



ENCOUNTER

Face to face with victims of state violence in Andhra Pradesh (India)

Fact Finding Report
of the international team constituted
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International Association of People's Lawyers (IAPL)
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Introduction and Background

The International Association of Peoples Lawyers was formed in December 2000. It is an organization of lawyers, law academicians and para-legal workers. The avowed aim of this organisation is to assist the people's movements all over the world, which strive to set up a society based on equity and justice and to expose and oppose the violations of constitutional law by imperialist forces.

The IAPL held its Second Congress on November 7, 8 and 9, 2003 in Istanbul, Turkey. One of the topics discussed was the political dispensation existing in Andhra Pradesh, one of the provinces of India where there is armed resistance and opposition to the present socio-economic and political system, a system which drives the peasants to suicide and the poor to destitution, a system which generates and maintains the violence of hunger and death and where brutal police repression has been unleashed on the people's movements.

This Indian province has contributed a particular term to the English lexicon – encounter. The term 'encounter' normally means a face-off or a fight between two equally placed people or groups of people. But in Andhra Pradesh it is different and has become synonymous with the phenomenon of extra-judicial executions at the hands of the police for which the state has become notorious ever since the days of the Emergency

(1975-77) when the Indian central government suspended all democratic rights and virtually withdrew the rule of law, giving the governments and police a free hand to crush all mass movements and organizations and torture and even kill its political opponents.

Many of these incidents have been investigated by teams of lawyers and human rights activists, both from within the state and different parts of India, and a picture of systematic violence against people's movements has emerged.

During the 1990s the brutality of the police forces has reportedly got worse. During 1995-2003 about 1542 persons (mainly political activists) were killed in encounters. Overwhelming majority of the victims in these incidents are cadre or sympathisers of Maoist groups, described in India as Naxalites. The Communist Party of India (Marxist-Leninist) (Peoples War) is the biggest Naxalite organization in India. Andhra Pradesh is the State where it has its largest base. The cadre and followers of the Peoples War are the most numerous of the victims of extra-judicial executions.

These incidents are explained away by the police as killing in self-defence. Such killings are described as 'encounters', i.e., an armed shoot-out between the police and the Naxalites, where the naxalites open fire first and the police fire back in self-defence. Using the fact that the naxalite movement stands for the over-throw of the existing Constitutional order and sections of it are constituted into armed squads, the police believe that the story of violent attacks forcing them to open fire in self-defence will not on the face of it appear implausible to the public. The allegation of civil rights groups in the state, well-documented in fact finding reports and judicial petitions over the years, is that the term encounter has in fact become a cover for cold-blooded murders by the police.

The situation further worsened after the state has set up and

backed private gangs of hired assassins, who, besides attacking the leaders and activists of the sectional and mass organizations, also launched a series of attacks on the human rights movement itself. The secretary of the Andhra Pradesh Civil Liberties Committee (APCLC), Adv T. Purshottam was brutally murdered in broad daylight in a crowded area in Hyderabad, the capital of the state in November 2000, and in February 2001, Azan Ali, another activist was similarly murdered in Nalgonda. Other activists of the organization have been attacked, threatened and even abducted by these gangs, including the erstwhile state president, Prof. G Laxman in November 2003, even as the IAPL conference was in progress!

In the light of these reports, the IAPL decided to constitute an international team to investigate the situation, uncover the facts and present the real story of the police terror in Andhra Pradesh before the people.

The IAPL discussed the situation and decided to send a fact-finding mission to Andhra Pradesh. The team was constituted at the beginning of January 2004.

It consisted of: Hakan Karakus, President of IAPL, and Selma Sahin (Turkey), Edre Olalia, Vice President (Philippines), Sarah Lewis (U.S.A), Fagie Feyman (Canada), Ivo Flachet (Netherlands), Daphna Whitmore, Mark Muller and Will Shannon (New Zealand), P A Sebastian, S. Seshiah and K. Balagopal (India).

The team reached Andhra on January 22 and spent five days there and visited several places and met a large number of people. Some of the people whom the team met had suffered directly at the hands of the police, while some others were the victims of the death squads organized, trained, financed and armed by the state.

The Investigation

Extra-judicial executions: The team could investigate five cases of alleged encounter killings

1.

Encherla Madunamma, mother of Encherla Devender of the village Shyamnagar in Regonda mandal* of Warangal district** talked to the team on the morning of 24th January 2004 at the Municipal Guest House, Warangal. She is from a poor peasant family of the golla caste, a caste whose traditional occupation is the herding of sheep. Devender was 26 years old. He was looking after the family's agricultural lands. On the evening of 15 September 2003 he was busy getting a bore-well (tube-well) installed in the fields. He got injured in that activity and came home at night. A paramedic of the village gave him an injection to prevent infection, and he went to bed.

