

EXTERNAL (for general distribution)

AI Index: ASA 20/24/92

Distr: UA/SC

UA 75/92

Fear of Torture

5 March 1992

INDIA:

**Harpal Singh Cheema
Paramjit Singh Sidhu
and one other**

Amnesty International is concerned that Harpal Singh Cheema is being detained but that officials fail to disclose where he is held. He and possibly the two others arrested with him have reportedly not been brought before a judicial authority for several weeks, even though Indian law requires that this should happen within 24 hours of arrest. There are fears that they may be subjected to torture.

Harpal Singh Cheema, a married man with children, was reportedly arrested with Paramjit Singh Sidhu and one other man on arrival in Bombay airport on 7 February 1992. Amnesty International has no further information about the two men arrested with him. The three men were reportedly held at Sahar police station in Bombay. Harpal Singh Cheema has been resident for the last two and a half years in the United States, where he had initially applied for political asylum.

He was returning to India to visit his wife in Punjab, who is reportedly unwell.

Harpal Singh Cheema had previously been arrested in June 1989 and held in Mal Mandi interrogation centre, Punjab, where he was allegedly tortured.

On 21 February 1992, Harpal Singh Cheema's father, Harjinder Singh, met with the Director General of Police in Bombay. He was told that his son had been taken to Delhi by the Intelligence Bureau for interrogation purposes and would be released in several days. On 24 February Harpal Singh Cheema's parents approached officials in the Ministry of Home Affairs in Delhi, which is responsible for the Intelligence Bureau, but were given no information about their son. His parents are presently filing a *habeas corpus* petition. None of the detainees are known to have been produced in any court.

BACKGROUND INFORMATION

Amnesty International regularly receives reports that officials fail to acknowledge the detention or whereabouts of people arrested on suspicion of being members or sympathizers of one of the Sikh opposition groups advocating a separate Sikh state, "Khalistan". Detainees are often not brought before a magistrate within 24 hours of arrest, as required in all cases under the provisions of section 57 of the Code of Criminal Procedure. Sometimes people are held in illegal detention for weeks and sometimes months under special legislation granting the security forces arbitrary powers to arrest and detain people without ordinary legal safeguards. During the initial period of

detention, detainees are often held incommunicado and tortured. In some cases the detainees are eventually found to have died in custody, while others are found to have been deliberately killed in custody although official reports say they died in "encounters" with the police.

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RECOMMENDED ACTION: Please send telegrams/telexes/airmail letters:

- expressing concern that police officials have refused to inform relatives of Harpal Singh Cheema of his whereabouts after his arrest, and that he has reportedly not been brought before a judicial authority;
- urging that relatives of Harpal Singh Cheema, Paramjit Singh Sidhu and the other man arrested with them be immediately informed of the reason for their arrest and the place where they are held, and that they be brought before a magistrate forthwith, as required by Indian Law;
- urging that the detainees be immediately and regularly allowed access to relatives and lawyers and asking for assurances that they are not being ill-treated and are given access to all ordinary legal safeguards.

APPEALS TO

1) Mr S.B. Chavan
Minister of Home Affairs
4 Krishna Menon Marg
New Delhi
India

Telegrams: Home Affairs Minister Chavan, New Delhi, India
Telexes: 3161879 FRGN IN or 3161880 FRGN IN
(via Ministry of Foreign Affairs)

Salutation: Dear Minister

2) Director General Intelligence Bureau
North Block
Central Secretariat
New Delhi 100 001
India

Telegrams: Director General Intelligence Bureau,
New Delhi, India

Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

V.K. Saraf
Director General of Police
Police Headquarters

Bombay
Maharashtra
India

and to diplomatic representatives of India in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 16 April 1992.