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NEWS SERVICE ITEMS: EXTERNAL - INDIA

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

USA - 14 June - SEE NEWS SERVICE 114/94

**** Turkey - 22 June**** - PLEASE NOTE NEW EMBARGO DATE. The Turkey news release has been brought forward because parliaments are closed at the beginning of July. We are also hoping to launch a report on freedom of expression in Turkey at the same time. We will be sending the report by swiftair to sections next Wednesday. The news release should be ready next week. SEE NEWS SERVICE 104/94

Pakistan - 27 July - PLEASE NOTE NEW DATE. SEE NEWS SERVICE 81/94

TARGETED AND LIMITED NEWS RELEASES

MOROCCO - 31 MAY - SEE NEWS SERVICES 114/94 AND 105/94

****Denmark - 24 June**** - PLEASE NOTE CHANGE OF EMBARGO DATE. We have extended the date for the Denmark NR because difficulties in getting information delayed the final version of the report. The report will be sent to sections by swiftair next Wednesday. The news release should be ready next week. SEE NEWS SERVICE 105/94

Mozambique - 23 June - SEE NEWS SERVICE 115/94

Myanmar - 20 July - SEE NEWS SERVICE 99/94

FORTHCOMING NEWS INITIATIVES

Annual Report - 7 July - SEE NEWS SERVICE 51/94

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INDIA: AMNESTY INTERNATIONAL WELCOMES POSSIBLE LEGAL AMENDMENT MAKING JUDICIAL INQUIRIES MANDATORY IN ALL CASES OF DEATH IN POLICE CUSTODY

As deaths in custody continue to be reported at a high rate from many parts of India, Amnesty International is today welcoming the government's recent decision to consider a legal amendment that would provide for judicial inquiries into all cases of death in custody.

The announcement of the proposed amendment to the Code of Criminal Procedure was made to India's upper house of parliament on 5 May by Minister of State for Home Affairs, Rajesh Pilot.

Amnesty International is urging the government to immediately put the proposal to parliament for approval and is calling on all opposition parties to give such a legal reform their full support.

The institution of mandatory judicial inquiries into all cases of deaths in custody was a key recommendation of Amnesty International's March 1992 report: India Torture, Rape and Deaths in Custody, and the issue has been discussed by the Indian authorities a number of times since 1979.

The current system of magisterial inquiries has consistently failed to provide effective and independent investigations into specific complaints of custodial violence, in Amnesty International's view. Although such inquiries are obligatory in law in all cases of death in custody, they are often not held. When they do take place, their reports are rarely made public or they are inconclusive -- because they have been carried out by magistrates under executive control with limited powers of investigation, who must rely on evidence provided by the police. Amnesty International believes that the proposed amendment would be a significant step towards ending the impunity widely enjoyed by the police and security forces in India.

A series of recent court decisions that have established clear police responsibility for some custodial deaths and have provided relief to the victims' families, are a further indication of a move towards ending impunity, Amnesty International said.

On 16 April, for example, a sessions judge in Andhra Pradesh sentenced five policemen to prison terms ranging from three to ten years for "indiscriminately beating and injuring" sailor T. Muralidharan. In September 1986, Muralidharan's injured body was found hanging in his cell. The police claimed he had committed suicide but a judicial inquiry, established after nationwide protests, established police culpability for torture, murder and fabrication of records. The court also ordered that a fine collected from the policemen be paid to Mr Muralidharan's legal heirs.

In another court decision on 2 May, the Rajasthan High Court rejected the state government's claims that it was not responsible for deaths in custody caused by police. The court ordered that a committee be established to determine the number of people who had died in police custody in the state between 1990 and 1992 and that financial relief should be given to the victims' families. The court also ordered that, within 60 days, the state government initiate legal action and disciplinary proceedings against the police personnel allegedly responsible; that it institute both a special training program for police on the need to provide proper treatment of detainees and prisoners, and a committee of public representatives and a doctor for each police station.

On 3 May, the neighbouring Punjab and Haryana High Court dismissed police claims that Santokh Singh's death in August 1991 was caused by a "snake-bite". The court also ordered that his widow receive financial compensation.

"Although these court decisions remain incidental and do not provide redress to the large numbers of victims and families of victims of torture and custodial deaths, they are important in establishing the principle that the police will be held accountable in law when they torture and murder suspects in their custody", said Amnesty International.

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