At about 3-00 am in the early hours, policemen in plain clothes came to the house. They had fire-arms with them. One of them, a constable by name Sudhakar Reddy was recognised by her. He was a native of a neighbouring village, Oddulapalli, and was a personal acquaintance of her son.

Madunamma was sleeping on a cot outside the house whereas her son Devender was sleeping inside the house. The policemen woke up the mother and said that their officer was waiting outside the village and wanted to have a word with her son. She recognised Sudhakar Reddy and said

she would send her son to the local police station. But the police insisted on waking him, saying that the officer would talk to him for a few minutes and send him back. Devender was then woken up and sent with the police. He was put in a vehicle and taken away. Madunamma's younger son suspected some thing and suggested to his mother that she follow them as they took Devender away. She did and saw that the vehicle did not stop outside the village but sped away.

The next day Madunamma went in search of her son to three police stations, Regonda, Ghanpur and Bhoopalpalli, but she received no information from the police about the whereabouts of her son. At 4-00 pm she learnt that her son and two others had been killed by the police in the early hours of that day at the village of Inchamchervupalli in Venkatapur mandal.

The story of the police is that on the night of 15 September, armed cadre of the Peoples War attacked and damaged a petrol filling station at Gandhinagar cross roads in Ghanpur mandal. The station was owned by a former Minister of the Andhra Pradesh Government, by name of Ajmeera Chandulal.

The police said that as soon as they received information of the incident they gave the naxalites a chase and caught up with them at Inchamchervupalli. There the naxalites turned upon them and opened fire, whereupon the police fired back in self-defence, killing three of the naxalites, including Madunamma's son Devender.

As not only Madunamma but also the paramedic who gave an injection to Devender to prevent infection spoke to the team about Devender being at home that night, and being taken away by the police in the early hours of the next day, the conclusion is inescapable that his killing was cold-blooded murder by the police, probably as an act of vicarious revenge for the damage done by the naxalites to the petrol filling station of then former Minister.

* *mandal* is an administrative unit consisting of 10 to 20 villages.

** *district* is a larger administrative unit. Each State in India is divided into districts. Andhra Pradesh has 23 districts. The headquarters of Warangal district is the town of Warangal.

2.

On the evening of 24 January 2004 our team visited Torrur, a small town in Warangal district. We spoke to Mangalapalli Ravi, brother of Mangalapalli Ilaiah, who was killed by the police along with three others in the early hours of 25/12/2001 in an 'encounter' that took place near Hanamkonda, which is part of the town of Warangal. The family are dalits* and they live in the colony of dalits at one end of the town of Torrur. Ravi is a college student but his brother Ilaiah had stopped studies in High School. Ilaiah was a fine singer, and the administration too used his services to sing conscientising songs in its campaigns for literacy, immunisation, etc. He was a cardiac patient and had applied to the **Scheduled Caste Corporation (S.C. Corporation) of the State Government for a loan to get himself operated. He had earlier taken a loan from the same Corporation for setting up a foot-wear shop near the dalit Colony but the business in the shop had not taken off because of his ill-health.

Ravi told us that on the evening of 24/12/2001, at about 7-00 pm, two persons came on a motor bike to his brother Ilaiah's shop claiming to be employees of the S.C. Corporation. They asked Ilaiah to come along with them, for the loan he had applied for had been sanctioned and the officer was waiting at the Guest House to talk to him. Ilaiah was made to sit between the two men on the motor bike and taken away. When the bike did not stop near the guest house, Ilaiah shouted to attract the attention of the public but the bike sped away.

Ilaiah was killed in the early hours of the next day, i.e. 25/12/2001 along with three others. The story of the police was that on the evening of 24/12/2001 the naxalites of the Peoples War attacked the Hanamkonda police station in the heart of the town of Warangal. No one died in the attack but the building was badly damaged. The police, say that they immediately chased the assailants to the outskirts of the town, where they

confronted each other in the early hours of the next day. The naxalites attacked the police by opening fire upon them, and the police had to open fire in self-defence. After a while they found the dead bodies of four naxalites, and Ilaiah was one of them.

Since not only the members of Ilaiah's family but many residents of Torrur had witnessed Ilaiah being taken away at 7-00 pm of 24/12/2001, by which time the attack on the police station at Hanamkonda, 50m kms away, had not yet taken place, the story of the police is evidently false. Ilaiah had already been taken into custody by the police, for reasons known only to them, and it was a deliberate decision on their part to do away with him after the attack on the police station took place.

3.

