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23 July 2003

UA 222/03 Fear of torture/Fear for safety

INDIA Ayub Khan Pathan (m)

Abdul Latif Pathan (m), father of Ayub Khan Pathan

Mehzabin Ayub Khan Pathan (f), wife of Ayub Khan Pathan

Shamshad Begum A Pathan (f), wife of Abdul Latif Pathan

Amnesty International is seriously concerned for the safety of four members of a family in Ahmedabad, Gujarat, after the detention and reported torture of Ayub Khan Pathan and his father Abdul Latif Khan Pathan, and the reported intimidation of their wives Mehzabin Ayub Khan Pathan and Shamshad Begum A Pathan.

Ayub Khan Pathan was reportedly detained on 15 June by Crime Branch police officers of the Gujarat police; his father, Abdul Latif Pathan, was reportedly detained on 25 June. When Crime Branch officers denied that they were holding them, their wives, Mehzabin Ayub Khan Pathan and Shamshad Begum A Pathan, filed a *habeas corpus* petition in the Gujarat High Court on 7 July, asking the court to intervene.

Two days later, the women were reportedly summoned to the Gayakwad Haveli police station in Ahmedabad to meet their husbands. The women later testified to the Gujarat High Court that their husbands had been beaten and could barely walk. They also testified that they had seen many other people at the police station who were handcuffed or chained, and who claimed to be illegally detained.

A number of attempts were made to intimidate the women into dropping their *habeas corpus* petition. Their husbands gave them letters in which they were told to withdraw the petition or they would be killed. The women were also reportedly threatened by the Superintendent of Police, saying that if they pursued the petition, their husbands and even they themselves would be charged under the Prevention of Terrorism Act (POTA).

On 11 July, however, the women presented to the High Court their allegations that their husbands had been illegally detained and tortured, and showed the letters given to them by the two men. At the hearing, the Crime Branch denied that the two men were in their custody. On 16 July, the two men were produced before a special POTA court by Crime Branch officers, who claimed that they had been arrested the previous day at a railway station in Ahmedabad and had weapons and money in their possession. The men were remanded to police custody for 15 days. The High Court subsequently dismissed the *habeas corpus* petition, apparently satisfied that the whereabouts of the two men was now established.

The two men continue to be held in police detention, without access to lawyers, and have not been seen by relatives since 9 July. Their wives may face further reprisals for their actions in bringing the *habeas corpus* petitions to court.

BACKGROUND INFORMATION

Scores of young men, mainly Muslims, are reported to have been picked up and illegally detained by Crime Branch officers of the Gujarat Police in recent months for the purposes of interrogation. While some have subsequently been released, others were subsequently "formally" arrested, often under POTA. Most of their relatives are reported to be too scared to file complaints. Amnesty International's concerns about the above individuals are heightened by reports that 29 detainees brought before the special POTA court in Ahmedabad on 21 July complained that they had been coerced into making confessions by police detaining them. The arrests come in the aftermath of communal violence in Gujarat in which the Muslim community was particularly targeted; the assassination of former Gujarat Home Minister Haren Pandya, apparently in retaliation for attacks on Muslims; and an attack on the Swaminarayan Temple. The Gujarat Police claim to have uncovered a conspiracy between the intelligence services of Pakistan and members of the Muslim community in Ahmedabad, on the basis of which they are carrying out these arrests.

Amnesty International has placed on record its concerns about provisions of POTA which it believes violate international human rights standards. In particular it is concerned that several provisions increase the risk of torture for those detained.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the authorities to ensure that Ayub Khan Pathan and Abdul Latif Pathan are not subjected to torture or ill-treatment while in detention;
- urging that the two men are granted prompt and regular access to relatives and lawyers and provided with any medical treatment they may require;
- urging the authorities to ensure the safety of Mehzabin Ayub Khan Pathan and Shamshad Begum A Pathan, who may be at risk of reprisals for filing a *habeas corpus* petition;
- requesting information on the action taken by the authorities to impartially investigate allegations of the illegal detention and torture of Ayub Khan Pathan and Abdul Latif Pathan, as they are obliged to do under Article 12 of the UN Convention against Torture;
- urging the authorities to ensure that any allegations of torture made by detainees arrested under POTA be immediately and impartially investigated in accordance with Article 12 of the Convention

APPEALS TO:

Shri Narendra Modi

Chief Minister of Gujarat

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Gujarat
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Telegram: Chief Minister of Gujarat, Gujarat, India

Fax: + 91 793 222 101

Salutation: Dear Chief Minister

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Salutation: Dear Deputy Prime Minister

COPIES TO: diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 September 2003.*****

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