

# INDIA

## Human rights abuses in the election period in Jammu and Kashmir

*"We are afraid of the gun, whoever holds it. Whether it is the renegades, the security forces or the militants. In case elections are held, the people will be ground between them. Of course, we are afraid of the elections. Who wants to put his life at risk?"*

(A resident of Kashmir quoted in The Pioneer of 3 April 1996)

### Introduction

Amnesty International has over the last months monitored with increasing concern the grave human rights situation in Jammu and Kashmir. Immediately before and during the recent elections to the Indian union parliament, the Lok Sabha, human rights violations appear to have reached a new peak. Prominent citizens, human rights defenders, journalists and political leaders have been particularly at risk of human rights abuses by government security forces, by militias under government control and by armed opposition groups. Amnesty International fears that this pattern may be repeated before and during the forthcoming assembly elections in the state scheduled for September 1996.

Amnesty International has for many years urged the Indian government to stop arbitrary detention, torture, deaths in custody, extrajudicial executions and "disappearances" perpetrated by Indian security forces in Jammu and Kashmir, and to investigate all such reports with a view to bringing perpetrators to justice. The organization has more recently urged the government to disband and disarm armed opposition groups, the so-called renegades, who now side with the government and are reported to commit human rights abuses with the knowledge, acquiescence or connivance of, or on orders by, the authorities. Amnesty International has also condemned unequivocally human rights abuses, including hostage-taking, torture and deliberate and arbitrary killings, perpetrated by armed opposition groups and has urged them to respect minimum standards of humanitarian law.

The current paper, prepared in mid-June 1996, is entirely based on reports which Amnesty International has received from human rights activists, local and foreign journalists and victims or victims' families in Jammu and Kashmir, as the organization has not so far been granted permission to visit the state. On 25 July 1996, during a visit to New Delhi, a delegation of Amnesty International submitted the report to officials in the Ministry of Home Affairs with a request for comment prior to publication. By the time the report went to print, Amnesty International had not received a response.

### Elections in Jammu and Kashmir

Prior to the elections in 1996, the last general elections were held in Jammu and Kashmir in November 1989; the turnout of eligible voters then was below 5 per cent. In February 1990, the state government of Jammu and Kashmir under then Chief Minister Farooq Abdullah was dismissed, the state assembly dissolved and President's Rule imposed, shortly after the present armed struggle between an armed opposition opposed to Indian rule in Jammu and Kashmir and Indian authorities had begun. Since then some 12,000 to 20,000 people have reportedly lost their lives in politically motivated killings. Army sources have been quoted in the media as saying that they have killed some 4,500 militants in Jammu and Kashmir between 1990 and 1995 and that more than 19,000 have been held while nearly 1,500 have surrendered. The Press Trust of India in April 1996 quoted a government spokesperson as saying that in the first quarter of the year, 310 rebels, 30 Indian troops and 329 civilians had been killed in Jammu and Kashmir.

The recent elections in Jammu and Kashmir to six parliamentary seats of the 545 seat Indian lower house of parliament, the Lok Sabha, were held in Jammu and Kashmir after some of the results of elections in the rest of India, concluded in the beginning of May, had been announced. A petition arguing that this sequence would prejudice polling in Jammu and Kashmir, was dismissed by the Supreme Court. Elections in Jammu and Kashmir were staggered, apparently to permit concentration and redeployment of troops to localities where voting took place. They were held on 7 May in Jammu and in Ladakh, on 23 May in Baramulla and Anantnag and on 30 May in Srinagar and Udhampur. The Indian authorities reportedly brought in an additional 50-60,000 troops for the election period, in addition to an estimated 350,000 security forces permanently stationed there.

The National Conference, the traditional party of power in Jammu and Kashmir called on people and government employees to boycott the elections; it demanded the restoration of the pre-1953 status of Kashmir which implies state autonomy in all areas except defence, external affairs and communications. Its president, former chief minister Farooq Abdullah, stated, "we stayed away from the polls because we feared they would be rigged ... and our workers killed". The All Parties Hurriyat Conference (APHC), comprising some 30 groups which despite different political agendas unanimously oppose the accession of Jammu and Kashmir to India, rejected elections as irrelevant to the Kashmir issue and called for a general boycott and strikes. One of its constituent parties, the Jammu and Kashmir Liberation Front (JKLF), argued that elections were tantamount to confirming India's claim to Jammu and Kashmir and "hence could prove detrimental to the on-going freedom movement". The Forum for Permanent Resolution of Jammu and Kashmir (FPR), consisting of several former separatists who had met officials of the union home ministry in New Delhi in mid-March 1996 for an "unconditional dialogue", said it opposed elections in the state as well. It had demanded that all imprisoned militants be released, the army be withdrawn or restrained so as not to harass peaceful civilians and that renegade groups be disarmed. Following the announcement of Lok Sabha elections in Jammu and Kashmir, two of the FPR members boycotted talks with the newly formed Jain Commission on 23 March, saying that their initiative had not been intended to open the path to elections but "to create an atmosphere for a result-oriented dialogue".