Banavat Bheemudu Naik, Banavat Babu Naik and Wakavat Chinna Naik are tribal farmers of Bodapalem thanda***, Bollapalli mandal, Guntur district. They were taken into custody by the police on 5/1/2003 and shot dead the very next day. They were described as naxalites, and declared to have died in an 'encounter'.

The team met the villagers at Bodapalem thanda. Moti Bai, wife of Bheemudu Naik told us that her husband and his brother Babu Naik went to the village of Ravulapalem where Government officials were holding a meeting with villagers, and submitted a request for sanction of drought relief programmes for their thanda. She went to the fields to gather some fodder for her goats. At about 1-30 in the afternoon Bheemudu Naik and Babu Naik came to the fields where Chinna Naik, her brother, also gathered. A police party of ten with weapons came there, caught hold of Bheemudu Naik and beat him with guns and threw him on the ground and stamped upon him with boots. Then the other two were subjected to the same treatment. The allegation was that the three men had met the naxalites, and

* *dalit* means oppressed. The word refers to India's untouchable communities. Untouchability is officially abolished and penalised, but it continues to be practised to varying extents, and other forms of discrimination against dalits are widespread.

** Scheduled Caste is the official term for dalits.

*** *thanda* is the word for a hamlet of the lambada tribe to which the three men belonged

so the police would see their end. Moti Bai was humiliated by the police by pulling off her sari with the bayonet of a gun. The three men and the woman were made to walk to their village. The relatives of the victims gathered at the village and requested the police to leave them, saying that they were innocent. But the police took the three men away in a bus.

To pacify the agitated villagers they were told to come to the Vinukonda police station the next day. But the villagers were suspicious. They went to Vinukonda that day itself and told the press and the also the local M.L.A. Early the next morning they heard gun shots. When the relatives and family members went to Vinukonda police station later in the day, they were shown the photographs of the three men who had died in an 'encounter' early in the morning. They were none other than the three villagers who had been taken into custody the previous day.

We also had occasion to hear witnesses to two more instances of extra-judicial execution, in which the victims were not naxalites, but ordinary crime suspects. This was at Vijayawada.

4.

Kodeboyina Srinivasa Rao, a suspect in a murder case, was taken into custody by the police at Vijayawada. He was taken before a Magistrate on 13/7/2002, which was not a working day for the Court since it was a Saturday. (Indian law in Sec 57 of the Code of Criminal Procedure requires that every person taken into custody by the police shall be taken before a Court within 24 hours. If that day happens to be a Court holiday, the detenu is taken to the residence of the Magistrate). The Magistrate recorded his arrest and directed the police to bring him to the Court on Monday.

That night Srinivasa Rao was detained at Governorpet police station in Vijayawada. In the early hours of 14/7/2002 he was taken out of the cell and shot dead. A story was put out saying that when he was taken out

of the cell to be interrogated, but in the course of interrogation he turned violent, broke the glass sheet on the table of the Sub-Inspector of Police and tried to assault the police officers. The policemen had to shoot him to protect their lives. We were given graphic details of the happening by members of the local Bar Association which made an issue of the killing and the highly improbable explanation put out.

An aunt of the deceased, Basamshetti Rama Devi, filed a case against the police for killing her nephew. An important witness in the case is one T.Babu Rao. He was abducted by the police on 20/12/2003 and taken around various towns to pressurise him to retract his evidence. He did so on 27/12/2003. He was taken before a Court where he stated that he had lied earlier when he gave a statement supporting Rama Devi's complaint, and he further gave a complaint against the lawyer who had assisted Rama Devi in filing the case.

A criminal case was booked against the lawyer Mr Gowtham Reddy and his colleague Mr Mallaiah for allegedly having used criminal threats to prevail upon the witness to give false evidence. However, in the meanwhile the wife of T.Babu Rao moved a petition for *habeas corpus* in the High Court of Andhra Pradesh.

The police thereupon released T.Babu Rao and he came before the High Court immediately and gave a detailed statement about the pressure put upon him by the police to retract his earlier statement and make allegations against the lawyer. But in spite of the statement being recorded by the High Court, the police went ahead to add to the charges against the lawyers.

They added an additional ground of charge under the Andhra Pradesh Control of Organised Crimes Act (APCOCA), a draconian Act supposedly aimed at curbing organised crime such as smuggling, bootlegging, etc.

5.

Pilli Durga Prasad, allegedly a habitual offender, was shot dead by the police at Gunadala, very close to Vijayawada, the third largest city in the State of Andhra Pradesh. He was killed in the early hours of 8/6/2002. The story of the police was that Durga Prasad who was in the custody of the police at Machavaram police station, gave them the slip on 5/6/2002 and escaped. In the course of the search for him, the police tracked him down to a room at Gunadala in the early hours of 8/6/2002.

