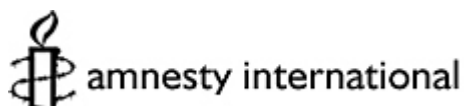


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	171
Land:	Indien
Kilde:	Amnesty International.
Titel:	Report 2009.
Udgivet:	28. maj 2009
Optaget på baggrundsmaterialet:	9. juni 2009

Title	Amnesty International Report 2009 - India
Publisher	Amnesty International
Country	India
Publication Date	28 May 2009
Cite as	Amnesty International, <i>Amnesty International Report 2009 - India</i> , 28 May 2009, available at: http://www.unhcr.org/refworld/docid/4a1fade5c.html



Amnesty International Report 2009 - India

Head of state: Pratibha Patil
Head of government: Manmohan Singh
Death penalty: retentionist
Population: 1,186.2 million
Life expectancy: 63.7 years
Under-5 mortality (m/f): 73/83 per 1,000
Adult literacy: 61 per cent

Police were either inactive or responded with excessive force in the face of sectarian violence against religious and linguistic minorities and ethnic clashes. Adivasis (indigenous communities) and small farmers continued to protest their exclusion from government decision-making on new development projects which could threaten their livelihoods and result in forced evictions. The low-level conflict continued between Maoists and the government and militia widely believed to be supported by the government. Both sides committed abuses including targeting civilians. Bomb-blasts in various parts of the country killed hundreds of people. In response the government arbitrarily detained and tortured suspects. Following the November Mumbai attacks in which more than 170 people were killed, the government tightened security legislation and set up a federal agency to investigate terrorist attacks. Judicial processes failed to ensure justice for many victims of communal violence. The courts sentenced at least 70 people to death. No executions took place.

Background

In addition to the 170 killed in the November Mumbai attacks, more than 400 people were killed in bomb attacks in the cities of Jaipur, Ahmedabad, Bangalore, Malegaon, Delhi and Imphal and in the states of Tripura and Assam.

India-Pakistan ties deteriorated following allegations by the Indian authorities that the November Mumbai attacks had been carried out by people or groups based in Pakistan. India-Pakistan peace initiatives including talks on Kashmir failed to make progress.

The government's response to widespread violence against women remained inadequate.

While India continued to experience economic growth, a quarter of the population, approximately 300 million people, 70 per cent of whom lived in rural areas, remained in poverty. Indian authorities had not managed to ensure the rights of already marginalized communities, such as landless farmers and adivasi communities, who oppose exploitation of their land and other resources for industrial projects.

Violence against minorities

In August, a prominent local Hindu leader and four of his associates who campaigned against conversion to Christianity were killed in the state of Orissa, sparking two months of attacks against Christian minorities. The attacks, which resulted in at least 25 deaths, were led by supporters of Hindu nationalist organizations reportedly allied to the Bharatiya Janata Party – part of Orissa's ruling coalition – and included arson, looting and sexual assault of women. Police either failed to act or used excessive force resulting in the fatal shooting of 15 people. At least 15,000 people, mostly Christians, were displaced by the violence. In at least two camps for the displaced, Christians continued to be subjected to violent attacks by supporters of Hindu nationalist organizations. During the two months of violence, more than 250 people were arrested in connection with the attacks. However, no judicial inquiries had been completed at the end of the year.

In September, supporters of Hindu nationalist organizations damaged about 30 Christian places of worship in Karnataka. The suspected perpetrators were arrested only after opposition party protests.

In Mumbai city and other places in Maharashtra, linguistic minorities from northern states were subjected to repeated attacks by supporters of the Maharashtra Navnirman Sena, resulting in around 1,000 migrant workers fleeing the state. Police were slow to stop the attacks and arrest suspected perpetrators.

More than 50 people were killed in intra-ethnic clashes between members of the Muslim community and the Bodo community in the predominantly Bodo districts of Assam. The authorities failed to take timely action to prevent the violence.

