

EXTERNAL (for general distribution)

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UA 115/92

Illegal Detention/Fear of ill-treatment

7 April 1992

INDIA:

Ajit Singh Bains, human rights activist and retired judge

Ajit Singh Bains, a well-known human rights activist in the north Indian state of Punjab and a retired judge of the Punjab and Haryana High Court, was arrested on 3 April 1992 at 10.30am in Chandigarh. He was reportedly taken to Sector 11 police station, Chandigarh, and from there to Ropar police station. Although his arrest was apparently denied by the Senior Superintendent of Police, Ropar District, he was reportedly produced before the Deputy Commissioner, Ropar, on Saturday 4 April. According to several witnesses, Ajit Singh Bains was brought handcuffed by members of the police and paramilitary forces to his house in Chandigarh on Sunday 5 April, and his house was searched, but he was taken away after the search by the police.

At 12am the following day, 6 April, Mrs Rachpal Kaur Bains, the wife of Ajit Singh Bains, was able to see her husband for about 5 minutes in Anandpur Sahib police station, Ropar District. He reportedly complained to her that he had been beaten shortly after his arrest. The police apparently showed her three First Information Reports (FIR) which allegedly referred to his arrest with several others under the Terrorist and Disruptive Activities (Prevention) Act in connection with recent speeches made at a Sikh religious event on 18 March in Anandpur Sahib. His name, however, does not appear on these First Information Reports. A *habeas corpus* petition was filed by his son on 6 April. The Punjab High Court has reportedly ordered that he be produced before them on Wednesday 8 April.

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". Previously, the Punjab press carried several articles in which Ajit Singh Bains alleged that he had received death threats from the Punjab police warning him to cease his activities with the Punjab Human Rights Organisation, which he chairs. 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 or ill-treated.

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.

Page 2 of UA 115/92

RECOMMENDED ACTION: Please send telegrams and airmail letters:

- expressing concern about the reports that Ajit Singh Bains was reportedly taken away on 3 April 1992 by Punjab police for unknown reasons;

- urging that reports of his arrest be investigated and that he be allowed immediate access to lawyers and relatives and be brought before a magistrate forthwith;

- seeking assurances that Ajit Singh Bains is being humanely treated and is granted full legal safeguards while in custody;

- urging that he be immediately released if he is not to be charged with a recognizably criminal offence.

APPEALS TO

1) Mr Surinder Nath
Governor of Punjab
Office of the Governor
Chandigarh
Punjab
INDIA

Telegrams: Punjab State Governor, Chandigarh, Punjab, India

Salutation: Dear Governor

2) Mr K. P. S. Gill
Director General of Police
Police Headquarters
Chandigarh
Punjab
INDIA

Telegrams: Director General Police, Chandigarh, Punjab, India

Salutation: Dear Director General

COPIES OF YOUR APPEALS TO:

Punjab Human Rights Organisation (Regd.)
Head Office
H. No. 22, Sector 2
Chandigarh (U.T.)

Punjab
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 19 May 1992.