He is said to have fired upon the police as they tried to take him into custody, and the police had to fire back in self-defence, resulting in his death. But the parents and close relatives of Durga Prasad who went to the spot immediately told our team that there were no bloodstains in or near the room. They believe that he was deliberately taken out and shot dead, and the story of his escape from custody was put out two days before his killing with premeditation.

A group of parents of men and women who had died in 'encounters' met us and told us about the aftermath of 'encounter' killings. The police create a lot of difficulties in handing over the dead bodies. Sometimes the faces would be unrecognisable. When the bodies are handed over to the kith and kin, they are pressurised to bury or cremate them then and there as dictated by the police. 'When victims of naxalite violence are provided with compensation by their Government, why cannot victims of the police also be provided with compensation?' asked Uppu Krishna and Narsamma, parents of one such victim of an 'encounter'.



It is clear from these accounts that the police in Andhra Pradesh have no compunction in deliberately bumping off persons in their custody. The story they have put out in all these cases is that they had to use force in self-defence. Self-defence is not a plea that can be unilaterally asserted by one who has taken life. That would amount to arbitrary deprivation of the right to life. Self-defence is an exception to the rule that intentional acts of violence are punishable. If proved, self-defence absolves the offender of punishment, but only if it is proved. In Indian law, this is incorporated in the rule of evidence (Section 105 of the Indian Evidence Act) which lays down that the one who claims self-defence will have to prove to the satisfaction of the Court that he was indeed compelled by the threat to his life to use the force he did, and until he does so the Court will presume that there was no such circumstance.

This applies to policemen on duty as much as to any one else. It is true that India has extraordinary laws on the statute book that give policemen exceptional power to use force, but it is not necessary to discuss those laws because none of them is in force in Andhra Pradesh at present. Yet the team was told that no prosecution has ever taken place against police officers who claim to have killed some one in self-defence.

II

Torture: Victims of police torture spoke to us of the very painful methods of torture employed by the police of Andhra Pradesh. Three forms of torture were specifically singled out by the victims who talked to the team at Warangal. They are electric shock, 'roller treatment' and 'aeroplane treatment'. Electric shock is self-explanatory. Shocks of short duration are

given to sensitive parts of the body. The victims said that after two or three shocks the mind becomes fuzzy and numb and fear of permanent damage to the brain or the nervous system forces the victim to obey the police.

In 'roller treatment' the victim is made to lie on his belly. A thick roller is placed behind his knee joints and the legs are folded over it. The legs are pressed very hard, so that the pressure of the roller is felt most painfully at the knee joints. Simultaneously the head of the victim is pulled back by the hair, and in this position he is thrashed with sticks. This 'treatment', it appears, has prolonged after effects. One victim who was tortured in the year 2000 was still taking medicines when we talked to him in Jan 2004.

In 'aeroplane treatment' the hands of the victim are tied behind the back with the wrists joined together. Then the rope holding the wrists together is pulled up over the head. With the arms raised above behind the back in a painfully twisted posture, the victim is suspended by the rope from a projection in the ceiling and is thrashed with sticks.

From the frequency with which reference was made to these three forms of torture by the victims who spoke to us at Warangal, it appears that these methods are very commonly employed. We are withholding the names of the victims on their request, but have no reason to disbelieve them since they spoke to us in the open, in the Municipal Guest House at Warangal, and repeatedly expressed the apprehension that they might get into trouble for having spoken to the team.

Torture in police custody is banned in Indian law. It is a punishable offence by virtue of Secs 330 and 331 of the Indian Penal Code, punishable with a term of imprisonment that can go up to ten years if grievous injury is caused to the victim thereby. In spite of this stringent legal prohibition on custodial torture, it appears to be widely practiced. Impunity can get no further.

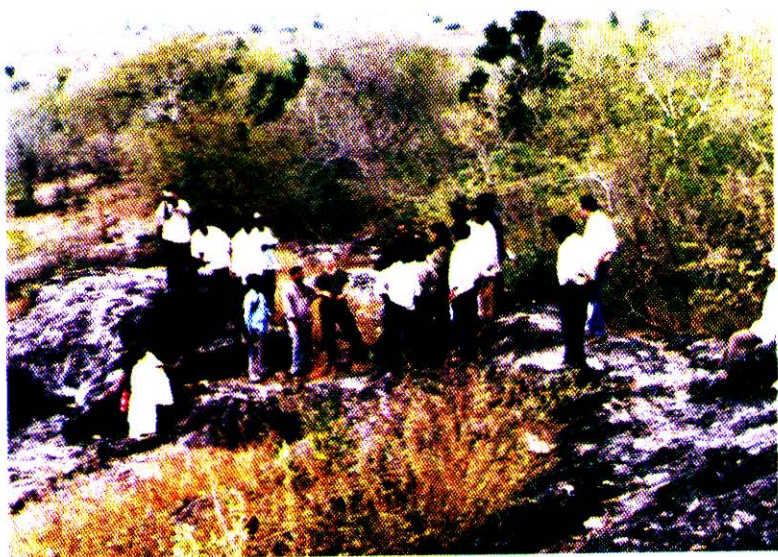
Rape is a form of torture. The team spoke to Anjamma of