During July and August, communal protests in Jammu and Kashmir rose to levels unseen in recent years and erupted into violence on several occasions. Police used excessive force to deal with the violence and shot dead more than 60 people.

Members of Dalit communities in several states continued to face attacks and discrimination. The authorities failed to use existing special laws enacted to prosecute perpetrators of ethnic violence.

Human rights defenders working on minority rights including rights of Dalits and adivasis in Chhattisgarh continued to face harassment, including arbitrary detention by state police.

Legislation introduced in 2005 to address communal violence was still pending before parliament at the end of the year.

Forced evictions

Local authorities forcibly displaced or evicted marginalized communities in rural areas, including landless farmers and adivasis to make way for mining, irrigation, power, urban infrastructure and other industrial projects. In several states, authorities evicted adivasis from land demarcated as exclusively adivasis by constitutional provision. Authorities failed to comply with new legislation guaranteeing access to information by denying affected communities information on planned development projects. In most cases communities were excluded from decision-making processes. Legislation

containing improvements in land acquisition procedures and rehabilitation and resettlement policies was pending before parliament.

Local community protests continued over land acquisition and forced evictions. In some cases, police responded by baton-charging peaceful protesters and detaining them without charge for up to one week. Police failed to protect protesters when private militias, reportedly allied with ruling political parties, violently suppressed the protests. Authorities did not carry out timely or impartial inquiries into several of these incidents.

- In May, private militia reportedly shot dead Amin Banra, an adivasi leader, during a protest against forced displacement in Kalinganagar steel city complex, Orissa. The authorities arrested two people but failed to investigate reports that they were part of a large private militia.
- In August, members of the endangered Dongria Khond adivasi in Orissa resumed protests after the Supreme Court permitted a joint venture between Vedanta, a multinational company, and the government to open a bauxite mine in protected forest areas on Dongria Khond land.
- At least 30 people were injured in six-month-long protests by farmers and opposition parties in Singur, West Bengal, against acquisition of their lands for an automobile manufacturing plant without the farmers' prior and informed consent. Subsequent negotiations between the protesters and the state authorities failed, forcing the project to relocate to Gujarat.

Human rights defenders

Human rights defenders campaigning for land and environmental rights of rural communities were subjected to harassment, torture and other ill-treatment by police and to violent attacks by private militias, sometimes resulting in death.

Ongoing monitoring by local communities and human rights defenders ensured that new legislation guaranteeing the rural poor a right to work for at least 100 days per year was implemented in a few states.

Violence between security forces, militia and Maoists

In Chhattisgarh, clashes continued between Maoist armed groups and state forces supported by Salwa Judum, a militia widely believed to be state-sponsored. Both sides targeted civilians, mainly adivasis who reported killings, abductions and torture and other ill-treatment. Around 40,000 adivasis continued to be internally displaced, of whom 20,000 lived in camps in Chhattisgarh and 20,000 were scattered in neighbouring Andhra Pradesh.

In November, India's National Human Rights Commission (NHRC) submitted its findings of a month-long inquiry to verify reports of human rights abuses by Salwa Judum and the Maoist armed groups. The NHRC found that both sides were responsible for abuses. Human rights organizations criticized the findings, stating that the NHRC had failed to fully investigate abuses committed by the Salwa Judum.

Violence escalated between Maoist armed groups and police in Orissa and Jharkhand.

- On 15 February, more than 500 armed Maoists raided the Nayagarh district police armoury in Orissa, killing 16 police. In a combing operation following the raid, the Orissa police shot dead 20 people in nearby forests claiming them to be Maoists and their supporters.

Human rights defenders in Orissa and Jharkhand who exposed abuses by the parties to

the conflict continued to be at risk of harassment by state authorities.

- Dr Binayak Sen, who worked for the rights of adivasis and contract labourers and had been critical of the Salwa Judum militia, remained in Chhattisgarh prison while his trial continued. He was imprisoned in May 2007 on charges relating to aiding Maoists. Human rights organizations expressed fair trial concerns.

