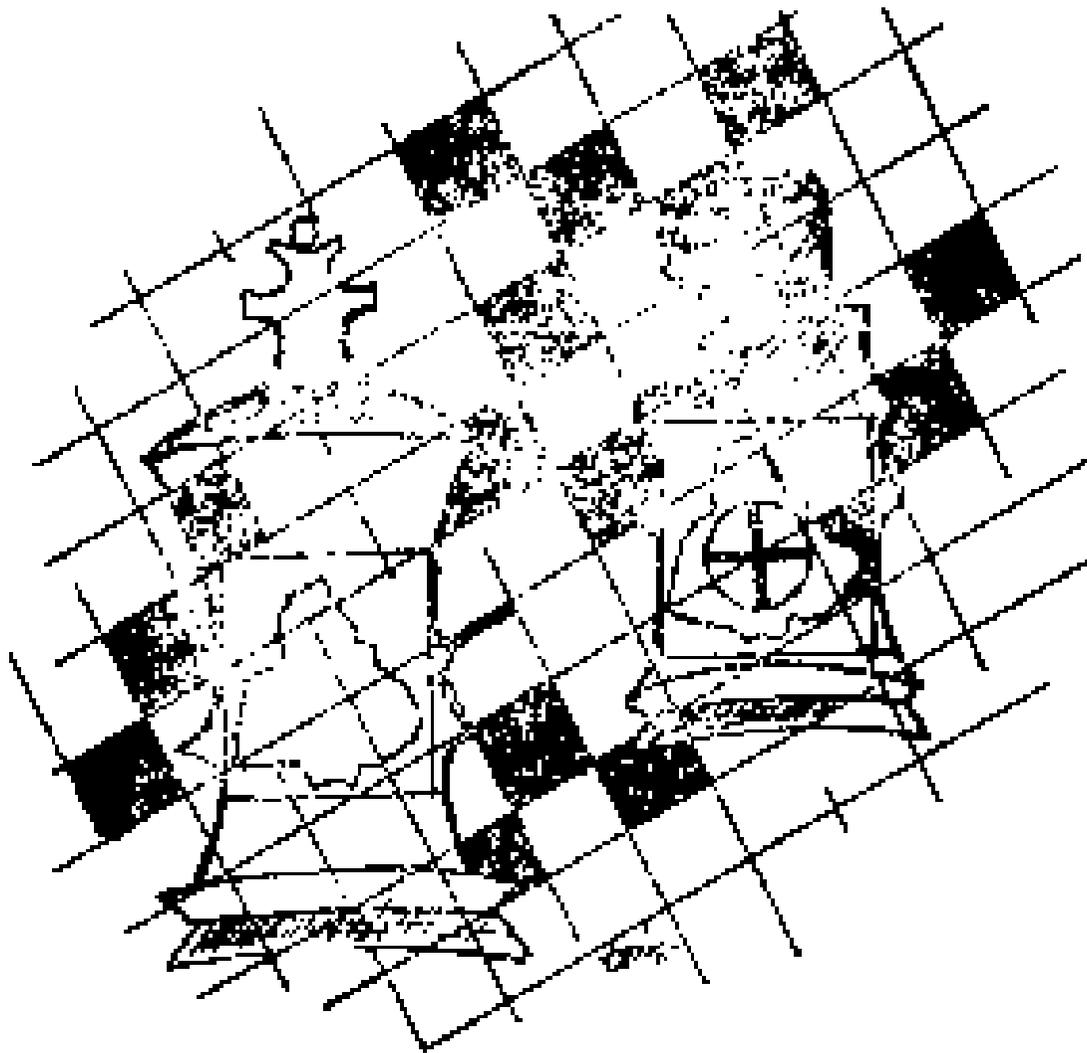


POOGL

BULLETIN

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CHESS OF DEMOCRACY IN PUNJAB

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Editorial :

Punjab Deprived of Democratic Rights

The Chief Election Commissioner's action in postponing the elections in Punjab just one day before the polling was to take place is unprecedented. One lesson that we can draw from this action of the CEC, as also from many other actions of his during the 1991 election, is that exercise of democratic rights can be curbed by one single individual who has been called a "mad man" by the Chief Minister of a State. The CEC announced the one day (just 2 days before the elections were to be held) that he was seriously "thinking of countermanding elections in some constituencies like Patna. However, he does not do so, but almost immediately after the polling he countermanded the election even though he did not receive any report from his own official observer or the Chief Returning Officer to that effect. Any number of whimsical actions on his part can be cited to prove the point that the present CEC has done incalculable damage to the system. The CEC would however maintain that he has done everything in accordance with the powers vested in him by the Constitution. Power misused in accordance with the provisions of the law (Day in and day out our rulers and politically committed bureaucrats misuse power and get away under the provisions of the law). So that if the written Constitution has not been able to guarantee the exercise of democratic rights and freedom that have been enshrined in the Constitution, lovers of freedom will have to go deep into the matter to find out the answer. Periodicals & editorials in newspapers have suggested that the present CEC should resign if he wants to spare himself of impeachment proceedings being started against him at the Parliament. The CEC may decide to resign. But, will the removal of one individual from the scene (who may be replaced by another such individual) bring about a change for the better? It is unlikely, if we go by past experience. What is therefore more important than removing one individual is that our people must inculcate the spirit of freedom and democratic rights; and in an atmosphere where people are freedom loving it will be difficult for a man like the present CEC to play havoc.