Above: Factfinding team.

All other photos: Victims of torture and/or their relatives



Batukulapaya thanda in Guntur district, a rape victim. On 26/11/2003 the police who were searching for naxalites entered the village and saw women collecting firewood in the fields. They approached the women, ostensibly to question them about the whereabouts and hiding places of naxalites. When the women pleaded ignorance, they were beaten brutally with sticks. Three of the women, Anjamma, Mangamma and Edamma were then taken by the police to a secluded place, their own clothes stuffed into their mouths and raped. Then they were taken by the police to Macherla and Guntur and kept in custody for four days before letting them off with the threat not to tell any one. Anjamma, an unmarried girl, told the team that that her marriage which had been fixed was cancelled after the incident and her own relatives had boycotted her.

In Indian law rape in custody not only attracts serious punishment, but in the proof of such offences the burden shifts to the accused once the medical evidence corroborates the complaint. In spite of that, no policeman has been identified or charged for the rape of these three women. In fact, the Superintendent of Police of Guntur flatly denied the allegation and accused the women and civil rights organisations of floating a false story to discredit the police.

III

Forcing persons to give up political activity: Freedom of belief, expression and association are constitutional fundamental rights in Indian law. Articles 19(1)(a) & (c) of the Constitution of India guarantee the rights. Reasonable restrictions are permissible, but they shall be for the purposes set out in Arts 19(2) & 19(4) of the Constitution, and by way of a valid law.

When torture is itself illegal, there can be no question of the law countenancing the use of police torture to force people to give up their

political beliefs and membership of associations. But a number of persons told us of having been forced to resign from their membership in civil rights groups, teachers' organisations, and social associations fighting for justice to the weak by peaceful means.

At Warangal Mr Kattalah of the Ambedkar Youth Association spoke to us of a Nyaya Porata Committee (Struggle Committee for Justice) formed in the district as a coalition of civil rights, women's and dalit groups. Since each of the groups was small by itself, coming together helped them to work effectively to protest injustice to the socially weak and the poor. He spoke of a case involving rape of a tribal woman by prison guards. Her husband, who had been tortured by the police died in prison after being remanded to jail. When she went to the mortuary at the hospital where her husband's dead body lay, she was molested by the prison staff guarding the body. This incident led to a major protest by the Struggle Committee for Justice and caused much embarrassment to the administration. Another incident was rape of a dalit woman, daughter of a police constable, by policemen of the Mamnoon police station. The agitation taken up by the Struggle Committee for Justice in this matter angered the police establishment a lot.

One by one the police arrested the husbands of six women members of the Struggle Committee tortured them and threatened them that if their wives did not resign from the Struggle Committee, they as well as their wives would be charged with aiding and abetting the Peoples War. It is to be added that the Peoples War is a proscribed organisation under the Andhra Pradesh Public Security Act from 1992, and is listed as a Terrorist Organisation in the schedule to the Prevention of Terrorism Act, 2002. By these means the Struggle Committee was rendered ineffective, said Mr Kattalah. Mr Kattalah pointed out the absurdity of the threatened charge, for most of the associations that were part of the Struggle

Committee were ideologically at variance with and in some cases even hostile to the Maoist ideology of the Peoples War.

Mr Suresh, formerly President of the Warangal District Committee of the Andhra Pradesh Civil Liberties Committee (APCLC) narrated to us about the methods used by the police to force members of his organisation, which works to protect civil rights by lawful means, to resign from the organisation. He was arrested by the police and given electric shocks and 'roller treatment'. The police argued with him that his organisation defended the violent activities of the naxalites, which he denied. He in turn explained the stand of his organisation to them. But they insisted that he should resign from the organisation, alleging that they had information that not only he but his wife and minor son were also involved in activity supportive of the Peoples War, and they would book all three of them on the charge if he did not resign from APCLC. He did.

