

### Worldwide Appeals

#### Turkey

Baki Erdo\_an, a 29-year-old university graduate was detained in the Söke district of Ayd\_n in western Turkey on 10 August 1993 and interrogated incommunicado in Ayd\_n Police Headquarters for 11 days. On 21 August he was taken to hospital where he died the same day.

Baki Erdo\_an's death was concealed by the police for two days. His father and lawyer were not permitted to attend the autopsy. The autopsy report gave a long list of cuts and bruises all over Baki Erdo\_an's body, but did not attribute his death to these, giving the opinion that he died of "respiratory insufficiency". A woman detained in Ayd\_n Police Headquarters at the same time as Baki Erdo\_an reported that she saw him being led to the toilet dressed only in underwear: "He was blindfolded, and could barely walk." She also claimed that she heard police interrogating Baki Erdo\_an: "I heard thudding sounds. They made him scream. I covered my ears so as not to hear".

By October, no trial had been opened against the alleged torturers of Baki Erdo\_an.

There were 14 deaths in custody apparently as a result of torture in Turkey during the first 10 months of 1993. Following a programme of visits to Turkish police stations the European Committee for the Prevention of Torture (ECPT) concluded that the practice of torture and other forms of severe ill-treatment of persons in police custody remains widespread in Turkey and that such methods are applied to both ordinary criminal suspects and persons held under anti-terrorism provisions".

Please send appeals calling for a thorough and independent inquiry into the death of Baki Erdo\_an, and calling for safeguards against torture to be imposed in order to protect other detainees, to: Mehmet Gazio\_lu, Minister of Interior, \_ci\_leri Bakanl\_\_\_\_, 06644 Ankara, Turkey.

#### Cuba

Prisoners of conscience Luis Grave de Peralta Morell (35), Rubier Rodríguez Leyva (29), Arquímedes Ruiz Columbié (40) and Carlos Orne Caballero (27), all scientists, were arrested in Santiago de Cuba in February 1992 and accused of "rebellion" because of their peaceful opposition to the Cuban Government. Luis Grave de Peralta was sentenced to 13 years' imprisonment, Rubier Rodríguez to ten and the other two to eight years.

A year or so earlier Luis Grave de Peralta had lost his post as professor of physics at the University of Oriente after resigning from the Cuban Communist Party. He then wrote a book criticizing the Cuban Government which he circulated among friends with whom he discussed plans to set up a group called **Nueva Generación**, New Generation, to oppose the government by peaceful means. At the trial, the authorities reportedly alleged, without offering any clear proof, that the four had been trying to spread a computer virus. The book was also produced in evidence against them. All four prisoners were initially held in Boniato Prison, Santiago de Cuba, but Luis Grave de Peralta and Rubier Rodríguez were

transferred to Camagüey Maximum Security Prison in February 1993 after going on hunger strike and are said to have been subjected to punishment on several occasions for protesting about their imprisonment and conditions. All four are former employees of the Cuban Academy of Sciences and have had papers published in Cuba and abroad.

Please send appeals calling for the immediate and unconditional release of Luis Grave de Peralta Morell, Rubier Rodríguez Leyva, Arquímedes Ruiz Columbié and Carlos Orne Caballero to: Dr Fidel Castro Ruz, President of the Councils

#### Ethiopia

Yosef Ayele Bati, a 35 year-old former schoolteacher from Bale region in southern Sudan, was arrested on 27 November 1992 in Addis Ababa by unidentified security officers. He has never been seen since, despite an exhaustive search by his family at all police stations and official prisons in Addis Ababa.

He was still in poor health as a result of torture and ill-treatment during 10 years' detention under the brutal government of President Mengistu Haile-Mariam. Thousands of members of the Oromo ethnic group (or "nationality" as it is known in Ethiopia), like himself, had been tortured and detained without charge or trial under the Mengistu government for suspected involvement with the armed opposition Oromo Liberation Front (OLF).

After the downfall of the Mengistu government in 1991, the OLF joined the transitional government. But in 1992, following the establishment of a new government headed by President Meles Zenawi, some 25,000 suspected OLF members were detained. They included both members of the OLF armed militia force and civilians, among them women and children. Most were released in early 1993 but nothing has been heard of Yosef Ayele Bati. Hundreds more Oromos have been detained during 1993. AI believes that many are prisoners of conscience detained because of their peaceful opposition to the government, although others may have been involved in violent opposition.