To revert to Punjab. The State has been without a democratically elected government for along time now. At long last the people of the State were hoping to get an elected government. That hope has been shattered. The people of Punjab have sacrificed a lot-many innocent people including 22 contestants were killed by terrorists, In spite of this the people were determined to go through the democratic process. Now, their sacrifice and their determination are of no avail. The people of Punjab did not deserve this humiliation of being deprived of their democratic rights of electing their own government.

27-6-91

DOWRY DEATH AT BALLIA, U.P.

(We publish below a letter written by BHARATI KHEITAN of Padruna, Deoria, U.P. addressed to the Chief Justice of India and 20 others. Bliarati, a PUCL activist is a student at Banasthali Vidyapith, Rajasthan. We appeal to all activists to take up the case with a view to bringing the culprits to book. Contact address: Arun Khefan, Local Convenor, PUCL, Arun Villa, Durga Prasad Khaitan Marg, Padrauria, Deoria, U.P. pin code 274304)—Editor

A tragic incident took place at Ballia involving a student of M.Sc Computer Science who was staying in the same hostel as Ldo. Her name was Meena Singh and had been studying at Banasthali Vidyapith for the last 10 years. Her father Mr. Rarnnath Singh is a resident of Asian College of Engineering and Technology, 25, Patliputra colony, Patna where her brother is having some business. A few months ago she had got engaged to one Mr. Arun Kumar Singh, son of late Shri Mahavir Singh of Ballia reportedly relatives of our Prime Minister Mr. Chandra Sekhar, and resident of Janta Market, Ballia. At the time of engagement, the elder brothers of Mr Arun Kumar Singh (Dr Sita Ram Singh and Dr Ashok Kumar Singh) had made no dowry -demands but immediately after the engagement they put up a demand of Rs 5 lakhs plus a new Maruti car. Somehow Meena's father negotiated with them and the matter was settled for Rs.1 lakh and a Maruti car which were duly given

before the marriage which took place on the night of Feb 22/23, 91 at Patna. On Feb 24 the couple reached Ballia and on Feb. 25 Meena's parents received a phone call informing them that Meena is not well. so her father and brother rushed to Ballia by car. They found the body of Meena hanging from the fan. The post-mortem report is said to have revealed that Meena was killed before the body was tied to the fan"

(After the holi vocation on 1st March Meena's closest friend Mrs. Ranjana Singh, a student of M.A., who also hails from Patna) came to know about Meena's death. She informed the authorities at Banasthali Vidyapith, who then enquired into the matter from Meena's father and also from independent sources. (Mr Diwakar Shastri, Mantri, Banasthali Vidyapith wrote to Meena's father and to Dr. Avadesh Kumar Singh of Ballia. They both replied to Mr. Shastri saying that Meena was killed by poisoning. Dr. Singh adds in his letter that an PIR was lodged and some members of the family were arrested and that Mr. Arun Kumar Singh was absconding).

Any further details that you require in the matter can be had from the head of our institution Mr, Diwakar Shastri, Mantri of Banasthali Vidyapith, P.O. Banasthali Vidyapith, Rajasthan—304022 or from her friend Mrs, Ranjana Singh at c/o J.P. Singh, U.B.I. Chowk Bazar, Munger, -Bihar-or from me. O

The Death Penalty in Pakistan

(Summary of an eight page document <AI Index: ASA 33/03/91—Amnesty International in March, 1991)

The Oisand Diyat Ordinance, first promulgated in September, 1990 and issued again in January 1991, redefines certain crimes and punishments in the Pakistan Penal Code and the Code of Criminal Procedure in accordance with the government's policy of Islamization. It also alters the process by which death sentences can be commuted. This document comments on the changes it introduces affecting the application of the death penalty.

On 10 December 1990 a further ordinance was promulgated making kidnapping for ransom punishable by death. Under the ordinance kidnappers could be sentenced to death or life imprisonment. Previously a life sentence was the maximum. On 28

February 1991, the National Assembly passed a bill which amended the Pakistan Penal Code to provide the death sentence for kidnapping for ransom. Under another bill passed by the National Assembly that day, courts established under the Suppression of Terrorist Activities (Special Courts) Act of 1975 were empowered to try this offence.

Amnesty International is concerned at the further extension of the number of offences for which the death penalty can be imposed. It is also concerned that the Special Courts for the Suppression of Terrorist Activities, which can award the death penalty do not fulfil international recognised standards for fair trial.

