

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **India: Urgent need for Government to act as death toll rises in Kashmir**

With an increasing death toll in protests in Kashmir, Amnesty International calls on the Indian authorities to take urgent steps to ensure respect for the right to life and to investigate past killings of demonstrators by police.

With two more protestors shot dead today, Amnesty International urges the Indian government to immediately instruct the security forces not to use firearms against demonstrators. Security forces should use the minimum force necessary to defend themselves or others against an imminent threat of death or serious injury. They should not employ intentional lethal use of firearms except where such use is strictly unavoidable in order to protect life.

Ninety-six people have been killed since June when protests broke out in Jammu and Kashmir after the killings of three young men, reportedly by the security forces, in March. The vast majority of these killings have been at the hands of police and paramilitary forces.

An inquiry ordered by the authorities into 11 of the deaths by shooting in July has failed to make headway. Amnesty International renews its call to the government to initiate an independent, impartial and thorough investigation into all the killings. Members of the security forces responsible for excessive use of force in demonstrations should be brought to justice.

In the last week alone, at least 23 people were killed and 80 others injured in shootings by the state police and the Central Reserve Police Force (CRPF) paramilitary personnel. Protestors defied curfew regulations, held demonstrations and often clashed with the security personnel.

Protests in several places turned violent as demonstrators hurled stones at the security forces in the last week. Reports about threats to burn the Quran in the United States increased tensions. Demonstrators attacked two Christian schools and a hospital, burning one of the schools.

At the same time human rights activists in Srinagar told Amnesty International that on a number of occasions the security forces shot protestors who were throwing stones at them.

A number of towns in the Kashmir valley including Srinagar have been under 24 hour curfew for the last five days.

Information about these events has been restricted as a result of strict enforcement of the curfew regulations. Journalists have informed Amnesty International that, despite possessing curfew passes issued by the authorities, they have been prevented by the police and the paramilitary personnel from leaving their homes. With journalists unable to report on the situation, a number of regional television stations and newspapers have suspended their work.

Any restrictions on the rights to freedom of movement or freedom of expression imposed for the protection of public order should only be such as are necessary and proportionate for that purpose and should be consistent with the state's other human rights obligations. In view of the key role of journalists in facilitating exercise the right to freedom of expression, which includes the right to receive information. Amnesty International calls on the Indian authorities to ensure that journalists can obtain curfew passes and are not harassed or otherwise obstructed while carrying out their professional functions of reporting and imparting information on issues of public concern.

More public protests have been announced for 21 September by the All Party Hurriyat Conference (APHC), one of the largest political formations in Jammu and Kashmir. This underlines the urgency for the Indian authorities to instruct the security forces not to use lethal force when dealing with demonstrations.

The demonstrations began in late May over the reported extrajudicial execution of three young men by the Army at Machil in Baramulla district. Protests increased after 17-year old Tufail Mattoo was killed by security forces in Srinagar during a demonstration on 11 June. They have intensified during repeated cycles of protests and further killings of demonstrators by security forces.

The demonstrators have raised various concerns about the lack of accountability of the security forces; the withdrawal of Armed Forces (Jammu and Kashmir) Special Powers Act (AFSPA) 1958; the removal of Army camps – along with an underlying demand of independence for Kashmir.

The AFSPA, which gives special powers of immunity to the security forces, has been in force in parts of Jammu and Kashmir since 1990. The Central Government is currently debating the withdrawal of the AFSPA from a few of its districts.

One of the key demands of the state authorities and protesting organizations, namely the withdrawal of the AFSPA, does not appear to figure in the agenda of the all-party team from Delhi scheduled to visit Srinagar on 20 September.

Under the AFSPA, soldiers are protected from any legal proceedings unless specifically sanctioned by the Central Government. This rarely happens in practice, allowing armed forces personnel to violate human rights with impunity.

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