The so-called renegades sought to fill the "oppositional space vacated by the National Conference" (*Frontline*, 31 May 1996) by contesting as independents as many of their newly formed political bodies had not yet been registered with the Election Commission. The renegades, former members of armed opposition groups who have reportedly been lured, persuaded or subjected to ill-treatment in custody or other forms of pressure to join the side of the government, have apparently, since early to mid-1995, been trained, armed, housed and protected by various military or paramilitary forces on whose behalf they have reportedly committed abuses against armed opposition groups, their presumed sympathizers as well as the general public. Originally used as intelligence sources to flush out armed opposition groups, the renegades appear to take an increasingly more active part in the security forces' operations against armed opposition groups.

Both the government and the opposition appear to have treated the elections as a referendum -- with government officials calling it a referendum for the democratic process and against militancy and opposition groups treating the elections as a referendum against the union government's policies in Jammu and Kashmir. Opposition groups consequently claimed that no one would participate in the polls unless coerced, and either issued boycott calls or threatened anyone participating in the election process. At the

same time, there were persistent reports of the government and renegades using the state apparatus to ensure high voter turnout.

The elections were marked by violence reportedly resulting in at least 16 deaths. Many civilians complained that they were caught between militant groups threatening to abuse people who participated in the elections and the army and renegades threatening violence against those who did not.

Of the six Lok Sabha seats, four were won by the Indian National Congress (I), and one each by the Janata Dal [People's Party] and the Bharatiya Janata Party [Indian People's Party] (BJP)<sup>1</sup>; none of the renegades were elected.

At the national level, following general elections in late April and early May 1996, which led to a hung parliament, the BJP formed a government on 16 May under Prime Minister Atal Bihari Vajpayee, but relinquished power on 28 May after failing to muster a majority. He was replaced by Prime Minister H.D. Deve Gowda on 1 June, leading a 13-party United Front government, including the Janata Dal, the Indian National Congress, the Tamil Manila Congress, the DMK, the Socialist Party and the Telugu Desam Party. In early June, it released a Common Minimum Programme accepted by all the United Front partners, promising a "maximum degree of autonomy" to Jammu and Kashmir and to retain unchanged Article 370 of the Indian Constitution which secures a special status to Jammu and Kashmir. Further, the United Front government declared that it would seek to hold elections to the Jammu and Kashmir state assembly "as soon as possible". Prime Minister H.D. Deve Gowda on 16 June said: "The election to parliament from Jammu and Kashmir was a triumph of our democratic polity and it showed the maturity of the people in rejecting the militants, including those aided and abetted from across the border. ... building on these positive developments, we shall complete the task of restoration of normalcy and popular government in Jammu and Kashmir".

Elections to the Jammu and Kashmir state assembly, tentatively planned for July 1995, had been postponed following the gutting of the shrine of Charar-e Sharief on 11 May 1995 for which the government held militant groups responsible while these conversely blamed the army. In November 1995, assembly elections were postponed indefinitely by the Election Commission which held that the security situation was not conducive to free and fair elections in Jammu and Kashmir. However, the Supreme Court in January 1996 directed the Election Commission to engage in a dialogue with the union government on elections.

Responses to the union government's call for assembly elections in Jammu and Kashmir were cautious. Former chief minister and president of the National Conference, Farooq Abdullah, requested clarification of the meaning of "maximum degree of autonomy" and suggested holding state assembly elections in the fall of 1996. The APHC which has consistently called for tripartite talks between India, Pakistan and representatives of Jammu and Kashmir and made such talks conditional upon New Delhi's recognition of the "disputed nature" of Jammu and Kashmir appeared ambivalent. In early June, its chairman Moulvi Omar Farooq signalled the group's willingness to open talks with the Indian government and to involve Pakistan "at a later stage". At the same time, Abdul Gani Bhatt dismissed the Indian

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<sup>1</sup>election results in 1989: National Conference 3, Congress(I) 2 and Independents 1

government's proposal as it failed "to meet the basic demand of the people, which is the future dispensation of Jammu and Kashmir in accordance with the wishes of the people". The JKLF similarly argued that "we are fighting not for autonomy but for the reunification of the entire state and free expression of the unfettered will of its people about their future".

On 7 August, the Election Commission announced that elections for the 87-seat state legislative assembly would take place on four separate days beginning on 7 September, with subsequent polling on 16, 21 and 30 September. The National Conference shortly afterwards announced its intention to participate in the polls along with several national parties including the Janata Dal and representatives of renegade groups. The APHC called for a boycott of the elections.

## Human rights abuses in the pre-election phase

In the months leading up to the Lok Sabha elections in Jammu and Kashmir, Amnesty International received reports of human rights abuses by government agencies, renegades and armed opposition groups, directed primarily against human rights defenders, journalists and prominent political leaders. Amnesty International has been told by some of the few remaining human rights defenders in Jammu and Kashmir that their position has become untenable as the use of force and the threat of use of force have made it impossible for them to collect information and consistently document human rights violations.

