

EXTERNAL (for general distribution)

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UA 44/94 "Disappearance"/Legal concern/Intimidation

11 February 1994

INDIA Harjit SINGH, aged 24

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Amnesty International is concerned by the lack of progress in legal proceedings initiated in October 1992 to clarify the whereabouts of Harjit Singh who "disappeared" after his arrest in April 1992. This lack of progress appears to be largely due to delaying tactics by the police and the recent absences of the judge hearing the case, most recently on 9 February 1994. Furthermore, there have been reports of attempts to intimidate Harjit Singh's father who has been trying to establish where his son is.

Although some of the delay in legal proceedings has been due to Harjit Singh's lawyer (he twice failed to appear in court on time), the principle cause has been the failure of senior police personnel to appear before the court. On 16 April 1993 the Superintendent of Police did not appear. He sent his deputy and so the hearing was postponed. The next hearing on 27 April was again postponed as the judge wanted K.P.S. Gill, the Director General of Police, to appear in court. The next two hearings on 13 and 28 May were postponed as no government or police representatives were present. The judge hearing the case has been on leave on three recent occasions (19 November, 21 December and 9 February 1994) when the hearing came to court.

Harjit Singh's "disappearance" and the lack of progress in clarifying his whereabouts represent a grave threat to his right to life. In such cases every effort should be made to have the complaint of "disappearance" promptly, thoroughly and impartially investigated, as required by Article 13 of the UN Declaration on the Protection of All Persons from Enforced Disappearance adopted by the UN General Assembly on 18 December 1992. Article 13 includes the requirement that "*No measure shall be taken to curtail or impede the investigation.*" It also states that "*steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.*"

#### BACKGROUND INFORMATION

On 29 April 1992, Harjit Singh, an employee of the Punjab State Electricity Board, was arrested by police officers. The police did not have an arrest warrant, and subsequently denied the arrest, claiming that Harjit Singh and another man were captured on 11 May 1992 after an armed encounter with the police. The police say that they took both men to recover hidden arms, and that while doing so they were attacked by armed Sikh militants, during which the two men were killed. However, Harjit Singh was twice seen alive by his father in police custody after the police claimed that his son had been killed.

Harjit Singh's case is one of the 24 currently featured in Amnesty International's "The Lives behind the Lies" campaign focusing on political killings and "disappearances". His case was also the subject of UA 330/92 (ASA 20/54/92, 22 October 1992) and its follow-up (ASA 20/56/92, 27 November 1992)

**RECOMMENDED ACTION:** Please send telegrams and airmail letters either in

**English or in your own language:**

- urging the authorities to make every effort to establish the whereabouts of Harjit Singh and expressing concern at the lack of progress in the legal proceedings;
- pointing out that Article 13 of the UN Declaration on the Protection of All Persons from Enforced Disappearance requires that every effort be made to have the complaint of Harjit Singh's "disappearance" promptly, thoroughly and impartially investigated;
- urging the government to ensure that all police personnel involved fully cooperate with the investigation;
- urging that any reports or complaints of intimidation or reprisal are immediately investigated and that those responsible are immediately punished, in accordance with Article 13 of the Declaration.

**APPEALS TO:**

1) Mr Beant Singh  
 Chief Minister of Punjab  
 Officer of the Chief Minister  
 Chandigarh  
 Punjab, India

**Telegrams: Punjab Chief Minister, Chandigarh, Punjab, India**

**Salutation: Dear Chief Minister**

2) Mr K P S Gill  
 Director General of Police  
 Police Headquarters  
 Chandigarh  
 Punjab, India

**Telegrams: Director General Police, Chandigarh, Punjab, India**

**Salutation: Dear Director General**

**COPIES OF YOUR APPEALS TO:**

1) S B Chavan  
 Minister for Home Affairs  
 Home Ministry  
 North Block  
 New Delhi, India

2) Ranjan Lakhanpak (Harjit Singh's lawyer)  
 Kothi No.97  
 Sector 10-B  
 Chandigarh 160 010  
 Punjab, 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 25 March 1994.