

EXTERNAL (for general distribution)

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Death in Custody

2 August 1991

INDIA: Mirasdar SHANMUGAM

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Mirasdar Shanmugam was arrested on 17 July 1991 and found dead hanging from a tree in Vedaranyam, Thanjavur district, Tamil Nadu, three days later. Amnesty International is concerned that he may have died as a result of torture or ill-treatment in police custody. Police claim that he committed "suicide" or that he was killed by the Liberation Tigers of Tamil Eelam (LTTE).

Shanmugam, aged 30, was reportedly a well known smuggler with close links with the LTTE, the main Tamil opposition groups fighting the Sri Lankan government in the north east of the island. The Indian government believes the LTTE planned the assassination of Rajiv Gandhi, leader of the Congress (I) party, on 21 May 1991 in a bomb explosion at an election rally near Madras. Shanmugam was one of the 14 people so far arrested in connection with Rajiv Gandhi's murder and he was suspected of providing shelter for Dhanu, the alleged assassin of Mr Gandhi and her accomplices. A Special Investigation Team (SIT) from the Central Bureau of Investigation, set up to find those responsible for the assassination, brought Shanmugam to Vedaranyam on 18 July 1991, one day after his arrest, to help locate explosives and arms allegedly hidden nearby. Between 8pm and 9pm on 19 July he is reported to have escaped from a government lodging house while being escorted by a policeman to wash his hands. His body was found nearby the following morning hanging from a tree in Rajaji Park in Vedaranyam.

The body was taken to Nagapattinam government hospital for an autopsy and post mortem examination. The preliminary post mortem report is said to state that Shanmugam committed suicide, a version of events which was confirmed by official sources. SIT sources claimed suicide could have been motivated by "shame" or fear that his family was in danger from the LTTE. However, according to a recent report the SIT did not rule out the possibility of murder. Shanmugam was also reported to be depressed after meeting his uncle during the afternoon of 19 July; according to police sources, his uncle had criticised him for being a traitor.

However, many other sources including family members, the family lawyer, several national newspapers and some opposition politicians have questioned the finding that Shanmugam committed suicide. They have queried why a prime suspect in such an important case was not wearing handcuffs, why only one policeman was guarding him, why he was not shot in the leg which is the normal practice when police are trying to prevent the escape of a serious offender, how he found a 15-foot rope strong enough to hang himself so readily at hand in the middle of the night, why when he was found hanging his legs were touching the ground, and why he should have sought to escape if, as the SIT claim, he had provided them with information on the LTTE and feared for his life as a result. They have also asked why a police combing operation took so long to find him after his escape, and suggested that local police helped him to escape and later killed him to prevent him disclosing their illegal activities.

Relatives have alleged that Shanmugam was killed by the police and then hung from a tree. His wife reportedly sent telegrams to the President and Prime Minister of India alleging that the SIT had killed her husband. A former Director-General of Police in Tamil Nadu, Mr K. Mohandas, was quoted in the

Hindustan Times, 28 July 1991, as saying: "From what I have read in the papers and the photographs I have seen, prima facie, it looks like a case of murder which has been officially covered up as a suicide".

Justifications offered by the SIT for their actions have not convinced its critics: for example, the SIT have argued that Shanmugam was not handcuffed as he was "co-operating perfectly", and was not accompanied by an armed guard as his "pride would be hurt". In addition, the SIT claim that Shanmugam was "cooperative" during his interrogation is unlikely in

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view of a High Court petition he filed by the deceased prior to his arrest in early July 1991 in which he complained of harassment, expressed fears that he might be ill-treated by the police if he was taken into their custody, and requested that an advocate be present whenever he was questioned by the police. The petition was still pending when he was arrested.

Mr S. B. Chavan, the central government Home Minister, was reported in the Indian Express, 27 July 1991, as saying he was not satisfied with the explanations given by SIT officials and other police officers with reference to the death and had asked the Additional Director of the Central Bureau of Investigation to inquire into the incident. A magisterial inquiry has also been ordered to inquire into the cause of death.

Prior to this incident there had been repeated allegations that others detained in connection with the assassination of Rajiv Gandhi had been held in illegal custody and were tortured.

**RECOMMENDED ACTIONS: Telegrams and airmail letters:**

- expressing concern at reports that Mirasdar Shahmugam who died on 20 July 1991, may have died as the result of torture or ill-treatment in police custody;
- welcoming the announcement of magisterial inquiry and an inquiry by the Additional Director of the Central Bureau of Investigation. However, urge that there also be a comprehensive judicial inquiry, preferably under the terms of the 1952 Commission of Inquiry Act, to establish the facts and circumstances of the death. Request to be sent copies of the reports of investigations into the circumstances of his death;
- urging that the methods and findings of the inquiries be published promptly and in their entirety, that if police personnel are found responsible for causing the death of Shanmugam, they be brought to justice, and that the family be granted adequate compensation;
- urging that immediate steps are taken to ensure that those potentially implicated are removed from positions of control or power over complainants, witnesses and their relatives as well as over those conducting the inquiries.

**APPEALS TO:**

Governor of Tamil Nadu  
**[Salutation: Dear Governor]**  
 Office of the Governor  
 Madras, India

Ms Jayalalitha Jayaram  
 Chief Minister of Tamil Nadu  
**[Salutation: Dear Chief Minister]**  
 Office of the Chief Minister  
 Madras, India

**Telegrams: Tamil Nadu Governor  
 Madras, India**

**Telegrams: Chief Minister Tamil  
 Nadu, Madras, India**

**COPIES TO:**

Mr S. B. Chavan

Minister of Home Affairs

Ministry of Home Affairs  
North Block  
New Delhi 110 001, India  
**Telexes: 3161879/3161880 FRGN IN**  
**(via Ministry of Foreign Affairs)**

Prime Minister  
Mr P.V. Narasimha Rao  
Office of the Prime Minister  
South Gate, Gate No.6  
New Delhi 110 011, India  
**Telexes: 3166427 RBND IN**  
**Faxes: +91 11 301 6781**  
**(Ministry of Foreign Affairs)**

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 13 September 1991.