

EXTERNAL

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To: Medical professionals
From: Medical Office / Research Department - Asia
Date: 28 June 1991

MEDICAL LETTER WRITING ACTION

**@Human rights violations in Punjab
INDIA**

KEYWORDS

Theme: torture/deaths in detention/cruel, inhuman or degrading treatment/medical examinations

SUMMARY

On 10 May 1991, Amnesty International published a report *India: Human rights violations in Punjab: use and abuse of the law*. In connection with this report, health professionals are asked to undertake the actions listed below, focusing on torture, cruel, inhuman or degrading treatment, and deaths in detention. Relevant extracts of the report are appended to this action. Concerns particularly relevant to health personnel are the persistent reports of the use of torture, medical documentation of torture and the failure of the authorities to adequately investigate torture allegations, and deaths in detention and inadequate investigations. Amnesty International is urging the Indian authorities to take appropriate measures to prevent torture and deaths in detention and to investigate existing allegations, and is urging Indian medical bodies to take whatever steps they can to ensure that medical neutrality is observed and that doctors can play a positive role free from any outside pressures in the protection of human rights and the investigation of human rights violations.

RECOMMENDED ACTIONS

Letters from medical professionals, preferably written in English, otherwise your own language, should be sent to the addresses below and should make the following points:

- express concern at the persistent reports of the use of torture and the occurrence of deaths in police custody in Punjab
- urge that the government ensure that all allegations of torture are impartially investigated with the findings being made public

- note that the medical examination of prisoners on arrival at a prison and regular examinations during detention would offer both prisoner and police some protection; urge also that prisoners be given the possibility of requesting an independent medical examination as provided for in international human rights standards [see recommendations at the end of the attached extract from the report]
- express the view that keeping prisoners in fetters is a form of cruel treatment which is not consistent with international human rights standards; urge that their use be ended
- urge that all deaths in detention or those alleged to have occurred in staged confrontations with the police be the subject of investigation by a competent, independent and impartial body; urge that relatives of the deceased or their lawyers be given full access to the findings of any post-mortem examination
- urge that doctors be guaranteed clinical independence to document their medical findings without fear of intimidation or pressure

ADDRESSES

Mr T. Khanna
Chief Secretary (Punjab)
Raj Bhavar
Chandrigarh
Punjab
India

S B Chavan
The Home Minister
Ministry of Home Affairs
New Delhi 110 001
India

Mr M L Fotedar
Minister of Health and Family Welfare
Ministry of Health
Nirman Bhavan
New Delhi 110 001
India

Madhavsinh Solanki
Minister of External Affairs
South Block
New Delhi 110 001
India

The name of the new Governor of Punjab will follow later

Please send COPIES of your letters with a short covering note to:

The Indian Medical Association

The Medical Council of India

Dr NK Grover
Ho. General Secretary
Indian Medical Association
IMA House
Indraprastha Marg
New Delhi 110 002 Kotla Road
India

Dr PS Jain
Secretary
Medical Council of India
POB 337
Temple Lane
New Delhi 110 002
India

Your covering note should urge the organization to investigate the allegations and to take appropriate action. Ask to be kept informed of developments.

You could also send copies of your letters to the Indian press (addresses below) and to the nearest Indian diplomatic representatives.

The Statesman

Mr S K Datta-Ray
Editor
The Statesman
Statesman House

Connaught Circus
New Delhi
India

Indian Express

The Editor
Indian Express
Bahadur Shah Zafar Marg
New Delhi 110 002

India

Publicity:

The information contained in this action could form the basis for a short article on human rights violations in Punjab.

Extracts from the AI report: *India. Human rights violations in Punjab: use and abuse of the law*, published 10 May 1991.

The following extracts give information of particular relevance to health professionals. Anyone wishing further information should consult the full document.

Press reports of torture [Report p.21]

There have also been many reports of torture and ill-treatment in Punjab in the Indian press, some of which quote official acknowledgments that torture took place. According to an article in the *Sunday Observer* 9 April 1989:

"Indeed police beatings, even torture and rape of villagers in some of the terrorist affected areas are heard so often that there must be at least some truth in them. Senior civilian officials that this writer talked to admit that such things happen and that they are helpless to do anything about them."