Security and human rights

The authorities responded to the November Mumbai attacks by tightening security legislation and setting up a federal investigating agency. The amended legislation includes sweeping and broad definitions of "acts of terrorism" and of membership of terrorist organizations and extends the minimum and maximum detention periods for terrorism suspects before they are charged.

More than 70 people were detained without charge, for periods ranging from one week to two months in connection with bomb-blasts in several states throughout the year. Reports of torture and other ill-treatment of suspects led to protests from both Muslim and Hindu organizations.

- In November, the authorities in Andhra Pradesh announced cash compensation for 21 Muslims who had been detained without charge for five to ten days and tortured in the wake of multiple bomb-blasts in Hyderabad in August last year. No criminal proceedings were initiated against those responsible for their torture.
- In January, Abujam Shidam, a college teacher and member of the opposition Manipur People's Party, was arrested and tortured in police custody for four days following the December 2007 bomb-blast that killed seven people in Manipur. No action was taken against those responsible for his torture.

Despite ongoing protests, the authorities refused to repeal the Armed Forces Special Powers Act, 1958. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that the Act could facilitate extrajudicial executions by giving security forces the power to shoot to kill in circumstances where they are not necessarily at imminent risk.

Gujarat, Rajasthan and Madhya Pradesh joined the list of states that enacted special security legislation meant to control organized criminal activity. The legislation provided for detention without charge for periods ranging from six months to one year. Uttar Pradesh repealed a similar law.

Jammu and Kashmir

Between June and August, central security forces shot and killed at least 40 people who defied curfew restrictions. The curfew had been imposed during demonstrations and counter-demonstrations over a proposal to transfer forest land to the Amarnath Shrine Board.

Impunity continued for past offences including enforced disappearances of thousands of people during the armed conflict in Kashmir since 1989.

Impunity

Impunity continued to be widespread.

Gujarat

Those responsible for the violence in 2002 in which thousands of Muslims were attacked and more than 2000 killed largely continued to evade justice. The Mumbai High Court made limited progress towards accountability by convicting 12 people in January for one incident of sexual assault.

Punjab

Many of the police officers responsible for serious human rights violations between 1984 and 1994 were not brought to justice. Findings of a Central Bureau of Investigation inquiry into allegations of unlawful killings of 2,097 people cremated by police has not been made fully public.

Assam

No action was taken on the Commission of Inquiry findings published in 2007 that found the unlawful killings of 35 individuals between 1998 and 2001 were carried out at the behest of a former chief minister and the state police.

Death penalty

The authorities failed to make public information detailing the number of executions and people on death row. However, no executions were known to have taken place during the year. Despite government claims that the death penalty was used only in the "rarest of cases", the courts sentenced at least 70 people to death. The NHRC began conducting a study into the application of the death penalty.

In December, India voted against the UN General Assembly resolution calling for a worldwide moratorium on executions.

Amnesty International visits

Amnesty International delegates visited India in May, July-August and December and met government officials and civil society organizations.

Amnesty International reports

- India: Concern over human rights violations during "recapture" of Nandigram by ruling CPI(M) supporters in West Bengal (15 January 2008)
- India: Lethal Lottery – The death penalty in India: A study of Supreme Court judgments in death penalty cases 1950-2006 (2 May 2008)
- India: Serious concerns over fair trial of human rights defender Dr Binayak Sen in Chhattisgarh (25 June 2008)
- India: Indigenous communities at risk of forced eviction in Orissa (14 August 2008)
- India: Government should match its words with action and halt violence against Christian minorities in Orissa (1 October 2008)
- India: Act with restraint during elections in Jammu & Kashmir (13 November 2008)
- India: New threshold of violence in India, attacks an outrage (27 November 2008)
- India: New anti-terror laws must meet international human rights standards (18 December 2008)
- India: Repeal shoot on sight orders in Jammu & Kashmir (13 August 2008)

Copyright notice: © Copyright Amnesty International