Only a high level of security arrangements made some electioneering possible. Candidates, many of whom were unknown locally, were given police cover and bulletproof cars. Many lived outside their constituencies and only visited them to file their nomination papers and to hold rallies under police cover. Despite government orders of 17 April, prohibiting candidates from carrying arms, many had hired their own armed escorts. As armed opposition groups had warned people not to attend election rallies, attendance was thin and apt to disperse at the hint of violence. Renegades, visibly supported by various law enforcement agencies, enforced attendance of election rallies of their candidates, threatening people with “dire consequences” if they desisted. Candidates of the Indian National Congress threatened to withdraw from elections if armed opposition groups were not disarmed as their rallies were frequently disrupted and candidates and their followers were threatened.

Only days after general elections were announced in Jammu and Kashmir on 19 March 1996, 23 members of the JKLF’s Amanullah Khan faction were reportedly deliberately killed by state police. Six days earlier, at least nine JKLF members and two officers of the Jammu and Kashmir Armed Police (JKAP) had died in an exchange of fire at Hazratbal Shrine in Srinagar after which the JKLF occupied it in protest against JKAP and Border Security Force (BSF) presence there. The JKLF group left the shrine on 26 March to return to their party office just outside the shrine’s southern gate. Governor K.V. Krishna Rao on 27 March said that “I was planning an operation in the night. If they had not come out, they would have all died. The force was ready. They were lucky.” (Reuters, 27 March 1996). Among claims and counter-claims about the substance of the preceding negotiations, Shabbir Siddiqui on 29 March told journalists that the *status quo ante* had been restored but that the group had in fact been arrested; similarly Governor K.V. Krishna Rao asserted that the JKLF men had been “taken into custody”.

Before dawn of 30 March, the Special Operations Group of the police, with support from the BSF and the Central Reserve Police Force (CRPF), cordoned off the JKLF office and ordered those inside to surrender. After three men, three women and four children came out, security forces opened automatic fire and fired mortar shells at the building, killing 23 members of the JKLF, including its president, Shabbir Siddiqui, and two boys aged between 10 and 12. Police claimed that the Siddiqui group had tried to retake the shrine and had opened fire, but the JKLF and the APHC have stated that the group was unarmed at the time of the killing. According to media reports, police suffered no loss in the incident; however, Additional Director General of Police, A.K. Suri said that in the gun battle which ensued between police and JKLF when the latter refused to surrender, six police officers were injured. To Amnesty International’s knowledge, no inquiry into the incident has been undertaken.

The APHC, which in peaceful demonstrations and house-to-house canvassing across Srinagar called on people to boycott elections and urged separatist groups not to resort to violence during elections, was itself the target of repeated attacks, apparently by renegades. On 2 May a fire broke out in the APHC headquarters, at a time when it had scheduled a meeting, later postponed, to discuss its anti-election campaign. On 9 May, six senior APHC leaders were fired at by gunmen identified as renegades of the Ikhwan-ul Muslimoon, near Bombai village, Baramulla district where Abdul Gani Lone, Shabir Ahmad Shah, Mohammad Yasin, Syed Ali Shah Gilani, Javid Ahmad Mir and Abdul Gani were canvassing house to house against elections. Police escorts of the APHC leaders intervened and overpowered the attackers. On 11 May, a landmine exploded on the highway on which Yasin Malik and Javid Ahmed Mir travelled, without injuring anyone. On 16 May, a rocket was fired at Syed Ali Shah Gilani's house in Hyderpora, Srinagar; it missed the main building but caused extensive damage to surrounding buildings; Gilani's house had earlier been attacked in October and December 1995, January, March and on 9 May 1996. Grenade and automatic weapons attacks on the house of Abdul Gani Lone were also reported in January, February and April 1996.

Renegades reportedly interfered with electioneering of candidates from other parties. For instance, Indian National Congress candidate Taj Mohiuddin from Anantnag claimed that renegades of the Ikhwan-ul Muslimoon had tried to prevent him from electioneering in mid-April; "... near a point where I had to address a rally in Anantnag town, I saw two gunmen approaching me. ... They said they will not allow me to address the rally and when I argued, they cocked their guns". Police claimed that the two men were Special Police Officers on duty in Anantnag and registered a case of assault against Mohiuddin who claimed in turn that the government was shielding the renegades.

Human rights defenders and journalists have been particularly at risk when they exercised their right to freedom of expression over the last few months prior to elections, both from government forces and renegade attacks. On 27 March, the decomposed body of civil rights lawyer and chairman of the Kashmir Commission of Jurists, Jalil Andrabi, with his hands tied up and his face mutilated, was found in the Jhelum river. The autopsy report later stated that Andrabi had probably been killed some 14 days earlier; he had apparently died of gun shot injuries to his head which also bore injuries inflicted by a blunt weapon.