According to a report in the *Hindustan Times*, 22 September 1990, the BSF had arrested more than 160 young men the previous fortnight and tortured them at various interrogation centres. About 15 young men said they were taken away in the second week of September, held for three days at the BSF [Border Security Force] headquarters at Barath and given 10 to 50 lashes each day. At least seven young men from Dhariwal said they were given electric shocks, had heavy logs rolled over their legs and were hung upside down. Doctors treating them suspected that two - Prem Singh and Dilbagh Singh - suffered brain haemorrhages. The previous week the police and BSF detained Hardev Singh, aged 20. When he was released on 20 September 1990 he passed blood in his urine, and had multiple fractures to his left arm. Dharam Singh Sandhu, also kept in custody of the BSF, was given electric shocks repeatedly.

The *Indian Express* reported on 9 September 1990 that the district administration had held an inquiry into allegations that on and around 30 August 1990 about 200 residents of five villages near Kathunangal - Talwandi Phuman, Chachowali, Marrar, Gujarpura and Pangli - were rounded up and beaten by members of the CRPF and that some young men among them were later taken to Thiriawal CRPF station and tortured. The incident, apparently a reprisal action, took place the day after a landmine had exploded, damaging a patrol jeep. Journalists who saw the villagers reported that: "Many of them could not walk and showed injuries on the limbs. Electric shocks were given to some of them".

A local civil liberties group, the Punjab Human Rights Organization (PHRO), investigated the villagers' allegations. Its report, published in October 1990, claims that almost all the 200 detained Sikh youths were tortured and that police from Kathu Nangal police station both incited CRPF personnel to torture the villagers and participated in the torture themselves. The report gave specific details about 18 cases of torture. Karay Singh was beaten and then dragged behind a jeep. Harjinder Singh and Harbhajan Singh had their thighs cut after which powdered red chillies were rubbed into the wounds and electric shocks applied. Randhir Singh had his fingernails torn out and the flesh on his hands was cut. Partap Singh was beaten with leather belts. Two of those tortured, Sarabjit Singh and Mukhtair Singh alias Mukha, were, according to the PHRO report, only 12 and nine years old. Most of the villagers were reportedly released on the evening of 30 August 1990.

An inquiry conducted by Sub Divisional Magistrate L.D. Hans reportedly denied allegations that mass beating of villagers had taken place but acknowledged that the CRPF had beaten some people.

Testimonies of the Practice of Torture [Report, p.22]

Torture takes place in official places of detention, notably police stations. Other places where torture is reportedly often used are: Beeco Interrogation Centre, Batala; Ladha Kothi Jail; the CRPF Headquarters at Mal Mandi, Amritsar, and the police stations and headquarters of the Criminal Investigation Agency (CIA). But some detainees were tortured in secret detention centres located in private houses, while their detention was denied by the authorities.

The most common methods of torture reported include hanging people from the ceiling and beating them or using them as a human swing, forcing their legs wide apart causing pelvic injury, rolling iron or wooden bars across the thighs, beating the genitals and inserting chilli powder into the rectum and other sensitive parts of the body. Other torture victims claim they have been given electric shocks. These methods of torture are described in the following testimonies from former detainees. In most cases, torture occurred while the detainees were denied access to the outside world and were held in unacknowledged detention.

Surinder Singh alias Pappu

Surinder Singh (also known as Pappu) was allegedly illegally detained between 30 November and 22 December 1990, and subjected to torture. A *habeas corpus* petition on his behalf was filed at the High Court of Punjab and Haryana on 21 December by his father Avtar Singh.

Avtar Singh alleged that his son had been detained by the Assistant Sub Inspector, Jodhewal police station, in Dheri village, Ludhiana district on 30 November, and that he feared his son had been badly tortured. On 21 December the High Court ordered a court warrant officer to search the Jodhewal police station and any others in Ludhiana District if necessary to secure the release of Surinder Singh, provided he was not involved in a recognizable criminal case.

