

EXTERNAL

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MEDICAL CONCERN

**Jugataram
INDIA (RAJASTHAN)**

Torture, ill-treatment, rape and deaths in police custody have been long-standing concerns of Amnesty International in India. Custodial violence against criminal suspects has become endemic and occurs on a national scale, with an average of about 50 torture-related deaths recorded by Amnesty International annually, although the true figure is believed to be much higher. Very few prosecutions are brought against police involved in torture and other abuses and even fewer result in custodial sentences. Reports of torture and death in custody are especially frequent in Punjab, Kashmir and the north-eastern states where armed opposition movements are in conflict with the national government, but violence in custody occurs throughout India on a day-to-day basis.

A major report on custodial violence in India was issued by Amnesty International in 1992¹ in which the organization stated that the main reason why torture and custodial violence continues on such a wide scale is that the police feel themselves to be immune from prosecution, even in cases where death results. The Indian press has recently reported on an extreme case of police brutality in the state of Rajasthan. According to press reports, a young man in his twenties held for questioning in the town of Barmer had his penis amputated by police officers on the third day of his detention.

Jugataram, who is aged 29, is reported to have been taken to the police station on 2 February for questioning in connection with the abduction of a 15-year-old girl. On the morning of 5 February he is reported to have been taken to a room where two police officers used a sharp knife to sever his penis. A second man who was being held at the station is reported as saying that, immediately prior to this, he had witnessed two police officers beating Jugataram. The press have suggested that the mutilation may possibly have been motivated by family grievances between the young man and the police officers involved.

Following the incident, five police officers were suspended from duty, including the officer in charge of Sadar police station which is the main police station in Barmer. There was a local outcry and demonstrations against the police, who countered by filing an incident report with the courts in which they stated that Jugataram had mutilated himself when he went to the toilet after presenting himself for questioning on 5 February. The police incident report states: "On being asked, he said I have cut my penis myself with the intention of committing suicide".

¹India: *Torture, rape and deaths in custody*, AI Index: ASA 20/06/92, March 1992 (195pp).

Initially a CID (criminal investigations department) inquiry was ordered into events and two named policemen, one of whom is an Assistant Superintendent of Police, were detained. The Chief Minister of Rajasthan then announced that the investigation was to be handed over to the Central Bureau of Investigation (CBI), the national criminal investigations bureau.

After receiving medical attention locally, Jugataram was admitted to a hospital in the town of Jaipur. The *Times of India* reported on 23 March that the State government had called a surgeon specializing in vascular surgery to attend to Jugataram "within the following three months" (sic) and that the Chief Minister had, in response to questioning from opposition politicians, stated that local government would pay the costs of the victim's medical care.

Amnesty International has received no further information about the proceedings against police as of late March 1994. However, given the impunity which police have for so long enjoyed in India, the organization is concerned to ensure that a proper judicial inquiry is held, that those responsible are brought to justice and that Jugataram is able to seek prompt legal redress and has been provided with specialist medical attention.

Added to the fact that few prosecutions are brought against police officers involved in the abuse of detainees, there is the problem of long delays which can occur in the courts when criminal proceedings are brought or when a victim of abuse seeks financial compensation. Amnesty International recently issued information on an Indian woman who suffered paralysis as a result of torture in 1974 and who, 16 years on, is still seeking justice. In February this year the Supreme Court, commenting on her case, expressed concern about the way in which police officers accused of torturing the woman had been able to abuse the Indian legal system to escape justice by repeatedly seeking the higher court's interference to delay judicial proceedings in the lower courts. In conclusion, the court stated "It should not be that a man with enough means is able to keep the law at bay..... The facts of the case impel us to say how easy it has become today to delay the trial of criminal cases. An accused so minded can stall the proceedings for decades together, if he has the means to do so."

Amnesty International believes it vital that this case is promptly dealt with by the courts if the public are to retain faith in the police and if there is to be any hope of an end to the gross and persistent abuses which occur daily in police stations throughout India.

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To: Medical professionals
From: Medical Office / Research Department - Asia
Date: 9 May 1994

MEDICAL LETTER WRITING ACTION

**Jugataram
INDIA (Rajasthan)**

Keywords

Theme: ill-treatment in police custody/mutilation

Summary

A young man in his twenties, who was being held for police questioning in the state of Rajasthan, is reported to have had his penis severed by police officers in early February 1994. Following a public outcry, the police filed an incident report in which they claimed that the man had tried to escape from custody and had mutilated himself in a suicide attempt. Please see the details attached.

Recommended Actions

Letters are requested from medical professionals to the addresses below:

- expressing grave concern at reports of the genital mutilation of a young man in Sadar police station in Barmer on 5 February 1994 and expressing your concern for his well-being
- noting that two police officers, one of whom was an Assistant Superintendent of Police at Barmer's main police station, were arrested following the incident and that five police officers were suspended
- further noting that the matter was referred to the CBI for investigation and seeking information on the progress of judicial investigations into the event
- asking precisely what medical attention Jugataram has received and seeking assurances that he does indeed have access to highly qualified specialist attention
- expressing dismay at the continuing reports of episodes of violence in police custody in India; seeking assurances that in this and other instances of abuse, those found to be responsible for such acts will be brought to justice without delay and that the victims will be assured of prompt redress, including financial compensation

Addresses

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