On 8 March, Andrabi had been taken from his car apparently by personnel of the 35 Rashtriya Rifles unit stationed at Badgam, headed by a Sikh major and accompanied by renegades who acted as "spotters" identifying the victim to army personnel. Andrabi's wife Rifat who had witnessed the incident, attempted to file a First Information Report (FIR) in the Sadar police station naming the army as responsible for the abduction, but was refused. The Inspector General of Police reportedly assured Rifat Andrabi on the phone later in the night that Andrabi was "with them" and would be released after completion of investigations. On the following morning, the Kashmir Bar Association, of which Andrabi was a member, filed a *habeas corpus* petition in the High Court, which directed all the law enforcement agencies in the state to declare whether they were holding Jalil Andrabi; the army in a sworn affidavit stated before the High Court on 11 March that "Rashtriya Rifles do not operate in the said area, neither was any member deputed/present at Parrayapora at 5.30 pm nor did any member of the Rashtriya Rifles apprehend or receive the alleged detainee on the date and time given ...". Police reportedly urged the family to alter their FIR so as not to mention army involvement but to declare that Andrabi had been taken away by unknown persons; the family agreed to do so on condition that they could meet Andrabi. On 13

March the FIR was finally registered but the family was not informed about Andrabi's whereabouts. On the following day, the High Court said it was not satisfied with affidavits denying the custody of Andrabi which junior officers of the army and the home ministry had filed and ordered the secretaries of the Defence and Home Departments to file their affidavits relating to the whereabouts of Jalil Andrabi. The court also directed that a special inquiry into Andrabi's whereabouts under the Deputy Inspector General of Police be set up. The Inspector General of Police was directed to carry out an investigation and report to the Court every day on the progress of investigations.

The inquiry into the detention of Jalil Andrabi, then into the circumstances of his death, has not concluded yet; Amnesty International is not aware of any preliminary findings. The composition and task of the investigation team have apparently been arbitrarily altered by the Inspector General of Police; while the original team had been directed to take instructions in the investigation only from the court and to report to it alone, the team appointed by the Inspector General of Police on 5 June is to report to him on a day to day basis. In response to these changes, the Andrabi family have filed a contempt of court petition.

A hint left by Andrabi himself does not appear to have led to any breakthrough in the investigation. He had told journalists on 30 January 1996 that two unidentified armed men, possibly renegades, had tried to lure him from his house a day earlier and that he had covertly photographed them.

Jalil Andrabi had fought for improved prison conditions in Jammu and Kashmir and documented cases of custodial killings, arbitrary detention and "disappearances". A petition filed by Andrabi had led to a High Court order in October 1994 that district committees consisting of judicial, police and medical authorities should make regular visits to all jails, detention centres and police lockups in the state. As far as Amnesty International is aware, visits were restricted to only one district in the state during December 1994 and have not subsequently taken place. The visits found widespread evidence of illegal detention, torture and ill-treatment. In October 1995, following another petition filed by Andrabi, the state government gave assurances that no prisoner would be detained outside the state.

Jalil Andrabi was to have represented the Kashmir Commission of Jurists before the United Nations Human Rights Commission in Geneva on 18 March 1996; in January 1996, Andrabi told newsmen that he knew that he was on the government hit list since attending the Commission in Geneva the year before. Shortly before his death, Andrabi attended a conference in New Delhi at which he condemned human rights violations committed by state authorities in Jammu and Kashmir. His death is a further obstacle to the free documentation of human rights violations in the state and is seen by many as a deliberate attempt to end human rights monitoring in the state.

Shortly after Jalil Andrabi's death, on 10 April 1996, the body of another human rights defender and editor, Ghulam Rasool Sheikh, was found in the Jhelum river near Pampore. Ghulam Rasool Sheikh had been abducted on 20 March, according to his relatives, by renegades accompanied by army personnel. State officials have denied the charge and stated that Ghulam Rasool Sheikh was abducted and killed by militants. Sheikh had recently publicly condemned the rise in killings and arson in his hometown Pampore. Kashmiri journalists pressed for an inquiry into the abduction and killing but to Amnesty International's knowledge, no such inquiry has been undertaken.

About a month earlier, on 6 March, Ghulam Nabi Khayal, correspondent for Pakistan Television and veteran member of the local press community, was attacked in the compound of his home in the Rawalpura area of Srinagar by unidentified gunmen who tried to abduct him and threw hand grenades into his house. While officials blamed separatist groups for the grenade attack, Khayal stated that Rawalpura was heavily patrolled by Indian security forces making it highly unlikely that members of an armed opposition group could have reached his house undetected.

Prominent citizens have also been targeted by armed opposition groups and renegades in the pre-election period. Dr Yousuf Omar, chairman of the Kashmir Public Relief Trust, Trustee of the Rufaidah Blood Bank and president of the apolitical Islamic Study Circle, was shot at and critically injured in his office in Srinagar, on 16 April, allegedly by renegades who tried to abduct him. When he resisted, they shot him in the arm and the stomach.