The warrant officer and his father found Surinder Singh at Jodhewal police station the following day, and he was immediately released. In a statement to the High Court on the same day Surinder Singh alleged that he had been illegally detained, that no case had been registered against him and that his arrest had not been entered in the daily register. The warrant officer confirmed these claims in his report of 7 January 1991.

Surinder Singh said that he had been followed by the police after his release and, fearing for his safety, he had asked the warrant officer to bring him straight to the High Court. Before the court he alleged that he was tortured and requested medical examination and treatment. The High Court issued orders for the medical examination of Surinder Singh at the Civil Hospital, Chandigarh, which took place on the same day, 22 December 1990. The medical report stated that Surinder Singh was unable to walk due to pain and described 18 scars, abrasions and bruises on his body and all four limbs, indicating that he had been beaten. The report also stated that all these injuries could have been caused by torture and appeared to have been inflicted in the period during which Surinder Singh was in detention. However, the High Court did not recommend any further investigation into the allegations of torture.

Balkar Singh, son of Makar Singh [Report p.24]

Amnesty International has obtained independent medical corroboration of torture allegations in the case of Balkar Singh, a 40-year-old Sikh, who was living in Canada and had Canadian citizenship. He returned to India in October 1987 to visit a relative. On 2 November he was arrested at the Amritsar International Hotel, by the CRPF and taken, blindfold, to the CRPF headquarters at Mal Mandi, Amritsar.

Balkar Singh stated in a *habeas corpus* petition to the Supreme Court, dated 19 January 1988, that when he arrived at Mal Mandi he was tortured by CRPF personnel in the presence of six senior police officers. Part of this statement is reproduced below:

" ... the Petitioner's (Balkar Singh) hands were tied behind his back and he was hamstrung from the ceiling. Thereafter the Petitioner was tied fast at the ankles and one of the members of the team conducting the torture sat in between the legs and started jumping and pulling the Petitioner and using him as a swing... After some time the Petitioner was made to sit on a chair and strapped to it.... the team began administering electric shocks first to the penis, then in the anus, thereafter under the armpits, temple of the head and ultimately the nose...

"he was made to sit on the ground with one man pressing his knees against [his] back and two others gradually eagle spreading the legs to virtually an angle of 180 degrees... He was [then] made to lie down on his stomach with the hands behind his back and beaten mercilessly with a leather strap... These tortures continued for a period of fourteen hours...on one occasion the Petitioner heard the officers suggesting that the Petitioner ought to be shot dead to avoid any implication while some officers were of the opinion that kerosene oil should be sprinkled and the Petitioner be burnt alive leaving no trace whatsoever of him."

During his interrogation Balkar Singh said that he was questioned about his alleged involvement with the Sikh separatist movement, about money and weapons which the police said he had smuggled into the country and about his involvement in the 1985 Air India plane crash.¹ Balkar Singh denied these accusations. He was then threatened that if he told anyone about his torture his relatives in India would also be tortured or killed.

Balkar Singh claims that his arrest was not formally acknowledged until four days after his detention. The First Information Report, filed on 6 November, stated that he was arrested for being a "terrorist", and for being in possession of arms. On 7 November he was brought before a magistrate and remanded in custody until 19 November. Balkar Singh said he complained to the magistrate of torture during the hearing, and requested medical treatment. A medical examination was carried out on 16 November by Dr Anand Gopal Singh Bawa of the Civil Surgeon Office in Amritsar. His report recorded two bruises on the body of Balkar Singh, one of 5cm by 4cm on the sole of his right foot and another of 5cm by 3cm on the back of his right forearm. He stated that Balkar Singh complained of pain in his inner thighs and in the left side of his chest. Dr Anand Gopal Singh Bawa found that the injuries had occurred between 11 and 16 November and that they were caused by a blunt instrument.

Balkar Singh was then transferred to the Central Jail, Amritsar, where a second medical examination was carried out on 25 November by the prison doctor, Dr Vijay Kumar Sharma.

¹ Three hundred and twenty-nine passengers were killed following an explosion on board a flight from Canada to Bombay in June 1985.