SOS Torture

**DRAFT DECLARATION
ON THE PROTECTION OF ALL PERSONS FROM ENFORCED OR
INVOLUNTARY DISAPPEARANCES**

Preamble

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations and other international instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Considering that these rights derive from the inherent dignity of the human person,

Bearing in mind the obligation of State under the Charter, in particular, Article 55, to promote universal respect, for and observance of human rights and fundamental freedoms,

Deeply concerned that in many countries persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organised groups or private individuals acting on behalf of or with the support or acquiescence, direct or indirect, of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law,

Considering that enforced or involuntary disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms,

Recalling resolution 33/173 of 20 December 1978, by which the General Assembly expressed concern about the reports from various parts of the world relating to, enforced or involuntary disappearances, as well as about the anguish and sorrow caused by these

disappearances and called upon Governments to hold law enforcement and security forces legally responsible for excesses which might lead to enforced or involuntary disappearances,

Recalling also the protection afforded to victims or armed conflict by the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977,

Having regard to Articles 3, 5, 6 and 9 of the Universal Declaration of Human Rights and Articles 6, 1, 9 and 16 of the International Covenant on Civil and Political Rights, which protect the right to life: the right to liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Having regard further to the Convention Against Torture and the Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that States Parties shall take effective measures to prevent and punish acts of torture,

Bearing in mind the Code of Conduct for Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Standard Minimum Rules for the Treatment of Prisoners,

Affirming that, in order to prevent enforced or involuntary disappearances, it is necessary to ensure strict compliance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, contained in its resolution 43/173 of 9 December 1988 and with the Principle on the Effective Prevention and investigation of, Extra-legal, Arbitrary and Summary Executions, contained in Economic and Social Council resolution 1989/65 of 24 May 1989 and endorsed by General Assembly resolution 44/162 of 15 December 1989,

Bearing in mind that, while the acts which comprise enforced or involuntary disappearance constitute

a violation of the prohibitions found in the aforementioned international instruments, it is none the less important to devise an instrument which characterises the enforced or involuntary, disappearance of persons as a specific crime in and of itself, setting forth standards designed to punish and prevent its commission,

Proclaims the present Declaration on the Prevention of All Persons from Enforced or Involuntary Disappearance, as a body of principles for all States, for any other public authorities, as well as for organised groups or private individuals acting on behalf of, or with the support, or acquiescence, direct or indirect, of States or public authorities.

Urges that all efforts be made so that this Declaration becomes generally known and respected.

Articles

1. Enforced or involuntary disappearance practised; permitted, or tolerated by a Government is an offence to human dignity and shall be condemned as a flagrant and grave violation of the purpose of the Charter of the United Nations and of the human rights and fundamental freedoms, proclaimed in the Universal Declaration of Human Rights and reaffirmed and, developed in international instruments in this field,

Such enforced or involuntary disappearance inflicts severe suffering on the persons subjected thereto, as well as on their families, and places them outside the protection of the law. It violates the rules of international law guaranteeing, inter alia, the right to recognition everywhere as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture. It also violates or constitutes a grave threat to the right to life.

The systematised practice of such enforced or involuntary disappearance is a crime against humanity.

2. No State shall practice, permit or tolerate enforced or involuntary disappearances;

States shall act jointly and in co-operation with the United Nations to contribute by all means to prevent and eradicate enforced or involuntary disappearance.

3. Each State shall take effective legislative, adminis"

trative, judicial or other measures to prevent and terminate enforced or involuntary disappearances in any territory under its jurisdiction.

4. Each State shall ensure that all forms of participation in enforced or involuntary disappearance by, or with the acquiescence of, a public official or anyone acting in an official capacity are specific crimes of the gravest kind under its criminal law, including complicity in, incitement to or an attempt to cause enforced or involuntary disappearance.

5. Enforced or involuntary disappearances engage the personal responsibility of their perpetrators as well as, the responsibility of the State whose authorities carried out, acquiesced in, or tolerated them.

6. No order or instruction of any public authority, civilian, military or other, shall ever justify or be invoked to excuse enforced or involuntary disappearance.

Each State shall ensure that orders or instructions directing, ordering, authorising or encouraging any enforced or involuntary disappearance are explicitly prohibited. Any person receiving such an order or instruction shall have the right and duty not to obey it.

Training of law enforcement officials shall emphasise the above provisions.

7. At no time nor in any place whatsoever shall any exceptional circumstances, such as a state, or threat of war or other armed conflict or any other public emergency, justify or be invoked to excuse enforced or involuntary disappearance.

8. No State shall expel, return (*refouler*) or extradite a person to any State where there are grounds to believe that the person would be in danger of enforced or involuntary disappearance.

9. Each State shall ensure under all circumstances; including those referred to in Article 7, the right to an effective judicial remedy, including habeas corpus, as a means of determining the whereabouts or the state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty.

9. In such proceedings, competent authorities, national or international, shall have access to all places holding persons deprived of thereof; as well as to any place in which there are grounds to believe that such persons may be found

10. Each State shall ensure that persons deprived of their liberty are held in officially recognised places of detention and are brought before a judicial authority promptly after detention. Accurate information on their detention and whereabouts, including transfers, shall be made promptly available to their family members and counsel, anyone designated by them or other persons having a legitimate interest in the information.

Each State shall ensure the establishment of an official updated register at each place of detention existing in any territory under its jurisdiction, of all persons deprived of their liberty. Additionally, each State shall, to the extent possible, take steps to the persons mentioned in paragraph 1 above and to any judicial or other competent and independent authority seeking to the whereabouts of a detained person.

11. Each State shall ensure that persons deprived of their liberty are released in a manner permitting reliable verification that the persons have actually been released and, further, that they have actually been released in conditions in which their physical integrity is assured and which enable them to exercise fully the rights to which they are entitled.

12. Each State shall establish rules under its domestic law indicating those officials authorised to order detentions, the conditions under which detention may be ordered; as well as sanctions for those officials who wilfully refuse to provide information on a person's detention. Each State shall likewise ensure strict control, including a clear chain-of-command, over all law enforcement officials and other persons authorised by law to use force and firearms.