Please send appeals for an urgent investigation into the "disappearance" of Yosef Ayele Bati, expressing concern for his safety and urging that he be either produced before a court on the basis of a recognizably criminal charge and given the benefit of due legal process, or released. Send your appeals to: President Meles Zenawi, Office of the President, Addis Ababa, Ethiopia of State and Ministers, Havana, Cuba.

#### Released:

##### Egypt

General Sa'd al-Din al-Shazli, former Ambassador and Commander of the Egyptian armed forces (featured as a worldwide appeal case in October) was released from prison by a presidential amnesty on 6 October. He had served half of a three year prison term on charges of disclosing military secrets.

##### Azerbaijan

The second of the two ethnic Armenian sisters taken hostage in Karabakh last year and featured in the August newsletter has been released. Ulyana Barsegyan, aged 10 was freed on 27 September. No further details on her release or condition are available. Her

nine year-old sister, Liana was released in July.

Pardoned:

Guatemala

Nicolás Gutiérrez Cruz, a soldier facing execution in Guatemala has been pardoned by President Ramiro de León Carpio. His death sentence was commuted to the maximum 30 year imprisonment for the killing of four indigenous people. If the execution had been carried out it would have been the first in Guatemala for 10 years.

News

Egypt

AI has called on Egypt to halt mass trials of hundreds of civilians currently being tried in military courts. The trials are grossly unfair and many of those being tried have been tortured to extract confessions. AI wants the Egyptian authorities to commute all pending death sentences, transfer the cases to civilian courts and to investigate all reports of torture.

These mass trials, some of which were attended by AI observers, represent a travesty of justice in a country which traditionally has had a highly respected civilian judiciary. Defence lawyers have not been given enough time to prepare their clients' defence and defendants have no right of appeal to a higher tribunal. Between December 1992 and mid-October 1993, at least 31 death sentences were passed by military courts and 14 executions took place.

The defendants - charged with offences related to banned Islamic organizations - were reportedly tortured systematically by state security officers.

AI recognizes the fact that there has been an upsurge in politically-motivated acts of violence in Egypt, and has strongly and publicly condemned deliberate and arbitrary killings by armed opposition groups in Egypt. While the government has the right and responsibility to bring to justice those responsible for such crimes, this can never justify the use of torture or unfair trials by the authorities.

See: Egypt: Military trials of civilians: a catalogue of human rights violations (AI Index: MDE 12/16/93).

Romania

Three Roma were killed and more than 170 others were forced to abandon their homes and flee from the Transylvanian village of H\_d\_reni after a night of racial violence. The authorities failed to ensure the safety of the Roma community or to protect their property.

The violence followed a fight on H\_d\_reni's main street on September 20 between seven or eight R\_omanians and two Roma, Lucian Repa L\_c\_tu\_, aged 20, and his brother Pardalian L\_c\_tu\_, aged 22. After Pardalian L\_c\_tu\_ was allegedly injured with a pitchfork, a Romanian, Ghe\_an Cr\_ciu\_n, was stabbed and killed.

A crowd of between 400 and 500 Romanians and ethnic Hungarians from H\_d\_reni and neighbouring villages gathered outside the house to which the two brothers had then fled, and set it on fire. Two police officers arrested and handcuffed the two L\_c\_tu\_ brothers when they tried to escape from the burning house. Villagers grabbed the two men and beat and kicked them to death. Another Roma who

had been in the house died in the fire. About 45 police officers arrived in the village soon after the racial violence began. The local Roma community were forced to abandon their homes as the crowd set another 12 houses on fire and vandalized a further four beyond repair. Some of the Roma who tried to return to the village were reportedly ill-treated and harassed by police officers. AI is particularly concerned that law enforcement officials failed in their duty to protect citizens at risk, and has written to President Ion Lliescu, calling for a full and impartial investigation.

### Israel

Yasser Arafat, the Chairman of the Palestine Liberation Organization (PLO), has pledged to incorporate all internationally recognized human rights standards into Palestinian legislation, following a meeting in Tunis with a delegation from AI. He also stressed the readiness of the PLO to co-operate fully with local and international human rights organizations. The AI delegation met PLO officials and members of the Palestinian Association for Human Rights over a five-day stay in October. AI stressed the importance of the rapid introduction of human rights training for law enforcement officials and human rights education in schools and universities. It welcomed the readiness of the PLO to give priority to such training and educational programs. The PLO is working to set up a Palestinian National High Institution for Human Rights. "I am very much concerned that this institution be independent and protected from any interference," said Chairman Yasser Arafat. On 3 October he issued a decree formally establishing this new Palestinian institution. The discussions in Tunis followed a similar visit the previous week to Israel and the Occupied Territories, where Amnesty International delegates met Israeli and Palestinian officials as well as members of human rights groups.

