

**EXTERNAL (for general distribution)**

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**Fear of Torture/"Disappearance"**

**23 April 1993**

**INDIA:**

**Gulshan Singh**

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Amnesty International is concerned for the safety of Gulshan Singh whom the authorities deny holding but reports suggest is being held in Punjab for interrogation. The organization fears that Gulshan Singh is at risk of torture or even of being killed while he is kept in unacknowledged detention.

Gulshan Singh, son of K.K Josh from Amit Vihar, Phase 2, Delhi, was last seen at around 10 pm on 3 April 1993 being taken away by men in plainclothes from Gurdwara Nanak Piao, a Sikh temple in north-west Delhi. He was driven away in a white Maruti van which had no number plates.

Witnesses to Gulshan Singh's abduction have told Amnesty International how they heard him shouting and then saw him being gagged and forced into a van by five or six men in plainclothes. This happened as Gulshan Singh was leaving the eastern gate of the temple after he had performed religious duties that day.

Gulshan Singh's father has sent telegrams to the Lt. Governor of Delhi, the Commissioner of Police and the Home Secretary but to date has not received any replies. He also filed a *habeas corpus* petition and as a result the Delhi Police Commissioner was ordered by the Delhi High Court to produce Gulshan Singh in court on 12 April 1993. The Police Commissioner failed to do this and an official of the Operations Cell of the Delhi Police stated in an affidavit, dated 8 April 1993, to the High Court that Gulshan Singh had not been arrested by the police and was not wanted for any offence. However, a press report in The Statesman of 20 April quoted official sources in the Home Ministry as saying that Gulshan Singh had been picked up by the Punjab Police but that only the Intelligence Bureau had been informed of the operation and suggested that Gulshan Singh had been taken to Amritsar for interrogation in connection with a case there. On 22 April the Delhi High Court ordered the Punjab state government to answer the *habeas corpus* petition and produce Gulshan Singh in court on 3 May. His present whereabouts remain unknown.

Gulshan Singh was charged in connection with a bomb attack on Jagdish Tytler, the Union Minister for Surface Transport, in May 1992. However, he was released on bail in June 1992 and has been under surveillance ever since.

#### **BACKGROUND INFORMATION**

Amnesty International regularly receives reports that alleged members or sympathizers of armed opposition groups, or their relatives, in Punjab have been killed in police custody, often after torture. Their deaths or

"disappearances" are later 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 ordinary criminal law and procedural code, they are often simply not adhered to and prisoners are held in unacknowledged detention for weeks and sometimes months.

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

- expressing concern that Gulshan Singh was last seen on 3 April 1993 being taken away by men in plainclothes as he was leaving the Gurdwara Nanak Piao, that the authorities have so far denied arresting him but that reports suggest he is being held in Punjab for interrogation;

- expressing concern for his safety and urging the authorities to order an immediate inquiry to clarify where Gulshan Singh is being held;

- seeking assurances that if Gulshan Singh is indeed in custody of the Punjab police that he be humanely treated and be allowed immediate access to lawyers, relatives and a doctor and be brought before a magistrate forthwith;

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

**APPEALS TO**

1) Mr S.B. Chavan  
Minister for Home Affairs  
Ministry for Home Affairs  
North Block  
New Delhi 110 001

**Telegrams: Home Minister, New Delhi, India**

**Faxes: + 91 11 301 0700/0680 (c/o Ministry for External Affairs)**

**Telexes: 3166427 REND IN**

**Salutation: Dear Minister**

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:**

1) Mr Rajesh Pilot

Minister of State for Home Affairs  
Ministry of Home Affairs  
North Block  
New Delhi 110 001  
India

2) 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 4 June 1993.