

PUBLIC

AI Index: ASA 20/10/99
Distrib: PG/SC

To: Medical professionals
From: Medical Office / South Asia Team
Date: 26 March 1999

Further information on

MEDICAL LETTER WRITING ACTION

**Ill-treatment in detention and lack of medical care
INDIA**

[also see AI Index: ASA 20/25/98, 7 October 1998]

Theme: Torture / Ill-treatment / lack of medical care

Summary

On 7 October 1998, Amnesty International issued a medical letter writing action on the cases of three social workers who were arrested in Rajasthan, India, in early August 1998 and reportedly ill-treated by police prior to being remanded in judicial custody. A magistrate reportedly failed to order a medical examination for one of the three after arrest, despite the defendant being in a confused and disoriented state. Amnesty International is concerned that the men appear to have been ill-treated in an attempt to force them to implicate colleagues in other criminal cases.

Amnesty International has received unofficial reports that an investigation carried out by India's National Human Rights Commission [NHRC] into the allegations of the torture of the three social workers has concluded that these allegations were unfounded. The NHRC reportedly said the medical report of a police doctor did not mention torture and the defendants did not complain to the magistrate while in police custody. However, the NHRC's findings have not yet been made public and the Commission has stated that it will not make them public until it has received a communication from the Government of Rajasthan giving its position on the case. The NHRC initially requested a response from the Government of Rajasthan in September 1998. To AI's knowledge it has still to receive a response. In the meantime, state elections took place in Rajasthan and a new government has taken power. The new government ordered an investigation into the detention and torture of the three social workers to be carried out by the Crime Investigation Department. This investigation is proceeding. All three social workers remain in detention.

Amnesty International is concerned that the NHRC should make a public statement on this case. AI is also concerned that any judicial investigation into these allegations of torture, as well as into allegations that the charges against the social workers were falsely filed as a means of harassment by police, be effective and impartial. The findings of such an investigation should be made public and anybody found responsible brought to justice.

Background

Abdul Sattar, Sita Ram and Satya Narain, three social workers from the Bal Rashmi Society, were reportedly ill-treated while being held in illegal detention by police prior to being sent to Jaipur Jail on 14 August 1998. The authorities did not officially record these detentions and failed to bring the detainees before a magistrate within 24 hours as provided for in Indian law.

Sita Ram and Satya Narain were arrested on 5 August 1998 and are believed to have been repeatedly beaten by police in order to make them confess to serious crimes including rape and fraud, for which charges have now been filed against them. Abdul Sattar was arrested on 4 August 1998 and reportedly stripped naked and beaten by up to ten police constables repeatedly in the five days following his arrest. Despite the fact that Abdul Sattar was reportedly in a confused and disoriented state when he was brought before a magistrate on 10 August, the authorities apparently failed to order a medical examination for him. As a result of the confessions of the three men, charges were also filed against other members of the Bal Rashmi Society.

The Bal Rashmi Society is an organization concerned with the relief, welfare and development of socially and economically disadvantaged women and children of Rajasthan. Amnesty International is concerned that the charges against the three social workers may have been fabricated in order to discredit members of the society, including Alice Garg, its founder.

Recommended Actions

Letters are requested from medical professionals to the addresses given below:

- o introducing yourself as a member of Amnesty International's health professional network and referring to your earlier letters on the alleged ill-treatment of Abdul Sattar, Sita Ram and Satya Narain
- o seeking information on the men's current state of health and asking for details of whatever medical care they are currently receiving
- o welcoming that the Government of Rajasthan has ordered an investigation by the Crime Investigation Department into the allegations of torture and harassment of the three social workers and urging that this investigation be carried out promptly and impartially and that its findings be made public in full
- o urging that any officials found guilty of human rights violations and other misconduct [including failing to produce detainees before a magistrate within 24 hours, filing of false cases against individuals as a means of harassment, and failing to provide medical treatment to detainees] be brought promptly to justice.
- o urging the Government of Rajasthan, if it has not done so already, to cooperate fully with the investigations carried out by the NHRC

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow-up letter seeking a response. Please send copies of any replies you do receive to the International Secretariat [attn: medical team] and check with your national coordinator or the medical team if you send appeals after 28 May 1999.

ADDRESSES

Mr Ashok Gehlot
Chief Minister of Rajasthan
Office of the Chief Minister
Jaipur, Rajasthan
Faxes: + 91 141 382 492
Salutation: Dear Chief Minister

Mr Lal Krishna Advani
Minister of Home Affairs,
Ministry of Home Affairs
North Block, New Delhi 110 001, India
Faxes: + 91 11 301 5750
Salutation: Dear Home Minister

[NB: new name]

COPIES:

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Office of the DGP
Police Headquarters, Jaipur
Rajasthan, India

Honorary General Secretary
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IMA House, Indraprastha Marg
New Delhi 110002, India

and to diplomatic representatives of India accredited to your country or the nearest Indian embassy.