

EXTERNAL

AI Index: ASA 20/26/95

UA 213/95

Fear of "disappearance" / Fear of torture 7 September 1995

INDIA Jaswant Singh Khalra, human rights activist

Jaswant Singh Khalra, General Secretary of the Human Rights Wing of the Akali Dal political party has not been seen since 9.15am on 6 September 1995, when he was arrested by police while washing his car outside his home in Kabir Park, Amritsar. He has not been produced before a magistrate and his relatives have not officially been informed of his whereabouts. Amnesty International is extremely concerned for his safety.

In January 1995, the Human Rights Wing of Akali Dal filed a petition in the Punjab and Haryana High Court concerning the deaths of hundreds of unidentified individuals. The Human Rights Wing produced records from cremation grounds in Amritsar district, showing how several hundred "unclaimed" bodies had been cremated during 1992 and alleged that many of these were individuals who had "disappeared" following their arrest by Punjab police and whose fate was unknown (see background below). The court dismissed the petition on the grounds that the families of the "disappeared" individuals should themselves file petitions.

Shortly after the filing of this petition Jaswant Singh Khalra was reportedly threatened by a member of the Punjab police who stated that it "was easy to make one more disappear".

BACKGROUND INFORMATION

Amnesty International regularly receives reports that alleged members or sympathizers of armed opposition groups, or their relatives, in Punjab have "disappeared" or been killed in police custody, often after torture. Officials later wrongly attribute their deaths or "disappearances" to "encounters" between militants and the police, to "escapes" during such an "encounters" or to other improbable causes. Amnesty International has also received reports of several lawyers being arrested and illegally held by police in the past.

In July 1995, Amnesty International wrote to the Chief Minister of Punjab and the Minister for Home Affairs, Mr Chavan, calling on the government to order an impartial and independent investigation into recent reports of emerging new evidence (including the petition filed by the Human Rights Wing of the Akali Dal in January 1995) about the fate or whereabouts of hundreds of people who "disappeared" in Punjab between 1991 and 1993. To date, no response has been received from the government.

Even though legal safeguards against unacknowledged detention exist in India's ordinary criminal law and procedural code, they are often simply not adhered to, and prisoners are held in unacknowledged detention for weeks and sometimes months. In cases of unacknowledged detention or "disappearance" brought before the courts in Punjab, legal proceedings are extremely slow and police often fail to comply with the orders of the court.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern for the safety of Jaswant Singh Khalra who has not been seen since his arrest in Amritsar by Punjab police on 6 September;
- in light of the repeated failure of police officials to comply with court orders in cases of "disappearance", urging the government to ensure that

officials of the Punjab police comply with any future court orders concerning the detention of Jaswant Singh Khalra;

- urging the government to immediately order an independent and impartial inquiry to establish his whereabouts;
- seeking assurances that, if in police custody, he be allowed immediate access to lawyers and relatives and be promptly brought before a magistrate;
- seeking assurances that he is not being ill-treated and that he be immediately released if he is not to be charged with a recognizably criminal offence.

APPEALS TO:

Harcharan Singh Brar
Chief Minister of Punjab
Office of the Chief Minister
Chandigarh
Punjab, India

Telegrams: Chief Minister, Chandigarh, Punjab, India

Faxes: +91 172 540 936; +91 172 545 058

Salutation: Dear Chief Minister

K.P.S. Gill
Director General of Police
Police Headquarters
Chandigarh
Punjab, India

Telegrams: Director General Police, Chandigarh, Punjab, India

Faxes: +91 172 540 901 (if voice, ask for fax)

Salutation: Dear Director General of Police

COPIES TO:

Mr S.B. Chavan
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
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 31 October 1995.