### Afghanistan

Hundreds of asylum-seekers are at risk of being forcibly returned to Afghanistan, where they would be at grave risk of human rights violations, as governments in Europe, North America and elsewhere appear to be ignoring the appalling human rights situation still continuing in Afghanistan.

Danish police have already handed over one Afghan asylum-seeker to government forces in Kabul and nothing has been heard of him since. Several other Afghans in Denmark are so afraid of suffering the same fate, they went on hunger strike in September, literally sewing up their own lips. Immigration authorities in other countries, such as Canada, are believed to be currently considering the option to deport Afghan asylum-seekers to refugee camps in Pakistan where they could also risk serious human rights violations on the grounds of past political affiliation, educational background or ethnic origin.

Many governments appear to believe that the human rights situation has improved since the change of government in Afghanistan, when in reality new groups have been targeted for arbitrary arrest,

rape or other torture in custody, and even death.

More than half of Kabul's two million inhabitants have fled or been killed during the past year, including people closely associated with the former government; educated Afghan women in various professional capacities who had been forced to give up their jobs; academics and professionals opposed to the new political system; members of certain ethnic and religious minorities; and ordinary, unarmed civilians fleeing the indiscriminate bombing of their homes and localities.

#### Iran

Serious human rights violations persist in Iran, and there is mounting concern about the sharp increase in the number of Iranian opposition figures killed outside the country.

A new report\*, highlights the cases of victims of long-term imprisonment, unfair trial, torture and execution, many of them members of religious and ethnic minorities. Women have been flogged for violating Islamic dress codes, prisoners have been tortured and political dissidents have been executed.

In October 1993, a cartoonist, Manouchehr Karimzadeh, was given a 10-year prison sentence because of a cartoon he produced for Farad magazine in 1992. He joins the ranks of other prisoners of conscience in Iran - AI is calling for all of them to be freed.

Opposition activists from different political groups continue to be killed outside Iran. Sadegh Sharafkandi, the Secretary General of the Kurdistan Democratic Party of Iran (KDPI), and three others were gunned down by masked gunmen in Berlin in September 1992. German prosecutors say the ringleader of the attack was an agent of the Iranian secret service who received orders to carry out the killings from Tehran.

In a similar case, Ali Akbar Ghorbani of the People's Mojahedin Organization of Iran, another opposition group, was abducted in Istanbul in June 1992. His mutilated corpse was discovered eight months later. The Turkish Interior Minister accused an "Islamic fundamentalist group with Iranian links" of killing him and two Turkish writers.

A number of similar killings have taken place this year. Although the Iranian authorities have repeatedly denied involvement, the pattern of attacks strongly suggests that at least some were extrajudicial killings by Iranian Government agents.

#### Liberia

A United Nations (UN) inquiry has found the Armed Forces of Liberia (AFL) responsible for the brutal killing of nearly 600 people - mostly women, children and elderly people - at a displaced people's camp at Harbel in June 1993. The AFL, the national army under President Samuel Doe until his death in 1990, has been fighting the National Patriotic Front of Liberia (NPFL) in a conflict characterised since it began in December 1989 by atrocities committed by all sides against defenceless civilians.

Immediately after the massacre, Liberia's Interim Government of National Unity (IGNU), the AFL and the West African peace-keeping force in Liberia, known as ECOMOG, claimed that the NPFL was responsible. The NPFL denied this. The UN Security Council called for an investigation into the killings and a Panel of Inquiry

visited Liberia in August. In September, their investigation concluded that it was the AFL, not the NPFL, which had planned and carried out the killings and called for a criminal investigation and prosecution of those responsible. Three AFL soldiers named in the Panel of Inquiry's report were subsequently detained. However the interim government requested further evidence from the Panel of Inquiry before proceeding with any possible charges.

In July a peace agreement was signed in Cotonou, Benin, which provided for a cease-fire in Liberia and the establishment of a transitional government until elections in February 1994. The agreement failed to refer to human rights and, in particular, included a general amnesty for those involved in the conflict. AI is calling for effective measures to protect human rights to be incorporated into the peace process and for those responsible for human rights abuses during the conflict to be brought to justice.

