

EXTERNAL (for general distribution)

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Further information on UA 261/94 (ASA 20/21/94, 6 July 1994) - Fear of torture/fear of "disappearance"

INDIA: Ajit Kumar Bhuyan (39), journalist and human rights activist

Amnesty International has recently received news that Ajit Kumar Bhuyan is being held in police custody and is presently in the Guwahati Medical College Hospital. He is receiving medical treatment following a medical examination by a panel of senior doctors acting on court orders. Doctors are reportedly refusing the police permission to interrogate Mr Bhuyan further while he remains in hospital.

According to information available to Amnesty International, police refused to disclose the whereabouts of Ajit Kumar Bhuyan for three days. A relative filed a *habeas corpus* petition on 8 July at the Assam High Court. The High Court ordered that he be produced in court on 9 July and that medical assistance be granted to him if necessary as he suffers from asthma.

Mr Bhuyan is reportedly being held under the Terrorist and Disruptive (Prevention) Activities Act (TADA) for his alleged involvement in instigating the kidnapping of a local Tax Commissioner.

On 9 July, the Designated Court (a court of law specifically empowered to hear cases under TADA), reduced the period of Mr Bhuyan's remand from 25 days to 7 days. Police reportedly contend that they are entitled to interrogate Mr Bhuyan for a further three days as he only spent four days in their custody before being sent to hospital.

The next date for the Designated Court hearing has not been set.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:

- welcoming the news that Ajit Kumar Bhuyan's whereabouts are now known
- express concern that he is being detained under TADA, a special law which Amnesty International believes is incompatible with several articles of the International Covenant on Civil and Political Rights and urging that he be charged under ordinary criminal law;
- expressing concern at allegations that he was ill-treated while in custody and that his whereabouts were undisclosed for three days, and urging the authorities to order an independent and impartial inquiry into these allegations
- urging the government to ensure that he is not ill-treated or tortured when interrogated by police once he leaves hospital.

APPEALS TO

Mr Hiteshwar Saikia
Chief Minister of Assam

Office of the Chief Minister
Guwahati
Assam, India
Telegrams: Chief Minister Saikia, Guwahati, Assam, India
Faxes: +91 361 565 455/561 515
Salutation: Dear Chief Minister

Mr S.B Chavan
Minister of Home Affairs
Office of the Minister of Home Affairs
North Block
New Delhi 110 001, India
Telegrams: Minister Home Affairs, New Delhi, India
Telexes: 3166427 REND IN
Faxes: +91 11 301 6781 (Ministry of Foreign Affairs)
Salutation: Dear Home Minister

COPIES OF YOUR APPEALS TO:

Mr S.V. Subramanian
Director General of Police
Police Headquarters
Dispur, Assam, INDIA

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 5 September 1994.