13. Each State shall ensure that anyone having knowledge or a legitimate interest who alleges that a person has been subjected to enforced or involuntary disappearance in any territory under its jurisdiction has the right to complain to a competent and independent

authority, and to have the complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced or involuntary disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measures shall be taken to curtail or impede the investigation.

Each State shall ensure that the authority shall have the necessary powers and resources to conduct the investigation effectively, including power to compel attendance of witnesses and production of relevant documents and make immediate on-site visits.

Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

The findings of such an investigation shall be made available upon request, unless doing so would jeopardise a disappeared person, any other innocent person or an on-going criminal investigation or trial of an individual who is suspected of responsibility for an enforced or involuntary disappearances,

The obligations laid down in this Article are not subject to any limitation of time.

14. Each State shall ensure that, when an individual alleged to have committed an offence referred to in Article 4 is found in any territory under its jurisdiction, that individual shall either be brought before its competent authorities for the purpose of investigation and, where the facts disclosed thereby so warrant, prosecution and trial, or be extradited to any State requesting extradition for the purpose of bringing the individual to justice. This provision shall apply regardless of the individual's nationality or the place where the offence was committed.

15. Enforced or involuntary disappearance shall not be considered a political crime for the purpose of extradition. Participation in enforced or involuntary disappearance shall be treated as being included among extraditable offences in extradition treaties entered into by States.

16. No State shall grant asylum or refugee status to individuals who have participated in acts of enforced or involuntary disappearance, regardless of the motives of such participation. However, asylum may be granted to such individuals for the sole purpose of allowing them to be instrumental in bringing the victims forward alive or in providing voluntarily information which would contribute to resolve cases of disappearance.

Mitigating circumstances may be established in national legislation for individuals who, having participated in enforced or involuntary disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information which would contribute to resolve cases of disappearance.

17. Individuals alleged to have committed any of referred to in Article 4 shall be suspended from any official duties during the Investigation referred to in Article 13.

Such individuals shall be guaranteed fair treatment at all stages of the investigation and eventual prosecution and trial.

Penal liability shall be effective independently of any immunities enjoyed by the individuals responsible.

18. The prosecution and punishment of offences of enforced or involuntary disappearance referred to in Article 4 shall not be subject to a statute of limitations.

19. Individuals who have, or are alleged to have, or may have committed offences referred to in Article 4 shall not benefit from any amnesty, pardon or other measure that might have the effect of exempting such individuals from criminal responsibility.

20. Each State shall ensure in its legal system that the person subject to an enforced or involuntary disappearance and the person's family obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible. In the event of the death of a person as a result of an enforced or involuntary disappearance, the person's family shall be entitled to further compensation.

21. States shall prevent and suppress the appro-

priation of children of parents subjected to enforced or involuntary disappearance and of children born during the mother's deprivation of liberty, and shall devote their efforts to the search, identification and, following a judicial decision, the restitution of the children to their families of origin.

States shall provide in their national legislation for the judicial review of the adoption of children referred to in paragraph 1. This judicial review may determine the restitution of the children to their family of origin. States shall also punish the crimes of abduction of children and the alteration and suppression of their true identify.

For these purposes, States shall conclude, where appropriate, bilateral or multilateral agreements.

22. Nothing in the present Declaration shall be construed as restricting or derogating from any human right defined in the Universal Declaration of Human Rights or in any other international instrument or as limiting the obligation of States to ensure respect for such rights.

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Announcement

The PUCL is planning to compile a directory of organisations active in the field of civil liberties and human rights. If you know of any such organisation please send us their complete postal address with the name and address of some contact person in that organisation. The information may be sent to the following address.

CLHR Directory
 PUCL, 81 Sahayoga Apartments
 Mayur Vihar-I,
 DE 1-110091 ☎ : 2250014

Human Rights Violations: Punjab

(Summary of Amnesty International document May 1991—41 Ind.: ASA 20(1/01))

Thousands of people have been arrested by police and security forces in Punjab since 1983, when armed Sikh opposition groups emerged demanding an independent Sikh state. Prisoners have been detained for months or years without trial under provisions of special legislation suspending normal legal safeguards, and reports of torture during interrogation are common. The arrest and detention of some detainees remains unacknowledged for weeks or months. Scores of people have simply "disappeared", the security forces refusing to admit that they had ever been arrested. It is feared that many of them have been killed in custody.

Although Amnesty International has been denied permission to visit Punjab to verify reports of human rights violations in the state, such reports have been so persistent that the organization has decided to publish the most well-documented cases. Evidence has been derived from sworn affidavits made by victims and their relatives, court records and judicial reports from civil liberties groups and the Indian news media. State officials refused to verify or comment on specific cases raised in this report.

Human rights violations in Punjab have taken place in the context of large scale violence by armed Sikh groups, including hundreds of killings of police and other officials, hostage-takings and assassinations of politicians and other Sikh and Hindu civilians.

