

EXTERNAL (for general distribution)

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"Disappearance" / Fear of torture

28 April 1994

INDIA

Sherpal, aged 32

Sherpal, thought to be a member of the Baveriya caste, has "disappeared" after being detained by police. He was taken into custody at 5am on 4 February 1994 by police in Uttar Pradesh and was last seen in their custody on 1 March. On that occasion he had severe injuries, and Amnesty International fears that he has been tortured and is being kept in unacknowledged detention, or that he may have been killed in custody.

Sherpal, resident of Rohina Singhpur village, Akrabad district, Aligarh, Uttar Pradesh, is the son of 80-year-old Ram Chand. Both men were reportedly taken into custody by police of Avagarh police station, Etah district, Uttar Pradesh, along with Sherpal's wife, Kamlesh, who was reportedly beaten and then released.

Ram Chand and Sherpal were also allegedly beaten while being interrogated over a period of three weeks during which time no criminal case was registered against them. Ram Chand was released on 27 February.

Kamlesh approached senior officers of Avagarh police station and pleaded for Sherpal's release. She was told to return on 1 March when they said they would produce Sherpal in court. When she returned she reportedly found Sherpal severely injured. She was told to go to the Court in Etah where he was to be produced. However, Sherpal never appeared. When Kamlesh inquired at Avagarh police station she was informed that Sherpal had "run away". However Kamlesh states that her husband was in no state to escape from police custody given the injuries she saw on 1 March.

BACKGROUND INFORMATION

In India, the police often refuse to acknowledge the arrest of persons who have "disappeared" or only acknowledge such detentions days or weeks after the arrest was made. This practice of unacknowledged detention increases the risk of torture and extrajudicial killings. Amnesty International has documented the cases of 484 people who died in the custody of the police or security forces throughout India between January 1985 and November 1992 allegedly of torture, although the actual number of such cases is thought to be considerably higher. The organization is concerned at the continuing pattern of custodial violence in all Indian states. The majority of those who have died in police custody were criminal suspects who were tortured in order to extract a confession or information. Some appear to be innocent. The Home Ministry announced plans in Autumn 1992 to strengthen legal safeguards to protect persons held in police custody from torture as well as investigation procedures in cases of custodial death. However, these legal proposals have not, to date, been implemented.

The Baveriya caste is a Backward Caste, whose members are often harassed by the Uttar Pradesh police who suspect them of involvement in criminal activities in the state.

RECOMMENDED ACTION: Please send telegrams and airmail letters either in English or in your own language:

- expressing concern about the "disappearance" of Sherpal, son of Ram Chand, last seen in a bad physical condition in Avagarh police station on 1 March 1994;

- urging an independent and impartial inquiry to establish his whereabouts and to investigate reports that Sheralpal, his wife Kamlesh and his 80-year-old father Ram Chand were beaten in Avagarh police station after their arrest on 4 February 1994;
- seeking assurances that if Sheralpal is located in police custody his relatives be informed immediately and that he be allowed immediate access to lawyers, provided with adequate medical care and be brought before a magistrate forthwith;
- seeking assurances that if he is in police custody he is not being ill-treated and that the family of Sheralpal will not be harassed by police;

APPEALS TO

Mr B. Satyanarayan Reddy
Governor of Uttar Pradesh
Office of the Governor
Lucknow

Uttar Pradesh, India

Telegrams: Governor of Uttar Pradesh, Lucknow, Uttar Pradesh, India

Salutation: Dear Governor

Mr Mulayam Singh Yadav
Chief Minister of Uttar Pradesh
Office of the Chief Minister
Lucknow

Uttar Pradesh, India

Telegrams: Chief Minister of Uttar Pradesh, Lucknow, Uttar Pradesh, India

Salutation: Dear Chief Minister

COPIES OF YOUR APPEALS TO:

Mr S.B. Chavan
Ministry of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001

and 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 9 June 1994.