Contrary to the findings of the first medical examination the prison doctor found there to be no sign of external injury. The report did not rule out the possibility of ill-treatment, but noted that Balkar Singh had not complained of any physical torture. The Indian Government then refused to allow an independent medical examination by an outside expert: when a representative of the Canadian High Commission and a Canadian doctor visited Balkar Singh on 26 November, the Canadian doctor was not allowed to carry out a medical examination. The Indian government simply dismissed the allegations of torture in a communication dated 14 December 1989 to the United Nations Special Rapporteur on Torture.

"Balkar Singh was medically examined on 16 November 1987 and the Medical Officer's report showed that the allegations of torture could not be established. Furthermore, a detailed report was also received from the Senior Superintendent of Police, Amritsar, in which allegations of torture were not only denied but a counter allegation was made that this was done by him deliberately so as to defame the Indian Police"...

"In November 1987 in Amritsar, Mr. Balkar Singh appeared before a team of Canadians who had been granted consular access to him. He deliberately pretended to limp and levelled allegations of torture and illegal confinement. However, Mr. Singh could not show any visible mark of physical injury and the allegations of torture were not substantiated." (E/CN.4/1990/17 at page 25).

On 3 December 1987 Balkar Singh's case was raised in the Canadian Parliament. The Secretary of State for External Affairs told its members that during the visit of the Canadian team to the prison "there was evidence given by Mr Balkar Singh of physical abuse. It was the view of the Canadian doctor present that he had indeed been seriously physically mistreated". He said the Canadian Government had lodged two formal complaints with the Indian Government about Balkar Singh's ill-treatment and requested that he receive immediate medical attention.

After repeated representations on his behalf by the Canadian Government, Balkar Singh was eventually released on 25 October 1988. One month after his release several Canadian doctors examined him. An independent medical examination carried out on 21 November 1988 found injuries compatible with the allegations of torture Balkar Singh had made:

"restricted neck motion, particularly rotation to the left; slightly tender lower left ribs; a 1x2 cm area of increased pigmentation on the plantar aspect of the right foot; poor visual acuity in the left eye and a rash consisting of large areas of depigmentation over the whole body....The area of increased pigmentation found on the bottom of Mr. Singh's right foot is compatible with a history of being beaten on the soles of the feet".

Further examinations, by a rheumatologist and a psychiatrist found, respectively, that "the musculo-skeletal complaints that Mr Singh described were compatible with the history of torture he has described" and that he was "suffering from post-traumatic stress disorder following torture".

More than three years later, the allegations of torture are still under investigation by the Indian Supreme Court. On 1 August 1988 the High Court of Punjab and Haryana appointed Judge Aggarwal from Amritsar to carry out an immediate inquiry into the conduct of six police officials said to have been present at the torture sessions. Despite repeated summonses, the police officials failed to appear before the inquiry. Various excuses were given: in a letter to Judge Aggarwal on 18 August 1988 the Senior Superintendent of Police in Amritsar stated that the police officers could not attend the scheduled court hearing as they "were engaged in tackling the local law and order problem". In a letter to the Supreme Court on 25 January 1989, Judge Aggarwal complained that "the police department does not seem too inclined to extend any cooperation in the matter".

The inquiry report was eventually submitted to the Supreme Court on 27 February 1989, over six months late. Judge Aggarwal had been able to interview Balkar Singh, Dr Anand Gopal Singh Bawa and Vijay Kumar Sharma, but none of the police officers who were allegedly responsible for the acts of torture. The doctors' testimonies contained evidence of injuries on Balkar Singh's body consistent with allegations of torture. Dr Anand Gopal Singh Bawa reaffirmed that Balkar Singh complained about pains in his thighs and chest when he medically examined him on 16 November 1987 and that he had received bruises on the sole of his right foot and right forearm. Dr Vijay Kumar Sharma, the prison doctor, who examined Balkar Singh on 25 November 1987, said that he "could not rule out" the possibility that Balkar Singh had been physically tortured as he had walked with a limp, complained of weakness and body aches and claimed to have passed blood. Nevertheless, Judge Aggarwal's report concluded that the allegations of torture could not be fully substantiated.

