

**EXTERNAL (for general distribution)**

**AI Index: ASA 20/08/93**

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**UA 45/93 Death from suspected torture in custody**

**23 February**

**INDIA: Mr Vidyadharan, president of a Congress Party "reformist" group in Alappuzha district, Kerala**

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Amnesty International is concerned at reports of the death in custody of Mr Vidyadharan, aged 30, president of a Congress Party "reformist" group in Karthikapally Panchayat, Haripad Taluk, Alappuzha district, Kerala.

Mr Vidyadharan died in police custody in Haripad at 2 pm on 18 February 1993. He was arrested by police at around midday on the same day and was reportedly tortured in police custody and then rushed to Haripad Government Hospital where he was declared dead on arrival. He had been arrested in connection with a death in his family which had occurred a few days previously and about which he was interrogated but released when no evidence of his involvement in the death was found.

The Director General of Police, Mr George Verghese, suspended the circle inspector who was responsible for Mr Vidyadharan's arrest but Amnesty International is not aware of any inquiry having been ordered into the reports that he died in police custody as a result of torture.

#### **BACKGROUND INFORMATION**

Amnesty International has documented the cases of 484 people who have died in the custody of the police or security forces throughout India between January 1985 and November 1992 where torture was alleged to have been the cause of death. Some 29 deaths in custody were recorded in Kerala in this period, although the actual number of such cases is thought to be considerably higher. Although some officials have acknowledged the problem, India's record on ensuring that those responsible are brought to justice is extremely poor. Impartial judicial inquiries are rare and only three cases are known in which police officers have been convicted for such crimes since 1985.

The majority of those who die in police custody are criminal suspects who are tortured in order to extract a confession or information. In some states, people have died in custody after arrest on suspicion of involvement in or support for armed groups advocating greater autonomy or independence. Some appear to be innocent of any crime. Often deaths occur after people have been detained without the police acknowledging their arrest, or bringing them before magistrates within 24 hours of arrest, as the law requires. Cover-ups have extended to senior police, officials and even some members of the medical profession and magistrates. Amnesty International published a report on torture and deaths in custody entitled India: Torture, rape and deaths in custody

(AI Index: ASA 20/06/92) in March 1992 and called on the government to acknowledge the reality of the violations and take urgent steps to prevent them. In reaction to this the government created a special cell in the Home Ministry to investigate cases reported to them in Amnesty International's report. More recently the government has announced its intention to introduce a number of legal safeguards to protect persons held in police custody from torture and to strengthen investigation procedures in cases of custodial death, but the recommendations in Amnesty International's ten-point program for the prevention of torture in India have not yet been implemented.

Page 2 of UA 45/93

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

- expressing concern at reports that Mr Vidyadharan died on 18 February possibly as the result of torture in police custody;

- urging the authorities to promptly institute a impartial and independent inquiry into his death and that if police personnel are found responsible for causing his death they be brought to justice, and that the family be granted adequate compensation;

- urging the authorities to ensure that all detainees are brought before a magistrate within 24 hours, be allowed immediate access to legal advice and to a medical examination by an independent doctor, and that the recommendations made in Amnesty International's ten point program to halt torture be implemented.

**APPEALS TO**

1) Mr K. Karunakaran  
Chief Minister of Kerala  
Office of the Chief Minister  
Trivandrum  
Kerala  
India

**Telegrams: Chief Minister Trivandrum, Kerala, India**

**Salutation: Dear Chief Minister**

2) Mr S.B Chavan  
Minister of Home Affairs  
Ministry 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 Minister**

**COPIES OF YOUR APPEALS TO:**

K. Padmakumar

Chief Secretary of Kerala  
Office of the Chief Secretary  
Trivandrum  
Kerala  
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 7 April 1993.