

EXTERNAL (for general distribution)

AI Index: ASA 20/09/95  
Distr: UA/SC

UA 80/95

"Disappearance"

28 March 1995

INDIA

Jaswinder Kaur, aged 17, female  
Darshan Singh, her father

---

Jaswinder Kaur and her father, Darshan Singh, have not been seen since they were taken on separate dates from their home in Mohalla Sadavarat, Ropar, Punjab, by members of the Ropar branch of the Criminal Investigation Agency (CIA). There are serious concerns for their safety.

On 26 February 1995, CIA officials, who were reportedly looking for Jaswinder Kaur's husband, Surinder Singh, raided the family's home and took Jaswinder Kaur away. They did not have an arrest warrant, and reportedly beat the 17-year-old despite the efforts of neighbours to stop them. On 6 March, CIA officials returned to the family home and took Darshan Singh away with them.

Police subsequently confiscated the house, making Jaswinder Kaur's mother and children homeless.

Two *habeas corpus* petitions have been filed at the Punjab and Haryana High Court. The first concerned the confiscation of the house. As a result of a second petition filed on 23 March, regarding the "disappearance" of Jaswinder Kaur and Darshan Singh, a warrant officer visited Ropar police station but was unable to establish the whereabouts of the girl and her father. The police have reportedly filed an affidavit denying the arrest of Jaswinder Kaur and Darshan Singh. The next hearing in the case is set for 6 April.

#### 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.

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 where allegations such as this are brought before the courts in Punjab, legal proceedings are extremely slow and often police fail to comply with the orders of the court. The case of Harjit Singh is representative of this inaction by the authorities in Punjab -- although an investigation into his "disappearance" was ordered by the High Court in December 1992 to be completed within three months, the hearing is still in progress (see UA 44/94, ASA 20/04/94, 11 February 1994).

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

- expressing concern for the safety of Jaswinder Kaur and Darshan Singh who have not been seen since they were taken away by CIA officials from Ropar on 26 February 1995 and 6 March respectively;
- urging the government to ensure that officials of the CIA comply with any orders of the High Court of Punjab and Haryana which may result from the *habeas*

corpus petition filed on 23 March;

- urging the government to immediately order an independent and impartial inquiry to establish their whereabouts;
- seeking assurances that if they are in police custody they be allowed immediate access to lawyers and relatives and be promptly brought before a magistrate;
- seeking assurances that they are not being ill-treated and that they be immediately released if they are not to be charged with a recognizably criminal offence;
- seeking assurances that their relatives will be given adequate protection from harassment.

**APPEALS TO:**

Mr Beant Singh  
Chief Minister of Punjab  
Office of the Chief Minister  
Chandigarh  
Punjab, India

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

**Faxes: +91 172 540 647 (if voice, ask for fax to be switched on)**

**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 OF YOUR APPEALS 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 20 May 1995.