavit declaring that they support the accession of Azad Jammu and Kashmir to Pakistan. The candidacy of nationalist candidates who favour independence for Jammu and Kashmir has been rejected in the past. This year, candidates in some 36 constituencies had their candidacy turned down by the Election Commission on these grounds. People who do not subscribe to the accession of Azad Jammu and Kashmir to Pakistan have also reportedly lost their jobs and have been denied access to educational institutions. Political parties which favour independence for Azad Jammu and Kashmir are permitted to function but cannot participate in elections to the state’s legislature.

Gilgit and Baltistan, directly administered by the Pakistan central government as part of the “Northern Areas”, do not enjoy a constitution guaranteeing fundamental rights, democratic representation or a separation of powers. People in Gilgit and Baltistan have in the past repeatedly protested against the withholding of their civil and political rights, especially the right to democratic representation.

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