#### Colombia

AI has received an increasing number of reports of killings of so-called "social undesirables" including street children, vagrants, petty criminals, addicts, homosexuals and prostitutes. In August posters appeared around Bogotá city centre inviting street children to attend their own funerals. The posters announced the extermination of "delinquent street children" in the name of industrialists, shopkeepers and business groups. The campaign against the street children appeared to be a reaction to a reported wave of petty crime in the city centre which the authorities attributed to vagrants including street children.

Shortly afterwards AI heard about the killings of 12 street children in Cali over a three-month period. The children were taking part in a municipal project to rehabilitate members of street-gangs who handed in their weapons. The Street Gang Project, which was set up under the auspices of the Cali city council and the Council for Peace, Security and Development had succeeded in attracting 200 children. The Cali Peace Adviser received death threats after he had accused the police of killing the 12 youths. The project's future is now in doubt and there are fears for the safety of the 200 other juveniles taking part in the project and the local officials running it.

Street children who often turn to petty crime to survive are viewed as "social undesirables". Shopkeepers and traders see the children as keeping potential business away and often support "death squads" in their "social clean up operations". In a number of cases evidence has emerged that the "death squads" are made up of members of the National Police. Over 2,800 children were murdered in 1991 alone.

#### USA

Three juvenile offenders (two black and one of Latin American origin) have been executed in the USA so far this year, in violation of international standards which prohibit the execution of people aged under 18 at the time of the crime.

Two were executed in Texas (the most recent in August) and one in Missouri (the first in the state for over 60 years). The USA is one of only six countries (the others are Nigeria, Pakistan, Iran, Iraq and Saudi Arabia) known to have executed juvenile

offenders in the past five years.

AI's studies have found that most juvenile offenders under sentence of death in the USA come from acutely deprived backgrounds, are of below-average intelligence and suffer from mental illness or brain damage. Many were inadequately represented at their trials and in a disturbing number of cases the defendant's youth itself was not considered as a significant mitigating factor at trial.

AI has urged the US government to withdraw its reservation to Article 6 of the International Covenant on Civil and Political Rights, which prohibits such executions.

There are currently at least 36 juvenile offenders under sentence of death in 12 states in the USA.

#### China

The wife of Chinese prisoner of conscience, Wang Juntao, visited London in October, during her first ever trip outside China. Hou Xiaotian is making a worldwide appeal on behalf of her husband - an important figure in Beijing's democracy movement - who is chronically ill in a military hospital. He is serving 13 years in jail for counter-revolutionary offences, and is suffering from chronic hepatitis B and a heart condition. Hou Xiaotian is appealing for international pressure to help release her husband and possibly save his life. AI has been campaigning for his release since 1989.

#### Pakistan

AI has obtained dozens of testimonies over the last two years of victims of torture in Pakistan who were blindfolded, beaten with sticks and leather truncheons, who had their legs pulled apart painfully and their genitals battered; some were hung upside down, some others were stripped and dragged naked through the streets behind moving jeeps. Others were denied food and sleep for long periods or subjected to mock executions. Female prisoners were raped and beaten.

Torture is used by police to gain information, to obtain confessions, to humiliate, to intimidate and to terrorize. Its victims include political prisoners, criminal suspects and ordinary citizens from whom police want to extract a bribe. Political parties also have imprisoned and tortured their own dissidents or political opponents, and rural landlords have tortured bonded labourers with the connivance of the authorities. At least 75 people died in 1992 in police custody; sometimes such deaths were covered up by staged "encounters". Some 20 people were extrajudicially executed in 1992, but the evidence collected by

AI suggests that the figure was higher with at least some of the victims of the alleged "encounter" killings being extrajudicially executed.

Those in authority almost always tortured and killed with impunity: Victims found it hard to file complaints against police; trials of police or army personnel are rare and convictions rarer still. Amnesty International appealed to the newly elected government of Benazir Bhutto to publicly condemn the use of torture and to investigate all allegations of torture, extra-judicial executions or other human rights violations with a view to bringing their perpetrators to justice.

(Pakistan: Torture, deaths in custody and extrajudicial executions; AI Index ASA 33/05/93)

### Turkey

A family of eight - including six children - died when their house was set on fire as Turkish security forces carried out reprisals on civilians in the town of Altinova in Mu\_ province, southeastern Turkey, on October 8.

The trouble began after one officer was killed and another wounded while exchanging fire with a wounded guerrilla of the Kurdish Workers' Party (PKK) who was in hiding in the town. According to an eye-witness account, the security forces paraded the body of the guerrilla through the town saying "This son of a prostitute has killed our officer. We will burn your village down".