Armed opposition groups threatened election officers and the public with “dire consequences” if they participated in elections. On 11 May, seven armed opposition groups issued a statement threatening to kill any official who carried out election duties in the state; the statement was signed by Hizbul Mujahideen, Tehrik-ul-Mujahideen, Al-Jihad, Al-Barq, Hezbollah, Al-Umer and Hizb-ul-Momineen. They also directed government officials to close their offices from 13 to 31 May. The Indian government simultaneously ordered state employees to report for duty during the election period. When some 10,500 central government employees were flown in to supplement local staff in elections duties, Hezbollah spokesman Kalim Siddiqui on 18 May declared that “by May 22, if the employees of other states fail to leave, our group will kill them and their families”. Most, but not all schools and government offices remained closed during the period as people feared opposition groups more than the government. Earlier, in mid-April, the Jammu and Kashmir Islami Harkatul Mohmineen and the Khalistan Liberation Front had issued a 24-hour ultimatum to candidates contesting elections to withdraw from the contest; if they did not co-operate, it was threatened that the candidates or their families would be killed.

Armed opposition groups carried out their threats in a number of cases, abducting or killing government and army officials and candidates. On 9 April, Ghulam Hassan Pinglana, a former parliamentarian of the Indian National Congress in his seventies was shot dead in his village home in Pulwama district, allegedly by the Hizbul Mujahideen. A bomb planted in an election office in Anantnag on 12 April injured six occupants of the building; no group claimed responsibility. On 16 April, Al-Jehad group claimed responsibility for a landmine blast in Srinagar which killed at least two people, including the deputy commandant of the BSF, Subhash Sharma, and a child. Hospital sources stated that over 25 civilians, including a child, had been injured; witnesses said that many of the injured were victims of the BSF’s arbitrary firing in retaliation after the attack. Al-Jehad warned that it would undertake more such attacks if elections went ahead. The brother of Wali Mohammad Wani, who was contesting elections on a Awami Tehriq Party ticket from Baramulla, was shot dead on 20 April when members of an armed opposition group could not find the candidate himself. The Awami Tehriq is a party formed by renegades; one of its activists had been shot dead by unidentified members of an armed opposition group in Srinagar two days earlier while distributing campaign literature.

On 3 May, members of an unidentified armed opposition group reportedly killed three men in front of the assembled village of Bapsar, Udhampur district, allegedly to intimidate them and prevent them from participating in elections. On 4 May, in a hand grenade attack on Congress leader Mohammad Ayub



Khan, his wife and two children were killed in Rajouri. On the same day, three Hindus who were reportedly members of a local village defence committee, were lined up outside their homes in Sudhmahadev village in Udhampur district and shot dead. Eleven other Hindu neighbours were abducted and their guns, given to them for self-defence purposes, taken away. About 20 houses were set on fire. Before leaving, the group reportedly pasted a poster on a wall threatening more killings if the villagers took part in elections.<sup>2</sup>

Often it was unclear which side was responsible for abductions and killings; for instance, on 5 May, eight Nepali workers were shot dead by members of an unidentified armed opposition group or a renegade group at Lasjan village, near Srinagar. Ten Nepalis had been abducted the night before from the stone quarry where they were working. Two captives managed to escape; no group claimed responsibility but authorities said the incident was intended to disrupt polls. APHC declared that renegades were responsible for the killings.

Journalists have been severely restricted in the exercise of their professional duties and right to freedom of expression by threats and attacks from both sides, the government and the renegades, as well as from armed opposition groups. From 19 April 1996, the Kashmir Press, a representative body of local newspapers suspended publication for an indefinite period after the Hizbul Mujahideen issued threats against any newspaper publishing any government statement or advertisement. Earlier, on 17 April, the union government had issued a circular directing newspapers not to carry any statement of any member of an armed opposition group or anything that might hamper the election, such as threats to candidates contesting the elections or to government officials. Any violation of this directive, the Union Home Ministry said, would invite penal action.

### **Human rights violations during elections**

During the first stage of elections, held on 7 May in Jammu and Ladakh, little violence and a high voter turnout of about 55 per cent<sup>3</sup> and 80 percent<sup>4</sup> respectively were reported.

During the next stage of elections on 23 May in Baramulla and Anantnag, independent Indian and foreign correspondents and human rights monitors reported witnessing the Indian army, the paramilitary

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<sup>2</sup>Increasingly, local residents are being trained and equipped as “village defence committees” to assist official counter-insurgency units. The setting up of 100 additional committees in Doda and Udhampur districts, each consisting of some 10-15 mostly ex-service men, was sanctioned by state authorities in June 1996; 30 such committees had reportedly been set up in the district since the beginning of the year. The powers and structures of command and accountability of such committees are not known to Amnesty International at present.

