

Bashing Amnesty: The Indian Way, Ours Too

On March 24, 1992, Amnesty International published a report, "India: Torture, Rape and Death in Custody." It carried accounts on deaths of people in the custody of the police and the security forces in India between January 1, 1985 and November 1, 1991.

The *Economic and Political Weekly* of India referred editorially to this Report, a few days before it was formally published, in its issue of March 21, 1992 and wrote scathingly of the kind of response usually made by the Indian government to allegations of human rights violations from UN agencies as well as from international human rights organisations. We quote extensively from this editorial because it is a piece of courageous comment on such arrogant and ultimately unrewarding attitudes:

While our bureaucrats are honest men sent abroad to lie for the good of India, some poor Indians are forced to lie in police custody to confess to crimes which no one knows whether they committed, under what is euphemistically known as 'third degree methods.' The honest Indian bureaucrats have been lying abroad all these years to cover up torture, rape and deaths in police custody - all for the good of the country. In response to 33 specific allegations of torture and deaths in custody raised by the UN Special Rapporteur on torture and deaths in custody between 1988 and the end of 1990, the Indian government either denied them - saying they were 'concocted' - or provided the police versions of the incidents. At the 42nd session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, on August 27, 1990, the Indian representative said: "Amnesty has also alleged that torture of detainees continues to be reported from India, resulting in some cases in death. It has given no details to substantiate this allegation." Next year, in March 1991, when the UN Human Rights Committee asked the Attorney General of India about custodial deaths, he straightaway said: "Deaths in custody are not on the rise," without of course supporting his statement with any statistical evidence. But even as he was holding forth at the UN meeting, back in the capital of his country, in New Delhi, the minions of his government were going about their business in right earnest. The number of deaths in the capital's different police stations in 1991 rose to eight from five in 1990 and five in 1989.

EPW's foreboding about Indian reactions to the latest Amnesty Report was more than justified. Minister Chavan's reaction, on March 24 itself, was to say that it was based on "mere hearsay"; he tried to deny the report any validity by saying that Amnesty should not make general allegations but should give specific instances. On the same day, a Home Ministry spokesman also called the report "malicious and unfounded."

This was despite the fact that the Amnesty report was extremely well-documented and gave a list of 415 deaths in custody during this period. It gave the names of the victims, the circumstances under which they had been arrested, the dates of their death and

details of the actions taken by the government. The data was backed by 85 references to judicial decisions as well as by reports from Indian human rights organisations and from newspapers and journals.

The Home Ministry spokesman made another familiar point. He said that India had "a vigilant press, free judiciary and a vibrant democratic system as a watchdog to protect human rights". The implication was that India had sufficient internal safeguards for the protection of the human rights of its citizens and did not need outside intervention.

In a release on March 25, the Indian High Commission in London took up another familiar position:

Amnesty have based their allegations on newspaper reports and statements from alleged victims. Frequently these reports are the result of a systematic disinformation campaign by terrorists or individuals terrorised to work as mouthpieces of militant outfits. Amnesty has no facility to conduct independent investigations and hence the categorical tone of allegations in the report is not warranted.

This is in effect a condemnation of the country's press, an institution lauded earlier as a watchdog of human rights. It is also a shameful attempt to ignore the fact that Amnesty has been denied entry to India by the government itself.

The question that arises here has relevance not only to India, but to Sri Lanka and other states of the developing world found guilty of violating the human rights of their citizens. Why cannot these states examine the allegations on their merits and reply to them in a rational manner, instead of invoking notions of wounded national sovereignty and making all kinds of contradictory charges against those making the revelations? Sri Lanka, for example, once called Amnesty a terrorist organisation; (By way of a footnote, the political irony in this particular instance is that the very same individual who while a Minister revelled in reviling Amnesty as a terrorist organisation is now seeking the support of international human rights bodies, not excluding Amnesty. The moral is just simple; human rights are universal values, that are not time or space bound. The rulers of today, and their committed propagandists and bureaucrats themselves may become victims of rights violations tomorrow).

There was a time perhaps when states, and individuals who run governments, thought that human rights violations were an exclusive privilege of nation-states. There was also a time when the notion of 'national pride' could be brandished around to cover up so-called internal matters. The world has indeed changed a lot and the concern for human rights is now an international one. States have international human rights obligations too, which are defined and governed by a set of international laws and norms. Crying foul at those who expose the maladies of our political and administrative systems amounts to rejecting the norms of civilised behaviour expected from modern states.

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