A large number of soldiers in vehicles returned that night and burned thirty houses, selecting in particular those of families whose sons or daughters were suspected of having left to join the PKK. Animals were killed and burned, together with foodstuffs and fodder. Inflammable material was thrown into the house of Nas\_r Ö\_üt - who died in the flames together with his wife and six children. A neighbour reported that she tried to help but was warded off by shots from the gendarmerie.

Such incidents have occurred previously - notably in \_\_rnak in September 1992 - but have recently been taking place with increasing frequency. During the two months from mid-August to mid-October eight people were killed and 16 wounded in nine other incidents in which security forces fired on civilian areas as a reprisal for PKK attacks.

### Brazil

In Sao Paulo a policeman was sentenced on September 28 to a record 516 years for ordering 51 prisoners to be locked in a small punishment cell with no air vent. 18 of them died. He will serve a maximum of 30 years in jail. The incident took place in February 1989. As far as AI knows, this is the first police conviction in Sao Paulo for deaths in custody. Two other civil policemen face trial for the deaths, but a case against another 18 military police involved has been stalled in military courts.

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Focus

"Disappearances" - when someone is seized by the security forces and whose fate is deliberately concealed - are not random incidents. They need a high degree of organization, involving many officials. The victim must be selected and located. Forces are needed to take the victim into custody. A system must be in place to ensure concealment of both the victim and the records. Another system, involving many layers of officialdom, must exist to obstruct the efforts of families, friends, lawyers and human rights activists to find the "disappeared". People are "disappeared" in almost every region of the world where there is conflict. Friends and relatives of the victim suffer their own kind of torture, unable even to establish if the person is dead or alive. In India, "disappearances" occasionally occur in several states but are systematically practiced in two of them: Jammu and Kashmir, and Punjab.

In Jammu and Kashmir many thousands of people have been arrested and detained since 1990 under preventive detention and "anti-terrorist" laws. The Terrorist and Disruptive Activities Act is so broad that anyone peacefully expressing views which question "sovereignty or territorial integrity" can be detained. Numbers of people held in Jammu and Kashmir under these laws range from the official figure about 5,000 to over 20,000 in unofficial estimates. Estimates of the numbers of "disappearances" are hard to make but are believed to be in hundreds. In Punjab, official figures in March put the number held under the Terrorist and Disruptive Activities Act at 14,500 - unofficial estimates are nearer 20,000. Scores of people have "disappeared since 1990. In 1990 a judge, commenting on the anguish suffered by the mother of Javed Ahmed Ahangar, who "disappeared" in August 1990, said: "One shudders at the thought of a situation in which the petitioner [the victim's mother] presently feels totally helpless to obtain or collect any sort of information from the authorities about the whereabouts of her son."

Human rights violations in Jammu and Kashmir and Punjab have risen sharply during the mounting conflict between the Government of India and the various armed groups who oppose it. In Jammu and Kashmir they demand separation from India either to establish an independent state or to join Pakistan. In Punjab some groups advocate greater autonomy, while others demand Punjab becomes an independent state. The Government of India is adamantly opposed to these demands. In its view, acceding to them could mark the start of an eventual break-up of the country, encourage demands for increased autonomy or separatism elsewhere in India, notably the north-east, and further complicate its long running border security concerns with Pakistan, with which it has fought three wars, two of them over Kashmir.

[Here, we look at the background to the troubles, the recent political history and the armed opposition groups who themselves have committed gross abuses of human rights. We report on the pattern of "disappearances", and focus on two cases typical of the hundreds of people who have "disappeared" during the conflict in these two states.]

"Disappearances" are just one of several forms of gross human

rights violations of concern to Amnesty International in the two states include numerous extrajudicial executions, routine torture, including - especially in Jammu and Kashmir - rape in police or army custody, and the detention of many thousands of political prisoners held for months or years without being brought to trial while they are denied minimal legal safeguards provided in international human rights standards.

#### Political background - Jammu and Kashmir

The political status of Kashmir has long been disputed by India and Pakistan. (As an organization which is impartial, AI takes no position on territorial disputes). Jammu and Kashmir has a predominantly Muslim population and when India gained independence from Britain in 1947, it was, like other Muslim majority areas, expected to become part of Pakistan. However, Kashmir's then Hindu Maharaja agreed, in the face of a Pakistan-backed rebellion, to accede to India. After a brief war in April 1948 Pakistan gained control of the mountainous northern region of Kashmir, which it calls Azad Kashmir. India remained in control of the southern area, the current state of Jammu and Kashmir. It includes the Kashmir valley, where the Muslim population is concentrated, and the predominantly Hindu town of Jammu, further south. The United Nations monitors the 1948 cease-fire line. The 1950 Indian Constitution granted Jammu and Kashmir a degree of autonomy unique in India, largely curtailed, however, by subsequent legislation. Although the Indian Government initially promised that a referendum should determine Kashmir's future, it was never held. India's failure to honour that promise has remained a source of mounting discontent among Kashmiris. Resentment increased after persistent reports of irregularities in most elections in the state, notably in 1987.