<sup>3</sup>approximately the same as in 1989

<sup>4</sup>6 per cent below the 1989 turnout

Rashtriya Rifles and renegades coercing people at gunpoint from their homes to participate in elections. Officials claimed a turnout of 35 per cent in Baramulla and of 43 per cent in Anantnag, compared with less than 5 per cent in parliamentary elections in 1989. A team of Indian human rights activists, including representatives of the Committee for the Protection of Democratic Rights, Lokshahi Hakk Sanghatana and Andhra Pradesh Civil Liberties Committee, reported that “the Indian army went from house to house on May 23, forcibly evicting people from their houses at gunpoint, scuttling them like cattle towards the polling booths. The army had threatened them that if they returned without a mark on their finger<sup>5</sup>, they would be considered sympathizers or militants.” Renegades belonging to the Ikhwan-ul Muslimoon reportedly threatened people in Pampore that they would be beheaded if they could not show the ink mark on their finger. Demonstrators in Baramulla and Sopore towns and village Muchpora in Anantnag constituency, protesting against the army’s coercive methods, as well as journalists covering the demonstrations, were subjected to heavy lathi-charges by the army, the human rights activists reported. Agence France Press photographer Tauseef Mustafa was beaten with gun butts and had his film taken away when troops noticed him taking pictures of women injured by troops. Journalists reported an army unit rounding up and detaining some 50 children in Baramulla till their relatives, who had attempted to boycott elections, had voted. At least one election related death was reported from Ajar, Kupwara district, after 7-year old Shah Naza was hit on the head by army troops, probably with rifle butts on 23 May. The villagers had gathered in front of the mosque to protest against being coerced to vote when army forces resorted to indiscriminate beating. The girl was taken to an army hospital for treatment, then transferred to the civil hospital in Handwara, later to the Institute of Medical Science in Srinagar where she died on 24 May of brain edema.

Some armed opposition groups appear to have engaged in punitive killings after the elections in Anantnag and Baramulla. Two election agents of the Anantnag candidate of the Indian National Congress, Ghulam Qadir Ganai and Ghulam Mohamad Khan, were abducted from their homes in Beigam village in Kulgam, Anantnag district, on 26 May by armed men; their bodies were found two days later. The Congress candidate alleged that the Jammu Kashmir Ikhwan (Liaqat group) had killed the men in retaliation for the high voter turnout; officials denied that the two men had been Congress election agents.

Srinagar, where the last stage of elections took place on 30 May, was relatively quiet during the elections in Anantnag and Baramulla due to prolonged strikes (20 to 23, 26 to 30 May) called by several opposition groups protesting against the elections. However, some incidents were reported. On 23 May, five renegades were shot dead by paramilitary troops in Kupwara after being mistaken for separatists moving in a suspicious manner. On 24 May, four unidentified members of an armed opposition group were shot dead by Indian troops during a shootout on the outskirts of Srinagar, according to official sources. Witnesses, however, were quoted as saying that the four men had been dragged out of their homes and shot dead at point blank range.

Armed opposition groups repeatedly tried to disrupt election preparations and elections and especially targeted government officials. Vehicles carrying officials on election duty were repeatedly attacked in different parts of Jammu and Kashmir, for instance on 18 May at Kanthpora in Kupwara district. Seven members of the Border Security Force (BSF) were slightly injured in the Lal Chowk area

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<sup>5</sup>which is applied by election officers to mark those who have cast their vote

of Srinagar on 20 May when a grenade missed their jeep and exploded in front of it. On 25 May, a powerful bomb blast at a bus stand in Doda killed three people and injured 47 others; most of those injured and killed were government election officials travelling in a heavily guarded convoy from Doda to Bhandarwah. No group claimed responsibility for the bombing. On 28 May a rocket, fired at a hotel in Srinagar where over a hundred election officers and doctors, brought to the state for emergency medical service during the elections, were staying, narrowly missed its target, injuring no one. Armed opposition groups fired four rockets that exploded on 29 May in the outskirts of Srinagar without causing any damage. Four soldiers on election duty were injured on 30 May when their vehicle struck a land mine in Brindaban in Udhampur. Grenade attacks on the same day injured two paramilitary men; five rockets fired at the city early in the morning produced no casualties.

Armed opposition groups were reportedly responsible for some bomb attacks outside Jammu and Kashmir; these included a bomb blast on 21 May in a New Delhi market which killed 13 people and injured 56 others for which two Kashmiri groups (Jammu and Kashmir Islamic Front and Lashk-e-Sajad) and a Sikh group (the Khalistan Liberation Front) claimed responsibility. On 22 May a bus was blown up in Rajasthan killing 22 passengers; no group claimed responsibility but police suspected Kashmiri groups' responsibility.

As in the pre-election phase, some abuses including targeted killings were committed by unknown persons or groups. On 15 May, Bashir Ahmed Mattoo, a senior physics professor and member of the Muslim Welfare Trust, was shot dead by unidentified gunmen when boarding a bus in Srinagar.