Five of the six police officers finally gave their statements to the inquiry on 2 and 3 May 1989. All denied the allegations. The judge in his second inquiry report found no evidence of torture, but the matter has yet to be decided by the Supreme Court. Judge Aggarwal's reports illustrate the great difficulties all torture victims face when they have to prove torture to the satisfaction of the court in the face of persistent police denials, police failure to co-operate with judicial investigations and government refusal to permit independent medical examination by outside medical experts.

Elderly people tortured

Even people over 60 years old have been tortured. In one such case, a medical report corroborated the torture allegations.

Takhat Singh, a 60-year-old Jathedar (Sikh priest) from Lajpat Rai Market, Ludhiana, claims that he was arrested on 1 September 1989 with his son, Inder Mohan Singh. The police alleged that he had criticised them at a Bhog (memorial) ceremony. He alleged that he was taken to the CIA, and that, under the supervision of the Senior Superintendent of Police and an Inspector of the CIA, he was stripped naked, beaten and had his legs pulled apart.

Takhat Singh Jathedar was released after two days. He was medically examined in a civil hospital on 6 September. The medical report listed the following injuries: a bruise of 15cm by 10cm on his left thigh; a bruise of 8cm by 5cm on his right thigh; and a bruise on the left side of his chest. The report concluded that the injuries had been inflicted with a blunt instrument within the previous five to seven days.

Torture and ill-treatment of women

Since 1984 women in Punjab have often been ill-treated and tortured in the context of the targeting of families of suspected members of armed Sikh groups. Women have been arrested and tortured either to force them to reveal information about male relatives suspected of involvement in Sikh groups, to force the men to give themselves up to the police, or to deter the women from giving food or shelter to suspected Sikh militants. In many cases villagers have been ordered at gunpoint by armed Sikhs to give such shelter and support. The victims include women as young as 17 years old, as well as women over 50.

During 1988 and 1989 reports of torture of women in Punjab by the police and the CRPF frequently appeared in the Indian press. According to a report in *India Today*, 30 September 1989, the reports made the then Governor of Punjab issue instructions in May 1989 that women should no longer be detained in police stations in order to force their male relatives to give themselves up to the police. But the practice continued, at least during 1989, as illustrated by the following specific examples.

Shrimati Siso [Report, p.29]

Shrimati Siso, a resident of Paili village, Hoshiarpur district, complained to the Chief Judicial Magistrate, Hoshiarpur, on 25 July 1989 that four police officials at Balachaur police station, Hoshiarpur, had illegally detained her and gang raped her. The officers allegedly involved were the Station House Officer (SHO), the Moharrir Head Constable and two other Head Constables, all from Balachaur police station.

At 4 or 5 am on 9 February 1989 these four police officials came to Shrimati Siso's house and asked her about the whereabouts of her cousin, Hazura Singh. Unable to provide information, she was arrested and taken to Balachaur police station. Shrimati Siso said she was asked to sign a blank piece of paper. She refused and was then kicked and beaten by the Station House Officer and the Moharrir Head Constable. At about midnight on 9 February, she claims these two men returned to her room and raped her. Later the same night she said she was raped by the two other Head Constables. She also claimed that the Station House Officer threatened to implicate her in a crime or to kill her if she told anyone about the rape. She was released on 10 February 1989.

After her release Shrimati Siso said she was refused a medical examination by the Senior Medical Officers at the Civil Hospitals in Balachaur and Garhshankar because, she thinks, they feared retaliation by the local police. On 13 February, she complained to the Governor of Punjab against the four police officers alleged to have raped her. Shrimati Siso and witnesses were summoned to the Punjab Secretariat in Chandigarh and the Deputy Superintendent of Police was ordered to record their statements on 17 July 1989. However, Amnesty International does not know the outcome of the investigations. No action is known to have been taken against the police allegedly involved and no case was registered against them. Shrimati Siso then filed a complaint with the Chief Judicial Magistrate, Hoshiarpur, urging that the four police officers be dealt with according to law. The outcome is not known.

Deaths in custody as a result of torture [Report, p.31]

There have been persistent allegations that political prisoners have died while in custody as a result of torture. Often such deaths are not acknowledged: civil liberties groups in Punjab have alleged for many years that the police later claimed that such people have died in armed "encounters" (see Chapter V). But sometimes the police have acknowledged that people died in their custody and the Indian press and civil liberties groups have carried reports that such deaths were due to torture.