India has consistently claimed that Pakistan has provided military support and training to secessionist groups, notably to the Hizbul Mujahideen, which favours Kashmir to become part of Pakistan, and which has itself admitted to having training camps in that country. Military support has undoubtedly come from across the border but the present degree of official involvement remains disputed. Pakistan has denied it provides military aid, although Acting President Wasim Sajjad recently declared that his country would continue its political, moral and diplomatic support for the Kashmiris and urged that: "The freedom fighters should continue their struggle" (Associated Press Pakistan, 19 August 1993). Although a considerable number of Kashmiri Hindus continue to live in the Kashmir valley, thousands of others - the Indian government claims as many as 250,000 - have fled the conflict since 1990 and live in the Jammu region and in Delhi in overcrowded camps in unhygienic conditions. Kashmiri Hindus claim that Muslim fundamentalists singled them out for attack, killing a number of them, and that these killings and other threats forced them to leave. The Indian press reported on 2 August 1992 a joint statement by Hizbul Mujahideen, Al-Umar Mujahideen, the Muslim brotherhood, Al-Jehad and Hizbullah, all pro-Pakistan armed groups, warning Kashmiri Hindus not to return to the Kashmir valley threatening them: "Otherwise, they will have to face grave consequences here".

#### "Disappearances" - Jammu and Kashmir

Young men are routinely detained by the security forces on suspicion of supporting armed secessionists or of having either harboured militants or their arms and ammunition. Relatives of such people are also detained. In practice any young Muslim man living within a village, rural area or part of town noted for activities of any of the pro-independence or pro-Pakistan groups can become a suspect and a target for large scale and frequently brutal search operations - described in Jammu and Kashmir as "crackdowns". These involve arbitrary arrests of dozens or hundreds of people who are often tortured. Legal remedies have failed because officials have subverted legal proceedings attempting to trace the victims. But some judicial inquiries have recently confirmed state responsibility in "disappearances" despite persistent denials by the security forces that they knew of the victims' fate or whereabouts. Some sources have suggested that the government's failure to act against human rights violations may have actually increased support for secession. This, in turn, makes virtually the whole population suspect in the eyes of the security forces, who have arbitrary powers to arrest people under special "anti-terrorist" laws. A senior police official told **Reuters** in April: "Anyone who utters the word 'independence' aloud can be arrested - that means everyone."

Political background - Punjab

Punjab was split in 1947 between India and Pakistan. Today 60% of Punjab's twelve million inhabitants are Sikhs, although they have traditionally maintained close family links with the minority Hindu population.

The campaign for greater autonomy or an independent Sikh homeland, "Khalistan" (the land of the Pure), gained ground after Sikh leaders listed their religious, political and economic demands in the 1973 Anandpur Sahib resolution. The Sikh fundamentalist leader Sant Jarnail Singh Bhindranwale became prominent in the campaign to establish "Khalistan", and resorted to violence while operating from the holiest Sikh shrine, the Golden Temple in Amritsar. In June 1984 he and hundreds of his followers were killed during the military operation to remove them. Sikh demands were strengthened, especially after nearly 3,000 Sikh residents in and around New Delhi were killed in the days following the assassination of Prime Minister Indira Gandhi by Sikh bodyguards in October 1984. Two people were later executed for the murder

of Mrs Gandhi, but nearly 10 years after her death none of the perpetrators of these killings of Sikhs, which reportedly include influential politicians from the ruling Congress Party, have been brought to justice. (In August 1993 an official two-member

committee recommended prosecution of 298 policemen).

Successive Indian Governments have opposed the creation of an independent Sikh state and insisted that a solution to the Sikh demands must be found within the federalist framework of the Indian Constitution. In February 1982 elections were held in the Punjab ending five years of continuous direct rule from Delhi. Many Sikh separatist groups boycotted the elections; the Congress Party was elected to office and Beant Singh became Chief Minister.

