

**EXTERNAL (for general distribution)**

**AI Index: ASA 20/12/93**

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**UA 69/93      Death in custody**

**12 March 1993**

**INDIA:      Mr Satyavan, 35, truck driver**

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Amnesty International is concerned that Mr Satyavan from Jharoda Kalan village died allegedly of torture in Najafgarh police station in Delhi on 2 March 1993. The organization is further concerned that Satyavan's death, the first in custody recorded by Amnesty International in Delhi for over a year following some 45 deaths recorded there during the previous seven years, is a retrograde step in the protection of human rights in India.

Satyavan, a father of five children and an alleged drug addict, had first been arrested on 25 February 1993 only to be released two days later apparently after his relatives had paid a large sum of money to the police. Villagers allege that when his relatives failed to meet further demands for more money from the police, he was re-arrested at 1 pm on 2 March by the Station House Officer. He was reportedly beaten in custody until he died later that afternoon, at about 3.30 pm.

The police control got a phone call at 6.15 pm on 2 March saying that Satyavan's body had been carried into the village by two of his friends, Balraj alias Billoo and Ishwar Singh, who had been arrested with him. According to a senior police officer they had told him that they had all been beaten in the police station until Satyavan collapsed. They were then apparently ordered to take Satyavan's body back to the village. His death only came to the attention of the media because some seven hundred people protested in the village, demanding immediate action against the police.

The Station House Officer has subsequently been transferred and the head constable suspended. In addition to the inquest proceedings into the allegations by the Sub-Divisional Magistrate, the city's police's vigilance branch has also reportedly begun an inquiry. A case of culpable homicide not amounting to murder has been registered and handed over to the crime branch. An editorial in the Indian Express, 5 March 1993, comments that "Satyavan's death points to a high degree of lawlessness in police stations and the virtual absence of supervision by higher authorities" and that "the delay in bringing charges of murder or rape against errant policemen contributes to a commonplace attitude in police stations that they are accountable to no one." The Hindustan Times of 4 March 1993 comments that "justice demands a proper enquiry into the incident and deterrent punishment to those who have brought a bad name to the police." Satyavan's death closely follows a statement made on 16 February 1993 by Prime Minister Mr P.V. Narasimha Rao, in the presence of senior police officials in which he urged the police not to commit excesses against those in custody.

#### **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 allegedly of torture, although the actual number of such cases is thought to be considerable

higher. Some 45 deaths in custody were recorded in Delhi in this period. Although there is an increasing recognition by officials of the seriousness of the problem, India's record on ensuring that those responsible are brought to justice is extremely poor. Impartial judicial inquiries are rare and only 6 cases are known in which police officers have been convicted for such crimes between 1985 and October 1991. However, this year a court in Kerala convicted five policemen for murdering a man in their custody and in the first week of March, India's Supreme Court ordered the Additional Solicitor General to expedite the prosecution of a sub-divisional magistrate and five policemen for the death in custody of Jagwinder Kumar in August 1990.

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The majority of those who have died in police custody were criminal suspects who were 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. Cover-ups have extended to senior police, officials and even some members of the medical profession and magistrates. In March 1992, Amnesty International published its report entitled India: Torture, rape and deaths in custody (AI Index: ASA 20/06/92) and called on the government to implement a ten point program for the prevention of torture in India. The government has now created a special cell in the Home Ministry to investigate such cases and announced plans last autumn to strengthen legal safeguards to protect persons held in police custody from torture as well as investigation procedures in cases of custodial death. But neither the legal proposals made by the government nor Amnesty International's recommendations have, to date, been implemented.

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

- expressing concern that, despite repeated condemnation of custodial violence by senior government officials, Mr Satyavan died on 2 March 1993 allegedly from torture by the police;
- urging the authorities to promptly institute an impartial and independent inquiry into his death and to ensure that if police personnel are found responsible for causing his death they be brought to justice, and that the family be granted prompt and adequate compensation;
- urging the authorities to implement proposals to strengthen legal safeguards for those in custody and the recommendations made in Amnesty International's ten point program to prevent torture, including ensuring that all detainees are brought before a magistrate within 24 hours, be allowed immediate access to a lawyer and to a medical examination by an independent doctor.

**APPEALS TO**

1) Mr P.V. Narasimha Rao  
Office of the Prime Minister  
South Block, Gate No 6  
New Delhi 110 001  
India

**Salutation: Dear Prime Minister**

**Telegrams: Prime Minister, Narasimha Rao,  
New Delhi, India**  
**Faxes: + 91 11 391 6781  
(Ministry of External Affairs)**

2) Mr S.B. Chavan  
Minister of Home Affairs  
Ministry of Home Affairs  
North Block  
New Delhi 100 001  
India

**Telegrams: Home Minister, New Delhi, India**

**Faxes: + 91 11 391 6781**

**(Ministry of External Affairs)**

**Salutation: Dear Minister**

**COPIES OF YOUR APPEALS TO:**

1) Mr M.B. Kaushal  
Commissioner of Police  
Office of the Police Commissioner  
MSO Building  
Indraprastha Estate  
New Delhi - 110 002  
India

2) Dr M. Godbole  
Home Secretary  
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 23 April 1993.