

EXTERNAL (for general distribution)

AI Index: ASA 20/10/91
Distr: UA/SC

UA 108/91

Rape and Ill-treatment of Women in Kashmir

21 March 1991

INDIA: Zarifa Bano
 Bakhti
 + many others

At least 23 women, and possibly many more, were allegedly raped on the night of 23 February 1991 in the village of Kunan Poshpora, Kashmir, by soldiers from the 4th Raj Rifles, posted in the border district of Kupwara, close to the Line of Control separating Indian- from Pakistani-held Kashmir.

Reports suggest that hundreds of soldiers, many of whom were drunk, arrived at the village at around 11pm. The men were taken from their houses and tortured during the night and interrogated about Kashmiri militant activity, while large numbers of women, reportedly aged between 13 and 80 years old, were raped at gun point in their homes. The Ministry of Defence and the army have denied the charges and a brigadier, assigned by the army to conduct an inquiry, expressed doubt about the authenticity of the allegations in his report, describing them to be "incorrect".

The incident came to light through a letter dated 7 March 1991 (No. conf/1956-61) from the local magistrate, S. M. Yasin, to the state commissioner of Kashmir, Wajahat Habibullah, which was leaked to the Indian press. The local magistrate confirmed the allegations after he had visited the village on 5 March. He reported that 23 women claimed to have been gang-raped and that women were "subjected to the cruel measures irrespective of their age, marital status, pregnancy etc." He also stated that "The armed forces had turned violent and behaved like beasts" and concluded: "I feel ashamed to put in black and white the kind of atrocities and their magnitude, brought to my notice on the spot". He claimed to have seen items of clothing allegedly torn by the rapists and the rooms where the incidents occurred. Mr Yasin requested an inquiry into the incident and that the culprits be punished. The state commissioner of Kashmir said that officials in Delhi had denied the charges without first checking with Kashmiri officials.

A human rights team, led by retired Chief Justice Mufti Bahauddin Farooqi, and journalists went to Kunan Poshpora on 17 March 1991. The team, in its report of 19 March, stated that they had interviewed 53 women all of whom had confirmed the rape allegations, but the team leader thought that about a hundred women could have been abused. Zarifa Bano, aged 21, was reportedly raped by seven soldiers even though she was nine months pregnant. Another woman, Bakhti, claims she was assaulted by six soldiers, saying: "One by one, they raped me, while my five-year-old son was forced to watch". Villagers said that local police had not yet permitted the women to be medically examined and the team were told that the police investigation ordered into the incident had not proceeded because the police officer assigned to carry out the investigation was on leave.

According to The Telegraph, Calcutta, 15 March 1991, the civil administration ordered that a case of rape be registered against army personnel in Treggham police station, Kupwara district. The civil administration also ordered that the alleged victims be medically examined and urged that action be taken against the culprits. As of 20 March no medical examinations were known to have taken place.

Amnesty International is calling for an immediate judicial inquiry into the incident in Kunan Poshpura and urging that those soldiers implicated in the incident be brought to justice.

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 the paramilitary forces and civilians in their campaign.

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 or their relatives. The rape of Moslem women in Kashmir has often been carried out by the predominantly Hindu security forces. In September 1990, the government announced that a screening committee would be set up to examine complaints of excesses by the security forces. Jammu and Kashmir Governor, Girish Saxena, has ordered several investigations of such abuses, in one case leading to charges of murder being brought against the Director of the Border Security Force (BSF). But such investigations have usually been conducted by police or other officials rather than by an independent and impartial body. Amnesty International does not know of any cases in which officials allegedly responsible for such human rights violations have been brought to justice and convicted.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern at reports that members of the army reportedly raped 23 women, and possibly many more, in Kunan Poshpura, Kashmir, on the night of 23 February 1991;
- urging that there be a prompt and impartial judicial inquiry into the incident; that those selected to carry out the inquiry be selected for their impartiality; that the methods and results of the inquiry be quickly made public; and that those people found responsible for raping innocent civilians be brought to justice;
- asking to be sent a copy of the inquiry report as soon as it is published;
- urging that those women allegedly raped by soldiers be given immediate medical examinations and all necessary treatment;
- urging that immediate steps are taken to ensure that those potentially implicated in these rapes are removed from positions of control or power over complainants, witnesses and their relatives as well as over those conducting the investigation;
- urging that the victims be granted adequate compensation.

APPEALS TO:

His Excellency
Mr Girish Saxena
Governor of Jammu and Kashmir
Office of the Governor
Srinagar
Jammu and Kashmir, India

Telegrams: Governor Jammu & Kashmir, Srinagar, India

His Excellency
Prime Minister Chandrashekhar
Office of the Prime Minister
South Block, Gate No. 6
New Delhi 110 011, India

Telexes: 3166427 RBND IN

Faxes: +91 11 301 6781 (Ministry of Foreign Affairs)

COPIES TO:

Mr Subodh Kant Sahay
Minister of State for Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001, INDIA
and to diplomatic representatives of India in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 2 May 1991.