The Democratic Teachers Federation (DTF), whose office-bearers we met at Hyderabad, submitted to us a very detailed note giving instances of how its members in the districts of Adilabad, Karimnagar, Mahbubnagar and Warangal, all of them teachers in schools run by the Government, were tortured and forced to resign.

Mr Krishna Reddy, Trade Union leader at Andhra Pradesh Rayons Ltd., a Rayon fibre factory at Kamalapur in Warangal district, affiliated to a Central Trade Union, the Indian Federation of Trade Unions (IFTU), narrated to the team how, in December 2000, the police arrested leaders of the union and tortured them on the allegation that they are supplying explosives to naxalites. Kamalapur is located in the forested parts of Warangal district where the armed guerilla squads of the Peoples War move around. IFTU, unlike the other organisations referred to above, is not even alleged to have links with the Peoples War. Yet, the presence of Peoples War in the locality was made use of by the police, says Mr Krishna

Reddy, to muzzle the Union. 24 members of the union were charged with the offence.

Foisting of criminal cases on ordinary villagers for acts committed by the naxalites is itself a form of torture. At Gummanampodu in Guntur district, the team spoke to a number of villagers who had been arrested for participation in a 'famine raid' organised by the Peoples War in that village on the night of 18/8/2002. That year was a year of severe drought, and it appears that such raids for food grains were organised by that party at many places in the State. The villagers told us that cadres of that party and a few villagers participated in the raid. The target of the raid was a food grains dealer who held stocks of rice supplied by the government for a 'food for work' scheme. The villagers alleged that he had hoarded the rice without distributing it even though work had been executed under the scheme.

Though it was only the cadre of the Peoples War and a few villagers who had participated in the raid, the police who came the next day searched and seized the food grain in a number of households unconnected with the raid. 117 villagers have been arrested and are facing prosecution for the famine raid.

Similar is the case of Devasahayam, Gabriel and others of Pamidipadu in the same district who were arrested for a bank robbery which in fact had been committed by the Peoples War. The bank, the victims told the team, was located 35 kms away from their village, and they did not have any knowledge of the offence, let alone participate in it.

The team came across one case which indicates the literary activity of a revolutionary kind is penalised by implicating the writer in offences linked to the naxalites. Arvind, a poet met the team at Vijayawada. He writes revolutionary poetry under the pen name Riviera. He was arrested by the police at Ongole, headquarters of Prakasam district, on 15/3/2003. He was humiliated and charged under the draconian anti-terrorist law, the

Prevention of Terrorism Act (POTA) for allegedly having links with the Peoples War. On 4/8/2003, while taking him to court, he was chained to the window of the police van and bused in filthy language when he protested.

The Indian Constitution recognises freedom of expression as a fundamental right, and the Courts have repeatedly held that a writers' freedom of opinion is protected by that right. The apprehension has been expressed that POTA would permit gross violation of the fundamental right of free expression. The case of Arvind appears to substantiate the apprehension.

We are forced to conclude from these incidents that the police are using the bogey of the Peoples War to harass ordinary people, and to curb a wide a range of legitimate democratic activity and fundamental freedoms.

IV

Police-supported Private Criminal Gangs: A very major complaint that we heard about the civil rights situation in Andhra Pradesh was that some gangs of surrendered naxalites were operating as private surrogates of the police, killing, assaulting, abducting and threatening persons working in various democratic organisations. We found ample evidence for this in all the places that we visited. A number of outfits/individuals who describe themselves as 'Tigers' of various kinds appear to be operating in the State, threatening and assaulting activists of democratic organisations. 'Green Tigers', 'Palnadu Tigers', 'Tirumala Tigers' etc are the names flaunted by them.

At Hyderabad we met Gaddar, a very popular composer and singer of revolutionary songs. The first major attack by these Tigers took place in the year 1998, when Gaddar was fired upon at his home in Vankatapur in the state's capital, by four persons who approached him on the pretext of discussing some problem with him. Fortunately, he survived the attack. The assailants announced to the press that they were 'Green Tigers'. They have

neither been identified nor arrested till now. Gaddar and his wife Vimala have been receiving a number of threatening phone calls recently. The substance of the phone calls is that they should stop supporting naxalite politics or else face death.