Surinder Singh of Basti Jodhewal

Surinder Singh was arrested by police at Phillaur on 24 April 1989 while he was travelling by bus to Nakodar. According to a report in the *Indian Express*, Delhi, of 2 May 1989 the police suspected he had information about the activities of armed Sikh groups and brought him to the local police station at Phillaur and tortured him. When his family asked about him, the Phillaur police reportedly denied that they knew where he was being held. But his parents managed to locate him in the police station and secured his release several days later.

Surinder Singh died within days of his release. According to the press report: "He was in a very bad physical state when he was released. The efforts of private doctors to save his life failed and he succumbed to his injuries [resulting from torture] yesterday [30 April 1989]".

Sukhdev Singh

Sukhdev Singh alias Kaka, a 22-year-old Sikh welder, died of injuries reportedly received while in the custody of the CIA police, Jalandhar, on 2 October 1990. His body was discovered near Sahnewal town in Ludhiana district. The Punjab Human Rights Organization (PHRO) investigated his death and reported that he had been beaten with various instruments on 1 October shortly after arrest.

According to the PHRO report, Jalandhar police raided Nandpur village at 10am on 1 October 1990 in search of Sukhdev Singh. The police beat his brother, Darshan Singh, who disclosed where Sukhdev Singh was. On seeing the police, Sukhdev Singh apparently ran into nearby fields where, the report alleges, the police beat him to death. The police visited Nandpur village the next day and denied having arrested Sukhdev Singh. They suggested a search near the rice sheller where his body was found.

The post-mortem was conducted by Dr G. S. Grewal, who reportedly recorded at least 10 injuries on the body and head. The PHRO report states that the police claimed that Sukhdev Singh "poisoned himself". A magisterial inquiry reportedly recorded testimony from parents and witnesses, but despite three summonses the police did not appear before the magistrate.

Cruel, inhuman and degrading treatment [report p.32]

Some Sikh detainees have been held for long periods in overcrowded conditions, and Amnesty International has received reports that some of them have been held in iron fetters for years, apparently to prevent their escape.

Hundreds of Sikhs have been detained in recent years in prisons outside the state of Punjab and 20 of them, held under the provisions of the Terrorist and Disruptive Activities (Prevention) Act in Bareilly Central Jail, Uttar Pradesh, complained to the Supreme Court in December 1989 that they had been held without trial, in iron fetters, for nearly four years. Prison

records show that they were arrested at various dates in 1986, 1987 or 1988. One of their family members also told the Supreme Court that relatives, who often had to travel long distances, were refused visits to which they were entitled when they arrived at the prison.

The District Judge, Bareilly, K.C. Bhargava, carried out an investigation into these allegations on orders of the Supreme Court. In his report of 9 April 1990 he recorded that the Superintendent of the Central Jail had indeed stated "that the undertrials are being kept in fetters due to security reasons". The Superintendent denied that they had been kept in such conditions for four years in Bareilly Central Jail itself, pointing out that they had been received in the prison at various stages between August and December 1989 confirming that they "were received from other jails in fetters" and that "the fetters were continued on them because of their antecedents of being arrogant in committing serious heinous crimes". The District Judge concluded that for security reasons it was necessary to keep certain Sikh prisoners in fetters. On 13 September 1990 the Supreme Court stated in an order that:

"We fail to understand why proper security arrangements cannot be made in Jail to guard these undertrials. Armed guards can be posted to guard them if security reasons so demand but it seems inhuman to keep them in fetters while they are awaiting trial which is delayed, notwithstanding this Court's order to expedite them".

The Supreme Court ordered that the prisoners should not be kept in fetters. The Supreme Court ordered that their trial be completed quickly, preferably within a period of three months. Amnesty International does not know whether the iron fetters were subsequently removed or whether trials have now started.

Keeping people in iron fetters for long periods constitutes, in Amnesty International's view, a form of cruel, inhuman or degrading treatment, prohibited in Article 7 of the International Covenant on Civil and Political Rights. Moreover, the United Nations Standard Minimum Rules for the Treatment of Prisoners strictly limit, in Rule 33, the circumstances in which instruments of restraint can be applied - and then only temporarily - and require that "chains or irons shall not be used as restraints".