Several people were arbitrarily detained and ill-treated by security forces, apparently to intimidate whole neighbourhoods to participate in the elections or to put pressure on political leaders. On 13 May, Ghulam Hassan Mukhdoomi, the son-in-law of APHC leader Syed Ali Shah Gilani, was arbitrarily arrested by the paramilitary Rashtriya Rifles who acted in conjunction with a group of renegades in Tujjar Sharif, Sopore, and detained for three days in Bomai camp, Sopore. No charges were brought against Mukhdoomi, a medical assistant, who had no apparent political affiliation. His arrest was widely seen as intended to put pressure on the APHC leadership. On the day before the elections in Srinagar, most APHC leaders, including chairman Umar Farooq, Yasin Malik, Syed Ali Shah Gilani, Shabir Ahmed Shah and Abdul Gani Bhat were placed under house arrest, apparently to prevent them from making public speeches against the elections. A police official was quoted as saying, "we are taking all measures to counter any trouble". The house arrest was lifted after the election. JKLF leaders Javed Mir and Shakeel Bakhshi were arrested on 30 May while holding demonstrations against the elections, but were released later in the day.

Two carpenters, Mohammed Ramzan and Abdul Rashid, who had no apparent political involvement, were arrested from their homes in Solina Balla in Srinagar on 29 May by the BSF, accompanied by members of the Special Task Force of Jammu and Kashmir police. A South Asia Human Rights Documentation Centre investigation team was told by eye witnesses that the men were beaten during arrest and in Shergadi police station where they were taken. Both men were later transferred to an undeclared detention centre in the Jawahar Nagar neighbourhood of Srinagar to which local residents had seen some 21 young men recently being taken. Local people believed that the arbitrary arrest and detention of Mohammed Ramzan and Abdul Rashid was intended to intimidate their neighbourhood to caste their votes during the next day's elections in Srinagar.

Like residents of Baramulla and Anantnag, people living in Srinagar's outlying areas reported that troops had threatened them on 29 May that their hands would be chopped off if their fingers did not bear the blue mark proving they had participated in elections; similar complaints were made in Udhampur. Some Srinagar residents told foreign correspondents that security personnel had threatened them with "dire consequences" if they did not go to vote.

Officials later claimed a 37 per cent turnout in Srinagar and 55 per cent participation in Udhampur while independent observers touring the Srinagar area were quoted as estimating the turnout to be less than half this figure. Invalid votes, according to official sources, were some 10 per cent of votes cast in Srinagar, compared to 7.5 per cent in Baramulla; this percentage was considered low by officials and an indicator that people were not coerced hence did not see the need to invalidate their ballot papers.

Several journalists were beaten by troops in Srinagar's Batamaloo area when they took photographs of police beating a women demonstrator. A photographer working for the Press Trust of India news agency reportedly fell to the ground bleeding after a BSF man hit him on the head with the butt of his rifle. A journalist said, "the photographers rushed when a BSF guard started roughing up a lady demonstrator. They then turned and charged us." Five other journalists, some from Delhi-based newspapers, were injured in other parts of the city covering the elections. Senior police official Gopal Sharma was reported as saying about the beating of journalists, "What has happened should not have happened. We condemn the incident". BSF used teargas to break up protest demonstrations gathered outside the city's main mosque, injuring some 20 people. A witness said, "the troops just stormed in and began indiscriminate firing of shells at the crowd". A Reuters correspondent was prevented by troops from approaching the mosque area but witnessed many injured people being put in a van.

Three people were killed in Srinagar on 30 May and dozens injured as hundreds of people demonstrated in the streets shouting anti-Indian slogans. The dead included Ghulam Nabi, who died when paramilitary forces opened indiscriminate fire at a protesting crowd in the city's Dalal Mohallah area, possibly in retaliation against an earlier attack on a BSF picket. Police, however, claimed that Nabi died in cross fire between armed opposition men and security forces. Another BSF guard died when he reportedly accidentally shot himself in a stampede outside a polling station following an anti-election demonstration. Another border guard died in a grenade attack by an armed opposition group during the last hours of polling.

Indian authorities have denied the truth of eye-witness accounts of coercion and the use and threat of force against people unwilling to participate in the elections. Jammu and Kashmir Chief Secretary Ashok Kumar, who acknowledged that he had not been to the relevant districts during the election process, stated in a press conference that what reporters had seen was troops offering protection to voters against reprisals by insurgent groups: "I am speaking the truth: there was no herding of people." A spokesperson of the federal government home ministry asserted on 24 May that complaints of coercion were a "defence mechanism" of people against possible reprisals by militants who had called for a boycott and that the heavy army presence was needed "to protect candidates, voters and government officials conducting the polls". Lieutenant-General Jagjit Singh Dhillon declared that army officers may have asked people to vote, but that they had not been ordered to coerce anyone to do so. Similarly Director General of Police Manohar Nath Saberwal after the conclusion of elections in Srinagar dismissed reports of coercion as part of a "disinformation campaign". Governor K.V. Krishna Rao stated that "The people are

fully aware that these elections have been absolutely free and fair. However, if there are any complaints these will be thoroughly investigated.” The Election Commission termed elections in Jammu and Kashmir “relatively free and fair”; Chief Election Commissioner T.N. Seshan in response to allegations of coercion during a press conference said that no written complaint had been received by the commission. Despite these protestations, the overwhelming weight of evidence available to Amnesty International suggests that the electoral process was marred by intimidation and threats of human rights violations and abuses.

