



Follow-up of case IND 081007_Reported lack of investigation into allegations of torture

Case IND 081007.1 Follow-up of case IND 081007

Allegations of torture/ Reported lack of investigation

Geneva, 21 December 2007

The International Secretariat of the World Organisation Against Torture (OMCT) has received new information about the following situation in **India**.

New Information

The International Secretariat of OMCT has been informed by a reliable source and by Antenna International, a member of the OMCT SOS-Torture network, that except for the West Bengal Human Rights Commission which took up the case suo moto, no other investigation has yet been initiated into the allegations of torture faced by **Mr. Nur Hasan Khan, alias Kallu**, while in detention.

The International Secretariat of OMCT expresses its deep concern over the torture suffered by Mr. Nur Hasan Khan. OMCT is also particularly concerned with regard to the general climate of impunity and the fear instilled in the victims to denounce these violations. OMCT is highly concerned that, although India has signed onto the UN Convention against Torture, it has failed to ratify it yet. OMCT recalls to India that according to articles 7 and 9 (1) of the International Covenant on Civil and Political Rights (ICCPR) to which it is a State party, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and no one shall be subjected to arbitrary arrest or detention. OMCT calls on the authorities to order a thorough and impartial investigation into these events in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law. Further, as an elected member of the United Nations Human Rights Council, India should particularly guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Reminder of the situation

According to the information received, Mr. Nur Hasan Khan (about 20 years old) was arbitrarily arrested on 11 September 2007 reportedly to get information on his brother-in-law Javed whom the police believed to be involved in a robbery. Mr. Nur Hasan Khan was detained at the Narkeldanga police station where he was tortured by the administration of electric shocks.

Mr. Nur Hasan Khan was reportedly released on bail granted by the court (ACJM Sealdah) on 15

September 2007. He might still face trial if the court frames charges against him.

Action requested

Please write to the authorities in India urging them to:

0. Guarantee in all circumstances the physical and psychological integrity of Mr. Nur Hasan Khan;
0. Order a thorough and impartial investigation into these events in order to identify all those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
0. Drop the charges held against him in the absence of valid legal charges that are consistent with international law and standards, or if such charges exist, bring him before an impartial and competent tribunal and guarantee his procedural rights at all times;
0. Guarantee that adequate compensation is awarded to the victim;v. Ensure respect for human rights and fundamental freedoms throughout the country in accordance with national laws and international human rights standard.

Addresses

- Shri Manmohan Singh, Prime Minister of India, Prime Minister's Office, Room number 152, South Block, New Delhi, Fax: + 91 11 2301 6857
- Shri Shivraj Patil, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India, Fax: +91 11 2309 2979.- Justice K. G. Balkrishnan, Chief Justice of India, Supreme Court, Tilak Marg, New Delhi -1, Fax: +91 11 233 83792, Email: supremecourt@nic.in
- Justice Rajendra Babu, Chairperson, National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: chairnhrc@nic.in- Justice Shyamal Kumar Sen, Chairman, West Bengal Human Rights Commission, Bhabani Bhaban, Alipur, Kolkata - 27. Phone +91-33-24797727, 24791629, Fax - 24799633, Email: wbhrc@cal3.vsnl.net.in
- H.E. Mr. Swashpawan Singh, Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9, 1202 Geneva, Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: mission.india@ties.itu.int- Ambassador, Embassy of India in Brussels, 217 Chaussée de Vleurgat, 1050 Brussels, Belgium, Fax: +32 (0)2 6489638 or +32 (0)2 6451869

Please also write to the embassies of India in your respective country.

Geneva, 21 December 2007

Kindly inform us of any action undertaken quoting the code of this appeal in your reply

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : omct@omct.org