There is a clear pattern to the arrests, detentions, torture and "disappearances" described in this report. Sikhs are often arrested on mere suspicion that they are linked to an armed secessionist group. The parents, brothers or sisters of suspects have frequently been arbitrarily ordered and tortured in order to exact information about their relatives' whereabouts or activities. A 17-year-old girl was reported detained for questioning and then blindfolded, beaten and raped by her interrogators. Women have been arrested and tortured simply to deter them from giving food and shelter to Sikh militants. Torture in police custody is

routine and there have been persistent allegations that political prisoners have died in custody as a result of torture. Prisons are severely overcrowded and some detainees have been held for up to four years in iron fetters. The report describes 17 cases of people who have "disappeared" after arrest, although in other cases missing detainees were found after their relatives brought habeas corpus petitions.

Hundreds of members or sympathizers of armed Sikh groups have allegedly been captured, some were tortured, and then extrajudicially executed, the killings attributed by the police to armed "encounters". Although witnesses have observed the arrest of the victims, or have seen them in custody, they are rarely present when the killings occur. However, other evidence indicates that the police routinely resort to extrajudicial execution when faced with armed insurgency. In 1989, for instance, the Director-General of Police in Punjab issued an order promising financial rewards for the "liquidation" of 13 men who were subsequently killed in "encounters" with the police (i). security forces

The police have repeatedly frustrated attempts to bring those accused of human rights violations to justice. Investigations into allegations of police torture of detainees are rare and even when they have established responsibility, prosecutions are not known to have occurred. Although in 1988 the Supreme Court ordered the Punjab Government to lay charges against 21 police officers identified as having tortured detainees at Ludhiana Jail in 1984 and 1985, the Secretary to the Punjab Government charged with carrying out the order refused to do so. The Director-General of Police opposed legal action on the grounds that such prosecutions would demoralize the police force. To Amnesty International's knowledge, no police officer has ever been convicted of committing human rights violations in Punjab. Legal safeguards for the protection of human rights do not apply to those arrested under special legislation relating to national security. Most detainees in Punjab are

arrested under the Terrorist and Disruptive Activities (Prevention) Act (TADA), which allows detention for up to one year without charge for investigation into broadly defined offences. Prisoners held under this Act can be tried in *camera* and the burden of proof is shifted on to the accused to prove his or her innocence.

The TADA imposes a minimum of five years' imprisonment on anyone convicted of "terrorist" or "disruptive" activities. "Disruptive activities" include the peaceful expression of views which question the sovereignty or territorial integrity of India or which support any claim for secession. Lawyers have told Amnesty International that the broad provisions of the TADA have been interpreted to include actions entirely unrelated to violent political offences; a property broker was sent to jail simply for letting a house to a man who had been arrested under the Act. Trials conducted under the TADA fall far short of international standards for fair trial. Some members of the Human Rights' Committee recently examining India's report submitted under the International Covenant on Civil and Political Rights, to which India is a party, found some of these provisions of the TADA "disturbing" and "completely unacceptable".

Amnesty International believes that the human rights situation in Punjab will deteriorate further unless the Indian Government takes determined action to protect human rights. This report concludes with a series of recommendations aimed at establishing viable procedures for investigating past human rights violations and preventing further such abuses from occurring.

The Puce BULLETIN

requires voluntary services of university students in Delhi who are desirous of taking up journalism as profession. Students who have time to spare may please contact the office of the PUCB BULLETIN:

81. Sahayoga Apartments Mayor Vihar,
Phase-1, Delhi-110091

Torture in Pakistan

We have received reports that two Pakistani women, accused of carrying illegal weapons, are presently being held in police custody in Karachi and that their physical and mental health has gravely deteriorated as a result of torture.

Rahtla Twana: a student activist and vice president of the women's section of the People's Students Federation, was reportedly arrested during the night of 24 December 1990 at her residence in Karachi by agents of an interrogation agency. She was then reportedly taken to an interrogation center, where she was beaten and suspended by her wrists, causing serious injury to one of her arms. Shehla Raza, an activist and joint Secretary of the People's Students Federation at Karachi University, who has recently completed a Master's degree in psychology, was reported to have been arrested during the night of 27 December 1990 by 11 members of an interrogation agency. Whilst in custody, Shehla was reportedly subjected to torture, humiliating treatment and intimidation. During her arrest her parents and other family members were reportedly ill-treated and humiliated and her father, Mr. Zaidi Raza, her brother, Shabana Raza, and a cousin Marghoub Abbas, were also arrested but were released the following day.

On 31 December 1990, she was released on the order of the Sind High Court, because the police could not bring any charges against her. However, on 5 January 1991, Shehla was reportedly again arrested by the police and is still in detention.

Voice Against Torture has pointed out that, in addition to violating human rights, such practices are against a ruling made by the High Court in July 1989 that women should not be kept in police custody overnight and should not be interrogated without a close relative to accompany her.

—SOS Torture

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**AMNESTY INTERNATIONAL RESPONSE TO DEMANDS BY KASHMIRI
KIDNAPPERS OF SWEDISH ENGINEERS**

(Extracts)

An armed Kashmiri group has kidnapped two Swedish engineers and has demanded that the United Nations and Amnesty International visit Kashmir to investigate human rights abuses by Indian security forces in the state and to publicize the Kashmiri "freedom struggle".

The two men, Otle Lornan and Johan Jansson, were taken away by unidentified gunmen on 30 March, near the city of Beera, when they were travelling from Gulman to Srinagar.