### **The post election situation**

Peace did not return to Jammu and Kashmir and human rights abuses have not stopped with the end of the Lok Sabha elections. On 2 June, at least five counting agents, reportedly belonging to the renegade groupings Muslim Mujahideen and Jammu Kashmir Ikhwan, died and some 40 people were injured when paramilitary forces opened fire at them as they were allegedly disrupting the counting process in Anantnag district. Chief Secretary Ashok Kumar announced that a senior magistrate would investigate the “circumstances which led to the firing on militants”. On 8 June, 10 Hindu civilians were deliberately and arbitrarily killed in Kalmari village in Doda district. According to reports, members of a separatist group broke into the house of Jagan Nath, a forest officer who had been on poll duty during elections despite threats; they first beheaded him, then his wife, father, son, a six-year old daughter and a female guest. When relatives in the neighbouring house raised the alarm, the armed men killed four members of that household and injured several others. No group has claimed responsibility for the killings.

A day earlier, in the night of 7 June, a powerful car bomb exploded outside the Rawalpura house of APHC leader Abdul Gani Lone, slightly injuring five people and extensively damaging his home and neighbouring houses. Lone, who escaped unhurt, held the authorities responsible for the assassination attempt. In the same night, unidentified gunmen opened fire and threw a grenade at the house of another APHC leader, Syed Ali Shah Gilani. Men in army uniform were reportedly seen at the scene of the attack and later to drive off in an army truck. Nobody was injured in the attack. Earlier, in the night of 1 June 1996, Gilani said some gunmen accompanied by army personnel, had attempted to kill him in his home. On 17 June, BSF personnel reportedly raided the office of APHC leader Shabir Ahmad Shah and beat five political workers found there.

Attacks by armed opposition groups on state officials have continued as well; on 12 June, a bomb exploded in the car of Superintendent of Police and telecommunications, Bupinder Singh at Nashri Nallah, on the Jammu-Srinagar highway, injuring two persons.

The right to freedom of information was only slowly restored. On 17 June, Kashmir based newspaper editors announced the resumption of publications despite armed opposition groups’ persistent threats against the press.

With the announcement of the forthcoming state assembly elections which are to begin on 7 September, threats and incidents of violence have re-surfaced. A newly formed organization of pro-Pakistan armed opposition groups -- the United Jihad Council -- which includes the Hizbul Mujahideen, Harkat-ul-Ansar, Al Jihad, Tehreek-ul-Mujahideen and Al Umer Mujahideen, called for 38-day strike from 24 August to boycott the elections and reportedly announced that “Anyone found violating the strike call will be regarded as a traitor and dealt with accordingly”. On 19 August Mohammad Shafi Khan, a

candidate for the Janata Dal party was shot dead, allegedly by members of an armed opposition group. The government has promised security to candidates and has reportedly drafted in an extra 70,000 troops.

## **AMNESTY INTERNATIONAL'S CONCERNS AND RECOMMENDATIONS**

Amnesty International believes that there is urgent need for the Government to ensure that the right to life and safety of the civilian population of Jammu and Kashmir is fully respected. In particular, human rights defenders and journalists must be adequately protected to pursue their duties without fear in Jammu and Kashmir. The organization urges the Government of India to take all possible measures to ensure that the upcoming elections are not marred by further human rights violations.

### **Amnesty International urges the Government of India to**

- < Promptly set up impartial and independent inquiries into every reported human rights violation in Jammu and Kashmir, including torture and threats of torture, extrajudicial executions and arbitrary arrest of political prisoners, and make their terms of reference and findings public;
- < Ensure that all perpetrators of human rights violations are brought to justice and that the cycle of violations and impunity is broken;
- < Disarm and disband the renegade groups reported to have committed human rights abuses;
- < Provide protection to human rights defenders including journalists who report human rights abuses and to permit UN human rights mechanisms including the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary and arbitrary executions and the Working Group on disappearances, as well as international human rights organizations including Amnesty International to visit Jammu and Kashmir. The continued refusal to grant access to such bodies creates the impression that the Indian Government fears international scrutiny of the human rights situation there.

### **The organization further urges all armed opposition groups to**

- < Respect the basic standards of humanitarian law which require that all people taking no active part in hostilities should at all times be treated humanely.
- < Desist from the practices of hostage-taking, torture and ill-treatment of those in captivity and the deliberate killing of civilians. In particular civilians should not be killed for expressing their views or because of political views attributed to them, or because of who their relatives are or because they belong to another religious community.