Dr.G.Laxman, formerly president of APCLC, narrated the horrible experience he underwent on the night of Nov 2003. He is on the faculty of the Commerce Department of Osmania University at Hyderabad. He was abducted from near his house at Hyderabad, and taken to an unknown place where he was tortured most horribly. He identified his abductor as one Md Nayeemuddin, a former activist of the Peoples War who has turned into a self-proclaimed enemy of that party. The abductors however described themselves in phone calls they made to the press that night as 'Tirumala Tigers'*. They told the press that Dr.Laxman was being kept hostage for the release of one Siraj, another member of the Peoples War who was suspected to have turned into an agent of the police and whom the Peoples War held captive after declaring this suspicion to the public. Siraj was killed by the Peoples War that very night but fortunately, because of the intervention of many persons and organisations, the abductors of Dr.Laxman apparently received a message from some one with authority to release Dr.Laxman. He was tonsured as an act of humiliation and let off. Realising that he could again be attacked any day, Dr Laxman has resigned from the post of president of APCLC, though he remains an ordinary member.

Ms Jyothi, President of a women's organisation called Chaitanya Mahila Samakhya spoke to us about her husband T.Purushotham, a senior activist of the Andhra Pradesh Civil Liberties Committee (APCLC), who was hacked to death in broad day light on 23rd Nov 2000. Earlier, in the year 1998, in Mahbubnagar where Purushotham used to practice as a lawyer, he was attacked from behind and his skull almost cracked with the blow of a sharp metallic object. The assailants described themselves in a

* Tirumala in Chittoor district is a hill on which here is a very holy temple. It was at the foot of the hill that on 1/10/2003, the Peoples War made an unsuccessful attempt on the life of Chandra Babu Naidu, the Chief Minister of Andhra Pradesh. Adopting the name of that hill for the gang is no doubt symbolic assertion that the actions of the gang are in retaliation for the attempt on the Chief Minister's life.

press release as 'Green Tigers'. No body has to this day been arrested in that offence. Purushotham recovered from that blow and continued to work actively in APCLC. His assailants completed their job on 23rd Nov 2000. On the allegation made by APCLC, Nayeemuddin was arrested in that offence, but was later released on bail. The trial is yet to reach completion.

Dr.B.Ramulu of the Human Rights Forum, who is on the faculty of economics of Kakatiya University at Warangal, told the team of the threatening phone calls he has been getting periodically from a caller who describes himself as Haribhushan of Green Tigers. The threat is that Dr Ramulu has to give up human rights work or else face the consequences.

At Guntur, the team spoke to Mr P.Raja Rao, Mr C.Chandrasekhar, and Mr Ch.L.N.V. Murthy of APCLC, who are lawyers by profession. They narrated how they were being threatened by persons claiming to be 'Palnadu Tigers*', insisting that they should give up their civil rights activity.

Mr Raja Rao told us that at about mid-night of 18/1/2003 some persons with faces partly hidden in 'monkey caps' came to his house in Guntur. They banged on the door and shouted for him to come out. When he did not, they abused him and created panic and terror in the locality. Again on 20/1/2003 the persons claiming to be 'Palnadu Tigers' raided his house and 22/1/2003 they telephoned his wife and said that unless Raja Rao gives up his civil rights activity he would be killed.

Mr C.Chandrasekhar who practices as a lawyer at Sattenapalli in Guntur district told the team that at midnight of 19/1/2003 some plain-clothesmen went to his house and forcibly entered it. Chandrasekhar was not at home. They abused his wife and warned her that if her husband did not give up his association with APCLC he would be killed.

At Vinukonda in the same district, the team met Ch.L.N.Murthy, lawyer and activist of APCLC. He narrated how a group claiming to be 'Palnadu Tigers' raided his house on the night of 22/1/2003 and unable to

* Palnadu is a part of Guntur district, known for violent group fights.

break in, abused and threatened him.

Though we lack direct evidence that the persons indulging in these attacks and acts of intimidation have the support of the police, the simple fact that inspite of repeated and detailed complaints being given over the last seven years to the police at the highest level and to the National Human Rights Commission as well not, not one of these 'tigers' has been identified by the police, let alone be arrested, speaks volumes.

The three APCLC lawyers of Guntur submitted a petition in person to the Chief Justice of the High Court of Andhra Pradesh, who treated it as a writ petition and after hearing the government on the matter, issued the following directions:

"It is the responsibility of the Superintendent of Police to protect the lives of these advocates and not interfere in their professional duties discharged as advocates."

The police were further directed to conduct investigation into the allegations made by the three lawyers against the Guntur police. However, the lawyers told the team that after the directions were issued by the High Court, the harassment has actually increased. As of today, Ch.L.N.Murthy and C.Chandrasekhar are facing prosecution in two criminal cases.

Our team too had a taste, at Piduguralla in Guntur district and at Guntur itself, of how the police harass civil rights activism. (See Appendix)

At Mahbubnagar, on 25/1/2003, we met and talked to Biccha Reddy, a senior activist of APCLC. He was only just then recovering from the trauma of being almost run over by a car in a purported accident. A car hit him at a crossing in Mahbubnagar town on Dec 2003. As he fell down, the car ran over his body and sped away. He was hospitalised with multiple fractures and severe loss of blood. He survived thanks to his tough physique. The car which ran him over was found abandoned inside the compound of the Government Civil Hospital at Mahbubnagar. Its registration

has been found to be false.