The Moslem Janbaz Force (the Moslem Crusader Force) has claimed responsibility for the kidnappings. It issued a statement on 3 April saying "India should be impressed upon to allow a special team of the United Nations Organisation and that of Amnesty International to visit Kashmir so that the true picture of the on-going freedom struggle was presented to the world."

The statement set a deadline of 3 April for the visit to Kashmir, "failing which the world community would, be responsible for the consequences"

Amnesty International said today (Wednesday 10 April 1991) that it had no contact with anyone claiming to represent the kidnappers, the Moslem Janbaz Force, reported to be the armed wing of The People's League.

The organization said it deeply deplored the threat to the hostages "We oppose the torture and killing of prisoners held by anyone-s-whether these acts are threatened or carried out either by governments or armed groups," Amnesty International said.

"We condemn the torture and killing of prisoners regardless of any reasons-that may be given to justify them. To make such threats in connection with human rights is just as unacceptable,"

"We take no position on 'freedom struggles'. Our concern in Kashmir, as elsewhere in the world, is the

pressing need for effective and impartial protection of human rights," Amnesty International said

--ASA 20/wu 01/91 External 10 April 91

Andhra Pradesh :

IMPOSSIBILITY OF FREE POLL IN KHAMMAN

Letter written by PUGL, President Rajinder Sacher to Chief Election Commissioner dt 6-6-91

Mr. Kannabiran, President, Andhra Pradesh Civil Liberties Committee (APCLC) has sent me a copy of the letter dated 30th May 1991 written to you (published below). A bare reading of the letter shows the horrible situation and the near impossibility of free poll in Khamman constituency. I also find from the said letter that the police picked the supporters of the CPT (M.L.) candidate for Parliamentary Constituency who were then said to have been shot dead right in the presence of the villagers gathered at the meeting on 29th May, 1991.

Mr Kannabiran is also the Vice President of our Organization—People's Union for civil Liberties. He is one of the oldest and responsible members of the Organization and has been working in the Human Rights Movement for more than a decade. His charge of fake encounter in the Parliamentary Constituency for which it appears the former Home Secretary is contesting, is most disturbing. I do not know whether you have asked for a report from the State Government to respond to this charge. I am of the view that the least that has to be done is to see that totally independent observers are sent in the constituencies and larger armed police belonging to outside the State should also be posted in this constituency to be able to give at least some semblance of the possibility of free polling. In my opinion, a public statement to this effect by you immediately is necessary so as to reassure the electorate that they will be allowed to exercise their vote freely and without fear. 0

Header written by K. G. Kannabiran President, APCLC to C E C dt 30-5-91)

The Congress (I) candidate for the Khammam Parliamentary Constituency is one P.V. Rangaiah Naidu, IPS. He served as Home Secretary after holding several positions in the Police establishment and immediately after his retirement i.e. the very evening of his retirement he went and joined the Congress (I).

The C.P.I. (M.L.) candidate for the Parliamentary constituency is Com. Gaddam Venkatrarnaiah. In connection with the forthcoming elections where polling is to take place on 15th June, a meeting was being held at Kanchanapalli Village, Gundala Mandal, Kharnnam District. The Anti Naxalite Squad of Andhra Pradesh Police picked up Mrs. Chinta V. laxmi Vice-President, Tekulapalli Mandala Praja Parishad, Mr. N. Sita Rama Rao, Khammam Toint Secretary, A.P. Rythu-Coolie "

Sangharn, Mrs Susena. W/O N Sitararna Rao, Executive Committee Member Progressive Organisation for Women (A.P.), Sri N Parashuramulu, Deputy Sarpanch, Tekulapalli Village, Kharnmam, and these were shot dead right in the presence of the villagers gathered at the meeting at 12.30 P.M. on 29th May, 1991. Out of the four killed by the Police, two, are elected representatives at the Mandal and Panchayat levels. The election campaigning by the police for Mr. Rangaiah Naidu, the Congress (I) candidate, has assumed this grotesque character and you have either to countermand the elections or if it is within the realm of possibilities, discipline the police force. Separately on the very same day another member of the C.P.I. (M.L) Mr. Kotanna was picked up and shot dead in a fake encounter. You are called upon to take immediate steps to ensure fair and free elections about which you have been talking all along. O

VIOLATION OF HUMAN RIGHTS

It is regrettable that excesses, and even crimes, committed by Police and security forces in Punjab and Kashmir (as also elsewhere) have not stopped, even though these are being highlighted by various voluntary agencies including the PUCL. We maintain, as we have often pointed out, that state terrorism, under cover of whatever plea, cannot be equated with individual and private terrorism. In a civilised society law-enforcing agencies of the State must learn to respect the law, and only then citizens can be expected to respect the rule of law.

Having said this we may note the gruesome killings, burning people alive, abduction etc. of both Indian and foreign citizens, in both Punjab and Kashmir by terrorists are violation of human rights. The Amnesty International has also issued an appeal (published elsewhere in this Issue) to terrorists in Kashmir to release the Swedish engineers who were abducted some months ago. We too appeal to all terrorists not to resort to any such activity including killing and abduction which violates human rights O

-Yo P. Chhibbar
Gen. Secy. PUCL

NEWS

(We have received the following letter i.e. 27-5-91 from Shri Kavaljit Singh of Public Interest Research Group Delhi. This has reference to the news item on the subject published in the June issue of the BULLETIN-Editor)

This is to inform you that the Bihar Government has released all the arrested people including Mr. Kumar Chandra Mardi on May 15, 1991. With the growing mobilisation at the local level coupled with pressure and lobbying by many groups at various levels, "the state government finally decided to release the arrested people who were arrested on April 8 when they protested against their unjust eviction due to Subarnarekha Dam Project at Ieha, Singhbhum district of Bihar. We appreciate your solidarity and support to this movement. O

ATTENTION

PLEASE NOTE THE CHANGE IN OUR TELEPHONE NUMBER FROM 221 0014 TO 2250014.