EXTRACTS
FROM RECOMMENDATIONS MADE IN THE AMNESTY INTERNATIONAL REPORT
HUMAN RIGHTS AND VIOLATIONS IN PUNJAB: THE USE AND ABUSE OF THE LAW

10 May 1991

The long-standing problem of serious human rights violations in Punjab is an issue that must be addressed urgently. If human rights are to be respected in the future, a comprehensive program to protect human rights must be established, including a complaints machinery providing effective remedies at the local level.

Amnesty International is urging the authorities to consider implementing such a program. In its report of May 1991 the organization made a series of specific recommendations aimed at enhancing the protection and promotion of human rights in Punjab based on international standards. The following are extracts from the list of recommendations which appear in the Amnesty International report. Only those recommendations relating to torture and investigation of death in custody are reproduced here. For the full list of recommendations, please refer to the report.

- 3. The government should establish a fully impartial and independent body, consisting of people chosen for their integrity and trusted by all sections of the community, empowered to investigate substantive allegations of torture, claims that detainees are kept in unacknowledged detention or may have been killed in custody, and all killings in disputed circumstances by the security services.**
- 3a. In order to be effective, such a body should have full and effective powers to take interim measures to prevent or halt impending or ongoing human rights violations and to compel attendance of witnesses and production of relevant documents. It should be empowered to take effective measures to protect witnesses and potential witnesses from all forms of threat and intimidation.**
- 3b. This body, or another competent, independent and impartial body, should have full and effective powers to make unannounced visits to places where people are believed to be held in unacknowledged detention. The findings of the investigations of these bodies should be published in full. In the cases of deaths in custody or of people who have died in suspicious circumstances in armed clashes with the police, the relatives should have access to the post-mortem report and be allowed to have a representative attend the post-mortem examination.**

These recommendations are based on principles from the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Principle II provides for an independent commission of inquiry with effective powers of investigation in cases of an "apparent existence of a pattern of abuse". In addition Principles 15, 16 and 17 state respectively that all those involved in any investigation should be protected from violence and intimidation; that the families of those alleged to have been extra-legally killed should have access to all information relevant to any investigation and have a right to insist that a qualified representative be present at the autopsy; and that the methods and findings of any investigation be made public in a report. Finally, Principle 7 stipulates that:

"Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to their records."

- 4. The government should order impartial investigations into all allegations of torture or ill-treatment and victims should receive adequate compensation.**
- 4a. All those detained or imprisoned should promptly be medically examined, be allowed to request an independent body for a second medical examination, and written records should be kept of the findings of these examinations, to which all concerned parties shall be ensured access.**
- 4b. The government should abolish all forms of torture and ill-treatment that are recognized as cruel, inhuman or degrading by international standards, notably the detention of people for long periods in iron fetters.**

Principles 24, 25 and 26 of the UN Body of Principles provide for a medical examination as promptly as possible after admission to a place of detention or imprisonment, the right to petition an independent body for a second medical examination and the need to keep written records of such examinations, to which access shall be ensured. In Amnesty International's experience, regular medical examinations can not only serve to detect and deter torture, they can also inhibit wrongful allegations of torture being made.

Article 33 of the United Nations Standard Minimum Rules for the Treatment of Prisoners permits restraints on prisoners only during transit and to prevent escape. Article 33 also requires that "chains or irons shall not be used as restraints". Amnesty International considers the use of iron fetters to constitute cruel, inhuman and degrading treatment in contravention of Article 33 of the Standard Minimum Rules for the Treatment of Prisoners, and urges that their use, either as instruments of restraint or for any other reason, be abolished.

- 7. The victims of torture, wrongful arrest and, in the case of extrajudicial executions and "disappearances", their relatives, should be given full and adequate compensation.**

Article 11 of the Declaration against Torture provides for redress and compensation for victims of torture and Principle 20 of the Principles stipulates that families and dependants of victims of extra-legal executions have a right to fair and adequate compensation within a reasonable time.