

The WG expressed concern that new cases of disappearance continued to be reported and that very few of the cases on the Group's books had been clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 13, 14, 16, 17, 21, 27, 29, 30, 31, 32, 36, 37, 38, 39, 57, 61, 65, 66, 68, 70, 75, 85, 114; E/CN.4/1998/68/Add.1, paras. 202–212)

The report notes that appeals and cases sent to the government related to: civilians and those suspected of being members of armed opposition groups; witnesses in several human rights cases; death threats from state officials and paramilitary groups; deaths in custody and deaths due to excessive use of force by law enforcement officials; a statement by the government of the State of Tripura reportedly empowering the armed forces "to fire upon or otherwise use force even to the causing of death, after due warning of any person acting in contravention of the law or any order in force prohibiting the assembly of five or more persons or carrying of weapons"; allegations indicating that security forces, including the Border Security Force and the Central Reserve Police Force, were responsible for numerous violations of the right to life; and, imposition of the death sentence following proceedings in which the defendants did not fully benefit from the rights and guarantees for a fair trial.

The Special Rapporteur (SR) referred to the existence of a pattern of killings in the State of Manipur and noted that the Armed Forces (Special Powers) Act of 1958 reportedly gives security forces widespread powers to shoot to kill and protects them from prosecution for any acts carried out under its provisions. The situation in Manipur is further aggravated by government restrictions on access to the region, creating a climate in which security forces are able to use excessive force with impunity.

Urgent appeals were sent on behalf of a philanthropist and human rights activist and three witnesses in a case involving torture. Appeals were also sent related to: imposition of the death penalty on an individual who reportedly was not represented by a lawyer during pre-trial proceedings; death in custody following arrest by members of the security forces; death in police custody and arrest followed by killing by members of the Rashtriya Rifles of the Indian Army; deaths of more than 20 members of the Jammu and Kashmir Liberation Front (JKLF), including two minors, the killing of a 15-year-old child by members of the Rapid Action Police Force of Manipur; the killing of a woman when members of the security forces, allegedly without any warning, opened fire on her house in Manipur, after a person they had been pursuing fled towards it; the killing of three persons when members of the Central Reserve Police Force started firing indiscriminately; killing of one person by members of the Manipur Rifles, allegedly because he did not stop when ordered to halt; deliberate killings of nine persons by members of the security forces after the latter had been fired at by four youths who subsequently escaped; death by shooting by members of the

Central Reserve Police Force (CRPF); death from deliberate shooting by members of the Assam Rifles; abduction followed by death of a human rights defender and editor, by so-called renegades accompanied by members of the armed forces; beating followed by being shot to death at the hands of members of the security forces; death at the hands of members of the CRPF which was allegedly conducting a search operation following an attack on a CRPF post by an armed opposition group; death by shooting, in a case of mistaken identity; and, a beating causing death by four police officers.

With regard to the situation in Agartala and Khowai subdivisions of the State of Tripura, the government stated that the large-scale killing of civilians and burning of homes, by such militant groups as the All Tripura Tiger Force and the National Liberation Front of Tripura, created a situation which required the government to declare the worst affected areas as "disturbed areas" under the provisions of the Disturbed Areas Act and the Armed Forces (Special Powers) Act. The government explained that the measures cannot be interpreted as "shoot to kill" orders and that sufficient checks and balances are present in the legislation to ensure that there is no abuse of authority. The government also indicated that special powers can be exercised only in specific circumstances set out in the Armed Forces (Special Powers) Act.

With regard to the statement by the National Human Rights Commission that 444 persons had died in custody throughout India between April 1995 and March 1996, the SR requested information from the government on, *inter alia*: how many of the deaths in custody had been investigated, how many had led to criminal proceedings against state officials, the results of such proceedings, whether compensation had been paid, and whether the number of deaths in custody had led to any review of the conduct of law enforcement officials so as to further strengthen respect for the provisions of the Code of Conduct for Law Enforcement Officials.

The SR considered an *in situ* visit to be of great importance in view of persistent allegations of deaths in custody, excessive use of force, impunity and failure to take preventive measures.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 15, 16, 17, 19, 74–85)

Cases referred to the government related to: the kidnapping and killing of a lawyer and human rights activist and the status of the investigation into the incident; police threats against and harassment of a human rights lawyer, reportedly because of his defence of suspected terrorists and his human rights work; a lawyer and joint secretary of the Andhra Pradesh Civil Liberties Committee, who was reportedly attacked by police in plain clothes and sustained serious head injuries — noting that the "Green Tigers" claimed responsibility for the attack; the harassment of a lawyer by armed personnel of the 30th Assam Rifles and a police constable; a lawyer and Vice-President