NEWS

Andhra Pradesh

Ms. Malladi Subbunnra Director of vlahila Abhyudaya Samistha, Ms Suryadevara Rajyalakshamma, veteran freedom fighter and others issued the following press statement on 21st April 1991 on the eve of launching of the "Movement for Empowerment of Women" at Hyderabad.

This Movement for empowerment of women has become a historic necessity. It is the need of the hour, its aim is to enable women to gain authority in all sectors of life. It demands equal visibility, participation and prominence of women everywhere. The goal of the Movement is attainment of freedom and equality with men in all walks of life. Equal authority in the political arena, economic enclave, social sphere, cultural field and sexual sector is its ideal.

Why and wherefor? Even though our country gained independence 44 years ago women lag behind in all respects. Literacy is lower among women than in men. They suffer from disabilities in society. They labour under disadvantages in politics. Their representation in political parties, groups and organs of the State like Legislature, Judiciary and Executive is paltry. Their visibility in the economic and financial facets of the country's life—especially in the higher sector—is negligible. Although we find some talented women with popularity women with a flair for originality and genius or for that matter women with aptitude and skill are shunned in the cultural world. In season and out of season the wily men in authority take to teaching and preaching that women should confine themselves to homes and be only propagators of the human race. It is time to call a halt to this vicious and pernicious propaganda. Women have passed the stage of making appeals and entreaties. The situation demands militant action.

Nature of the Movement: Women form the most oppressed section of society do not constitute a class. They belong to a category. This Movement cuts across ideologies and political parties. It is neither against any

particular political party nor for any political party, group or persuasion. It appeals to all women to unite on the platform of this Movement of course keeping their freedom of action on all other issues. It is not a political nor does it adore the system of party politics. It shall not become an appendage of any political philosophy or party. Feminism is its philosophy and feminist politics demands its allegiance. It proposes a **FEMINIST FRONT** to realize its deals and fulfill its objectives.

Strategy of the Movement: The Movement demands steady and solid work. It does not expect miracles nor does it go in for short cuts. Its path is clean and straight. It hopes that by 1996 it will become strong enough to instil respect and fear among the powers that be. Its methodology is at once and some times reformist and revolutionary. It does not shun any type of democratic action to compel attention and recognition of its just aspirations and demands.

Tactics: The Movement does not propose to get its attention diverted for short-time ends or targets. Its tactics and strategy shall always be attuned to its aspirations and ideals.

Immediate action: The Movement demands greater visibility and participation of women. It emphasises the need for greater prominence to women. It views reservations for women as a short-time measure leading to equality, proper and genuine.

Appeal: It appeals to all women conscious of the spirit of freedom and equality to join this Movement, build it up, strengthen it and contribute to its development as a mighty force. It calls upon all women to make this Movement their own. It solicits their presence and participation in a STATE Convention on 13th July 91 at Hyderabad.

VIOLATION OF HUMAN RIGHTS IN KASHMIR

We have received reports that in the Indian state of Jammu and Kashmir, which have been placed under the Disturbed Areas Act, widespread gross violations of human rights and wanton destruction of property have been perpetrated by security forces over the past year.

Recent reports indicate that unarmed individuals and demonstrators have been fired upon frequently resulting in numerous casualties and deaths, and arrests and torture continue daily. There is apparently no official record of the number of casualties and prisoners. In the absence of such records, prisoners may face indefinite periods of illegal detention.

According to the same reports, Kashmiri women in particular have been the victims of security forces, with countless women being subjected to rape, gang rape, torture, and humiliation. Some women have reportedly died as a result of such aggression.

Three unmarried sisters from Lal Bazar, in Srinagar, were reported carried off by members of the military and released after two days of sexual assault.

In Ledervan, a girl, aged 18, was reportedly hung upside down from a tree during interrogation and given a succession of electric shocks. When she regained consciousness, she was beaten.

-SOS Torture

ENQUIRY IN KASHMIR

Extracts from a Press Release issued by Mr. Parvez Imroze, Convenor, PUCL, Srinagar-dt 26.591. apropos J & K Government notification that the Khanwar area incident in which Security Forces resorted to firing resulting in deaths & injuries)

The Government had ordered to hold the enquiries i.e., Basant Baghfiring case, Chhannapura rape cases, firings and extrajudicial killings at Pazipora, (Handwara), Kunan Poshpora Kupwara in which even the District Magistrate through his letter No. CONF/1956-61 dated 2.3.91 addressed to Divisional Commissioner had admitted that army personnel on 24th of February, 1991 of Raj Rifles of 68 Brigade, 56 A.P.O. raped 23 ladies. However no finding has been made public with the result that people and Human Rights activists have lost faith over the holding of such so-called enquiries which is an endeavour to provide a fig-leaf & to hoodwink the people and the Human Rights Organisations. Even the Hawal firing case has not been made public in which mourners of slain Moulvi Farooq were killed. New enquiry will have credibility in the eyes of the

people if the previous enquiries are conducted according to rule of the law and the culpable personnel brought to book. The people have a Right to Know about the findings of the previous enquiries, if any.

