

EXTERNAL (for general distribution)

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"Disappearance" / Fear for safety

21 October 1994

INDIA

Raj Kumar, aged 22

Raj Kumar, from Ludhiana, Punjab, has not been seen since he appeared at a press conference on 4 October 1994 in the presence of Ludhiana police who then took him away. However, the police have denied that he is in their custody, and Amnesty International fears for his safety.

Raj Kumar was reportedly detained and tortured by Punjab police in August on allegedly fabricated charges of theft. Relatives filed a *habeas corpus* petition on his behalf, and he was released on orders of the High Court after a warrant officer found him in police custody. A judicial inquiry into his illegal detention was later ordered.

On 3 October, Raj Kumar came to the Punjab and Haryana High Court along with two women, Rangilo and Bangarin, one of whom had been detained with him in August, to attend the hearing of the district and sessions court in connection with the judicial inquiry. He came to the court despite reports that the Ludhiana police had urged him not to pursue giving evidence in the case. Outside the court, policewomen reportedly tried to abduct the two women, who sustained minor injuries in the scuffle, but were not taken by the police.

Three plainclothes policemen then entered the court building and dragged Raj Kumar out of the court. This was witnessed by the judge and several other witnesses. The police claimed that Raj Kumar was "suffering from plague" and covered his mouth with a piece of cloth as they took him out of the building. Many people were too afraid to come to his assistance fearing that they might catch the disease.

Raj Kumar appeared at a press conference the following day and reportedly stated that he had not been abducted by the police. However, he was then taken away by the police, and has not been seen since. A delegation from the Punjab Bar Association tried to meet with Raj Kumar through Ludhiana police but were informed that he was not in their custody.

On 14 October, Rangilo and Bangarin reportedly went to the High Court to complain about the abduction of Raj Kumar. Police again reportedly tried to abduct them, but were again unsuccessful.

BACKGROUND INFORMATION

Amnesty International regularly receives reports alleging that in Punjab men and women believed by the authorities to be members or sympathizers of Sikh opposition groups, or their relatives, are held in unacknowledged detention or have been killed in police custody, often after torture. Their deaths or "disappearances" are wrongly attributed by officials to an "encounter" between militants and the police, to an "escape" during such an "encounter" or to other improbable causes. Even though legal safeguards against unacknowledged detention exist in India's criminal law and procedural code, they are often simply not adhered to and prisoners are held in unacknowledged detention for weeks and sometimes months.

RECOMMENDED ACTION: Please send telegrams, faxes and airmail letters either in English or in your own language:

- expressing concern at reports that Raj Kumar was taken away by the police after a press conference on 4 October but that the police now deny knowledge of his whereabouts;
- urging the government to establish and acknowledge where he is. If he is indeed in police custody, he should immediately be released if he is not charged with a recognizably criminal offence;
- seeking assurances that he will be humanely treated while in police custody, given immediate access to lawyers and relatives, and promptly brought before a magistrate.

APPEALS TO

Beant Singh
 Chief Minister of Punjab
 Office of the Chief Minister
 Chandigarh
 Punjab, India

Salutation: Dear Chief Minister

Faxes: +91 172 545 058 (Office hours only)

Telegrams: Chief Minister Punjab, Chandigarh, Punjab

S.B. Chavan
 Minister for Home Affairs
 Ministry for Home Affairs
 North Block
 New Delhi 110 001, India

Salutation: Dear Chief Minister

Faxes: +91 11 301 6781 ATTENTION HOME MINISTRY

Telegrams: Home Minister, New Delhi, India

COPIES OF YOUR APPEALS TO:

K.P.S. Gill
 Director General of Police
 Police Headquarters
 Chandigarh
 Punjab, India

Mr Dinesh Singh
 Minister of External Affairs
 Ministry of External Affairs
 South 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 2 December 1994.