#### "Disappearances" - Punjab

Those who have "disappeared" after arrest by the police are often people suspected of involvement with or of harbouring members of armed secessionist groups or their weapons. Students or industrial workers are also often picked up after bomb attacks. Victims of "disappearances" also include young men violating curfew. Court orders to produce the victims have been routinely ignored by senior police officials, causing a former Punjab Chief Secretary to complain that "police denials are too general and not credible". Such practices are part of a system of covering-up of summary executions by state police which is sanctioned by central government. The Punjab police have increasingly extended their operations to abduct and kill suspected Sikh militants outside Punjab, acting without the knowledge of the state police concerned. In My 1993 in Calcutta, they shot dead a Sikh couple described by police as "terrorists", and in Bombay in July two young Sikh men died in custody after being picked up by Punjab police. Police claim they fell off the train on the way back to Punjab. The police involved resort to undercover tactics to conceal their own identity, as they have often done in Punjab itself.

One disturbing new development in the last few years in both states is the arrest and "disappearance" of several lawyers, journalists and human rights activists who have campaigned on behalf of victims of human rights violations often in extremely difficult conditions. Twenty-four year-old lawyer Jagwinder Singh was arrested by police on 25 September 1993. He was taken from his house in Kapurthala and has not been seen since. A series of protests by lawyers in Punjab has taken place and state officials have assured them that Jagwinder Singh's whereabouts will be disclosed. AI fears he may have "disappeared".

#### Case studies

Ashiq Hussain Ganai - Jammu and Kashmir

Ashiq Hussain Ganai, a student in his late teens/early twenties, was arrested in March 1993 by an army unit during a search operation at Dangiawachi village, where Ashiq Hussain lived. His family tried to see him at Chatoosa army camp, but were refused permission. His parents tried every avenue open to them: approaching army

officials, the State Governor, the Chief Secretary and the Union Minister for Internal Security. All turned down their request to see their son. Eventually, the Deputy Inspector General of Police for the district asked the army to allow the parents to see Ashiq Hussain. This too was refused.

On various occasions they were told their son was about to be released. They were also told variously that he had been handed over to higher authorities, that he had escaped and then again that he was in fact still in custody. Finally, they were told he had "run away" from the army during "cross-firing". But neither Ashiq Hussain nor his body has been found. The new State Governor, K.V. Krishna Rao promised the parents a full inquiry into the case. As far as AI knows, no such investigation has taken place and Ashiq Hussain has never been traced. His parents continue to live in anguish.

The State Governor has ordered several investigations into human rights abuses in the area - one case leading to the Director of the Border Security Forces being charged with murder (but not prosecuted) and in another four Indian soldiers were arrested for allegedly raping a Kashmiri woman. However investigations are usually carried out by police or army officials rather than an independent body and prosecutions are rare. So far, the government has ordered one judicial investigation - into allegations of dozens of extrajudicial killings in Sopore in January 1993 - but its outcome is not known. AI knows of only two cases in which officials allegedly involved in grave human rights violations have been sentenced to substantive terms of imprisonment. Section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act (1990) gives the armed forces virtual immunity from prosecution. The conduct of those same armed forces was also excluded from effective scrutiny by the Human Rights Commission which the government established in September this year.

Harjit Singh - Punjab

According to eye-witnesses, on the morning of 29 April 1992 22-year-old Harjit Singh, who worked for the Punjab State Electricity Board, was arrested at a bus-stop by a group of police officers. There was no warrant for his arrest.

The police have denied that Harjit Singh was arrested on 29 April. On 12 May they claimed that he and another man, Lakhwinder Singh, were captured on 11 May after an armed encounter with the police. The police say that they took both men to recover hidden arms, that while doing so they were attacked by armed Sikh militants and that Harjit Singh and Lakhwinder Singh were killed in the attack. On 13 May 1992 the police handed over what they claimed were Harjit Singh's ashes to his parents.

However, Harjit Singh was twice seen alive by his father, in police custody after the police claimed that he had been killed. Harjit Singh's father, Kashmir Singh, appealed to the courts to help him find his son. On 15 October 1992 the Punjab and Haryana High Court instructed a warrant officer to search for Harjit Singh in police custody, on the basis of reports that he was alive and being held in the Central Investigation Agency (CIA) building in Mal Mandi. The warrant officer, accompanied by Kashmir Singh and two other villagers, went to the CIA building, where they believed Harjit

was being held. Kashmir Singh saw his son at a window on the first floor, naked and handcuffed, trying to attract his attention. The villagers also identified Harjit Singh.

It was 30 minutes before the police allowed them to enter the building. By then the room where they had seen Harjit Singh was empty. All that remained were a pair of handcuffs. The police superintendent told them that there were no detainees in the building and that there was no register of detainees.