The police are yet to track down its owner/user. If it had been a case of a genuine accident there is no reason at all why the car should have been abandoned. The suspicion that it was a deliberate attempt to run him over is further strengthened by the fact that the registration of the car is false. And soon after the incident, in the course of the threatening phone calls made to Dr Ramulu of the Human Rights forum, Warangal, the caller who describes himself as Haribushan, said that if his warning was not heeded by Dr Ramulu, the same thing will happen to him that had happened to Biccha Reddy in Mahbubnagar.

Concluding Remarks

It has become clear from our investigations that the allegation that 'encounters' are nothing but police murders has been clearly substantiated as true.

The police pick up the social and political activists and shoot them dead leaving them to die in the bushes and then they issue a statement to the press that there was an 'encounter' in which the insurgents opened fire on the police, the police returned the fire and some of the insurgents dropped dead and died on the spot. The government in Andhra Pradesh has distorted and debased the English lexicon to crush and liquidate those who rebel against the system, which is highly exploitative and oppressive.

The inquiry conducted by the IAPL fact-finding team has concluded that the government in Andhra Pradesh has wantonly violated the basic civilisational norms, which constitute the hallmarks of a democratic regime. It has no regard for the rule of law. It indulges in extra-judicial executions and calls them 'encounters'. It subjects its political opponents to some of the worst forms of torture. It has organised and armed death squads to break and to liquidate the rebel movements which raise their voice against injustice; and it employs various strategies such as reward of cash and other means of income, abducting close relatives and keeping them in police custody with no lawful arrest, threat intimidation and blackmail.

All such activities violate not only the Indian Constitution and other Indian laws, but also several other international conventions, charters and treaties. The Universal Declaration of Human Rights and the European Convention on Human Rights both forbid inhuman or degrading treatment or punishment. The investigation of the fact-finding team substantiated that this was a common practice in Andhra Pradesh. It is routine that the villagers are rounded up and illegally kept in police custody because armed rebels live in their villages. Sometimes the close relatives are kept in police custody. This amounts to hostage taking prohibited by the Fourth Geneva Convention of 1949. Hostage taking is a war crime at that which the Zionist army commits in Palestine.

We call upon the international community to raise its voice against the Indian state and Andhra Pradesh government and demand that they forthwith stop inhuman, illegal, degrading and anti-democratic activities in Andhra Pradesh and the rule of law is restored in the province and a conducive atmosphere created in which the people can carry on their democratic activities. It is the fervent appeal of the team that there should be an internationally constituted enquiry into the phenomenon of death squads and encounters.

We demand

- (i) That the government constitute an impartial judicial inquiry into the encounter cases quoted above and other similar incidents
- (ii) That the government probe the links between the death squads and high ranking police officials and take action against those who are encouraging and abetting these illegal gangs
- (iii) That those police officers found guilty of violating the law face trial and punishment from the appropriate judicial authority
- (iv) That the government provide compensation to the families of the victims
- (v) That all undemocratic laws like POTA be withdrawn

Appendix

The team had an 'encounter' with the police at two places. In one incident in Guntur the police detained some members of the team and forcibly took possession of their travel documents. The police officers told them that they were tourists and they were supposed to visit places like the Taj Mahal. This incident betrayed the true character of the police and the Indian state. The members of the team were politically and legally knowledgeable enough to know that India meant one billion people inhabiting a particular geographical area on the earth and not Taj Mahal constructed by artisans whose hands were chopped off on the completion of the construction. It is high time that the powers-that-be understand that India meant people, not inanimate objects and abstract concepts, which are raised to the level of icons at whose altar millions can be sacrificed. Otherwise India will be the largest fascist state, not a democracy.

The second incident took place at the Hyderabad airport when the team was on its way out of Andhra Pradesh. A police team came and made an attempt to confiscate the photographs and the notes which the team had. In the wake of the stiff resistance which the team put up, the police withdrew. However it delayed the departure of the team.

The Indian Constitution and various international legal instruments ratified by India guarantee freedom of information and expression. The free-

dom to investigate and discover reality is a part of this basic democratic right. The team had valid travel documents which enabled them to go anywhere in India, They came to India not to see ancient monuments, snakes and elephants, but to meet Indian people and to understand and assess the situation in which they lived. The bid of the police to obstruct their movement and intellectual pursuit was undemocratic and deplorable.



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