

UA 242/98

Fear for safety / Fear of torture and ill-treatment /Med.

INDIA Abdul Sattar, social worker
Sita Ram, social worker
Satya Narain, social worker

Amnesty International is concerned for the safety of the above-named social workers who have been tortured while illegally detained in police custody. In addition they now appear to be being physically abused, with the apparent connivance of prison authorities, by being beaten by fellow prisoners while in judicial custody in Jaipur Jail. None are thought to have received medical attention for injuries sustained.

The three social workers are employees of the Bal Rashmi Society, an organization concerned with the relief, welfare and development of socially and economically disadvantaged women and children in Rajasthan.

On 4 August, Abdul Sattar was detained by police and taken to Bassi police station. That evening, he was reportedly stripped naked and beaten by up to ten police constables. The torture, including electric shock treatment to his hands, feet and genitals, reportedly then continued during the next five days. As a result Abdul Sattar is said to have had problems walking and breathing.

Sita Ram and Satya Narain were arrested on 5 August and are also believed to have been repeatedly beaten by police.

During this period the men were reportedly threatened by police and made to confess to serious crimes, including rape and fraud, for which charges have now been filed against them. Human rights activists have stated that the charges are false and are being used to intimidate and harass them. Abdul Sattar was also reportedly told that, unless he testified against other activists at the Bal Rashmi society, he would be framed under other serious charges. He was previously illegally detained by police on 31 July but released the next day after being forced to sign a blank piece of paper.

On 10 August Abdul Sattar was brought before a magistrate and remanded to police custody until 14 August. Police falsely showed his arrest date as 9 August.

The magistrate apparently failed to order a medical examination for him despite his confused and disoriented state. On 14 August Abdul Sattar, Sita Ram and Satya Narain were remanded to judicial custody and sent to Jaipur Jail.

The men are reportedly now sharing the same cell in prison as individuals accused of the rape of a woman in Jaipur in September 1997. The Bal Rashmi society had been active in a high profile state-wide campaign to ensure the perpetrators of this rape were brought to justice. There are concerns that the jail authorities have deliberately placed them in this cell in order to subject them to further abuse.

BACKGROUND INFORMATION

The Bal Rashmi Society was established in 1972 by Alice Garg and has received funds from the Rajasthan as well as the Central governments for its various programs. In September 1997, Alice Garg was involved in a campaign to bring to justice those responsible for the alleged rape of a woman at the J.C. Bose Hostel in Jaipur by 15 people, including a Deputy Superintendent of Police.

The campaign focused on the failure of the police to arrest suspects and was critical of the role of the state government. Human rights organizations allege that the arrest of employees of the Bal Rashmi Society and the filing of serious charges against Alice Garg, are part of an attempt to discredit the Society.

Torture during police custody is widespread throughout India and is particularly prevalent during periods of illegal detention. Custodial violence against criminal suspects is also endemic. The National Human Rights Commission of India has recorded around 150 deaths in police custody each year, many of these related to torture. Very few criminal prosecutions are brought against police involved and few of those prosecuted are given custodial sentences. India is a signatory to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but has not yet ratified the Convention.

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

- expressing concern at reports that Abdul Sattar, Sita Ram and Satya Narain have been tortured while in illegal detention in Bassi Police Station, and are reportedly being beaten by cell-mates in Jaipur Jail, and calling for an independent investigation into these reports;
- calling for the men to be given immediate access to medical treatment, and for any other necessary steps to be immediately taken to ensure their physical integrity;
- urging that prompt action be taken against any police officials found responsible for torturing these men;
- urging the authorities to investigate allegations that false charges have been brought against Abdul Sattar, Sita Ram and Satya Narain as a means of intimidation, and to safeguard the right of human rights defenders to carry out their work without the threat of arbitrary arrest, detention or violation of their life, liberty and security of person;
- reminding the authorities of India's commitment to the Universal Declaration of Human Rights, quoting Article 5, "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment*".

APPEALS TO:

Mr Bhairon Singh Shekhawat
Chief Minister of Rajasthan
Office of the Chief Minister
Jaipur, Rajasthan

Telegrams: Chief Minister, Rajasthan, India
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

Telegrams: Home Minister, New Delhi, India
Faxes: + 91 11 301 5750
Salutation: Dear Home Minister

COPIES TO:

Mr Amitabh Gupta
Director General of Police, Office of the DGP
Police Headquarters, Jaipur, Rajasthan

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 October 1998.