On 16 November 1992 the High Court was to hear a *habeas corpus* petition on behalf of Harjit Singh. The police failed to produce him in court or to provide any information on his arrest and whereabouts. The case has since come to court many times.

Contempt of court proceedings have been initiated against the police for refusing to allow the High Court's warrant officer immediate access to the CIA building. However, no police officials against whom there is clear evidence of involvement in gross human rights violations in the state, are known to have been brought to justice.

Armed opposition groups - Jammu and Kashmir

Since late 1989 the campaign for secession has become increasingly violent in Jammu and Kashmir. Unofficial estimates put the loss of life at 13,000 at least on both sides. According to the government, more than 7,000 people were killed between January 1990 and August 1993, 600 of them members of the security forces killed by militant groups. Reports suggest that since 1992 the militants opposed to the Indian government have been joined by small numbers of Afghan and Arab veterans of the Afghanistan war. Numerous human rights abuses have been committed by armed militant groups, who have kidnapped, tortured and killed officials and civilians. Politicians and well known personalities have been frequent targets for attack. As of September 1993, the lives of four hostages were being threatened by armed separatist groups in the state.

Particularly disturbing is the recent killing of 15 male Hindu passengers who were taken from a bus travelling to Jammu and shot dead by unidentified gunmen on 14 August 1993. No such communally targeted killings of civilian travellers - which are quite common in Punjab - had previously been reported from Jammu and Kashmir.

Armed opposition groups - Punjab

Many armed secessionist groups in Punjab trace their origins to Sant Bhindranwale, a Sikh preacher who rose to prominence in the mid-1970s. Since his death (see above) the number of armed groups has grown, and are organized into at least seven major groups. These include Babbar Khalsa and the Khalistan Liberation Force. In Punjab the violence by armed secessionist groups in their campaign to establish a separate Sikh state is also both ruthless and widespread. Hindus have been frequently targeted. Hundreds of police, officials, politicians, members of rival Sikh groups and numerous Hindu and Sikh civilians have been killed. Victims have included journalists and editors, killed for what they had written or because they refused to write in the manner or language demanded by Sikh groups. Several members of the judiciary have also been shot. This pattern has continued - although by the beginning of 1993 violence had abated considerably after the police had captured or killed many leaders of armed secessionist groups.

Buses carrying civilians are another common target. In September 1992 a bomb, thought to have been planted by Sikh separatists, exploded on a bus near Pathankot killing four people. On 1 December 1992 a bus travelling between Jagraon and Ludhiana was hijacked allegedly by members of the Khalistan Liberation Force. Sixteen Hindus out of fifty six people travelling on the bus were separated and shot dead.

Armed Sikh groups continued to threaten and kill people for failing to implement their December 1990 orders that Punjabi should be the compulsory teaching language in university. In April 1992 Punjab University in Chandigarh became the subject for such an attack when two Hindu professors, Dr Bharat Bhushan Aggarwal (chemical engineering) and Professor K.L. Sharma (sociology) were shot in their homes. Babbar Khalsa claimed responsibility for the killings, and threatened that unless policy was changed to ensure that most university lecturers and students were Sikhs, more Hindu teachers would be killed.

AI's position on armed opposition groups

Amnesty International unequivocally condemns deliberate and arbitrary killings and hostage-taking by armed opposition groups wherever they occur, including in Jammu and Kashmir and Punjab. Such killings are prohibited under international humanitarian standards which are binding on both government and opposition groups.

Yet however provocative, the abuses committed by armed separatist groups can never justify the security forces, as agents of the government, resorting to "disappearances", extrajudicial executions or torture. Governments are legally and morally bound to uphold international human rights standards in their respective countries.

JOIN OUR CAMPAIGN: THE LIVES BEHIND THE LIES

Harjit Singh (see previous page) is one of the "Lives" featured in Amnesty International's campaign against "disappearances" and political killings.

This is our major international campaign of 1993. We hope it will force governments to stop "disappearances" and political killings and to take measures which will prevent these terrible human rights violations in the future.

Add your voice to ours. Join our campaign. Write to the Prime Minister of India. Say that you have read about the "disappearances" of Harjit Singh and Ashiq Hussain Ganai. Urge that they be fully and impartially investigated and that those responsible are brought to justice. Send your letter to: P.V. Narasimha Rao/Prime Minister of India/ Office of the Prime Minister/South Block/Gate No. 6/New Delhi 110001/ India.