Note: Mr. Imroze after thorough investigation, has brought out a list of 34 persons with their addresses, who were arrested by security Forces—date of arrest has also been mentioned—but whose whereabouts are not known to their relatives. Mr. Imroze's investigation is going on and he will bring out a second list soon. We will publish the complete list in our subsequent issues - Editor

; Citizens for Democracy had sent a team consisting Smt: Amiya Rao, Aurbindo Ghose, Sunil Bhattacharya, Tajinder Singh Ahurju and N.D. Pancholi at the end of April 1985 to examine the general situation in Punjab regarding Civil liberties and rule of law after the Blue Star Operation of June 1984. The team toured various villages and districts of Punjab for about 13 days and prepared a report of about 150 pages. This report was released in a Press Conference on 9th September 1985 at New Delhi. The Delhi Administration banned this report next day by a notification dt 10th September, 1985 and Shri N.D. Pancholi, then General Secretary of the Citizens For Democracy & Shri O.P. Gupta, printer of the book were arrested on the same night, on the charge of sedition. About 2000 printed books were also confiscated from the office of the Citizens For Democracy. Later on Shri Aurbindo Ghose and Shri Tajinder Singh Ahuja were also arrested while Smt. Amiya Rao was granted anticipatory bail by the Supreme Court. Shri N.D. Pancholi, Shri O.P. Gupta, Aurbindo Ghose & Shri Tajinder Singh Ahuja were released but the criminal proceedings the charge of sedition continued to be pending against them. The said case continued to be subject matter of news reports for several days and had aroused a lot of interest among the public.

Meanwhile the Citizens For Democracy had challenged the said ban order in the Delhi High Court under section 96 of the code of Criminal Procedure. The

(Continued on page 16)

SOUTH ASIAN FORUM FOR HUMAN RIGHTS

Bhutanese Refusees

The Bhutan People's Union has sent news that about 10,000 Bhutanese people have fled Bhutan and are gathered in two districts of Assam, Dibrugarh and Kokrajhar. They have fled in order to escape arrest, torture and death at the hands of government forces for trying to protest against the blatant violation of human rights.

Discrimination is rampant in every sphere of life. The present regime has forced the Drukpa culture, dress, language and religion on Bhutan. Basic rights like freedom of speech, the right to due process of law, freedom of religion; the right against exploitation, etc. are denied.

When protestors tried to appeal to the king, Jigme Singye Wangchuk, one of the protestors was murdered in police custody. This caused a mass exodus from the country, especially after government withdrew their citizen rights.

The refugees are without a source of income and have nowhere to go. They have applied to the United Nations Commission for Refugees for official refugee status. They have asked for food, shelter, clothing, medical help and education for the children who had to leave school.

-Fr. R. W. Timm DHAKA

(Continued from page 15)

hearing of the case was delayed in the High Court for some reason or the other and ultimately the case came for hearing on 22nd February, 1991 before the full Bench consisting of Justice Malik Sharifuddin, Justice Jaspal Singh & Justice Sunanda Bhandare. Senior S.C. Malik appeared along with B.P. Mangat, Advocate on behalf of the Citizens For Democracy. To the surprise of all, Shri K.B. Sharma, counsel of the Delhi Administration informed the Court that the ban order had already been withdrawn by a notification No. F. 12/55/85 P.O. cit 3rd May, 1990. He also produced a copy of the notification. The High Court accordingly passed an order directing the administration to return all the seized books to the Citizens For Democracy.

Corruption Cases Stalled

A *New Nation* report of May 30 complained that the crime and corruption cases against the Ershad regime seemed to have lost their edge. The inordinate delay in initiating corruption cases against ousted President Ershad and his ministers points to the bureaucracy as not cooperating with government. The report questions whether this is due to soft-heartedness or the "power of black money."

Moreover, the services of the top criminal lawyers of Bangladesh have not been commissioned for conducting corruption cases, nor have they even been consulted. The Attorney General is himself conducting every case and a new case cannot begin until the previous one is finished. The arms case against Ershad, a relatively weak one, is being prolonged indefinitely, thus holding up the prosecution of many more important charges. Moreover, even if convicted, Ershad's membership in Parshad would not be cancelled nor his eligibility to run for President. The latter may become an important factor in the BNP's decision whether to hold presidential elections or give in to the demand for a parliamentary system of government.

Fr. R. W. Timm DHAKA

The Bangladesh Jute Mills Corporation owes the banks about Tk 1000 crore in 10 years. In spite of this tremendous debt, ousted President Ershad announced spontaneously last year at a workers rally at Adarnajee Jute Mills that they would receive additional benefits totalling an extra expense of Tk 187 crore. The announcement was a political one to gain a labour stronghold in that area, many felt.

The jute mill production losses due to indiscriminate gross mismanagement, in congenial atmosphere of labour unrest. Besides, the mills are overburdened with ghost manpower. During the Pakistan period, the mills ran a profit with only half the present manpower.

Fr. R. W. Timm
DHAKA