



Death in unclear circumstances

Case IND 220108

Arbitrary arrest/ Alleged torture/ Death/ Risk of impunity

The International Secretariat of the World Organisation Against Torture (OMCT) requests your **URGENT** intervention in the following situation in **India**.

Brief description of the situation

The International Secretariat of OMCT has been informed by a reliable source and by *Antenna International*, a member of OMCT SOS-Torture network, of the arbitrary arrest, alleged torture and death in unclear circumstances of Mr. **Raju Roy**, 35 years old resident of Charaktala, Raghudebbati, West Bengal, on 14 December 2007.

According to the information received, on 11 December 2007, at about 11:30 a.m., two plainclothes police officers of Railway Protection Force, Santragachi, Howrah, arrested Mr. Raju Roy at the Nalpur Bazar, allegedly without issuing any memo of arrest, in case connection C/W R.P.F. Post/ SRC (G) Case NO- 33/100, under section 3 (a) of the Railway Property (Unlawful Possession) Act.

On 12 December 2007, Mr. Raju Roy was reportedly sent to the Howrah District Correctional Home after his bail application was rejected by the Howrah Criminal Court. On the same day, at around 2:00 p.m., Mr. Raju Roy's wife, Mrs. Gouri Roy, who had been informed about her husband's arrest by relatives, visited him at the Howrah District Correctional Home. Two inmates reportedly helped Mr. Raju Roy as he was unable to walk or stand alone. His health condition seemed very serious and he was unable to speak properly. He was allegedly subjected to torture while in custody of the Railway Protection Force.

When Mrs. Gouri Roy came back to visit him on 14 December 2007, she was reportedly told that her husband had died during the night, at around 1:35 a.m., after he had been brought to the Medical College and Hospital, in Kolkata.

According to the same information, on 15 December 2007, Mrs. Gouri Roy received a message from the Officer in charge of Sankrail Police Station with reference no. 2480 dated 15.12.07. about the death of Mr. Raju Roy. In order to get her husband's body, Mrs. Gouri Roy reportedly went along with her neighbours to the Bowbazar Police Station in Kolkata under which jurisdiction the Kolkata Medical College and Hospital is situated. There, Mrs. Gouri Roy was reportedly informed that, when her

husband got arrested by the Railway Protection Force he reportedly introduced himself as Sk. Raju (son of late Sk. Fazer) instead of his real name (but indicating his correct address), which lead to some administrative delays. Mrs. Gouri Roy was required to present a proof of her husband's identity to compare with the body. On 16 December 2007, Mrs. Gouri Roy reportedly collected all documents but was then requested an affidavit from the court. On 17 December 2007, Mrs. Gouri Roy went to the Howrah District Correctional Home with all requested documents but was sent from there to the Bowbazar Police Station and back to the Correctional Home. In the meantime, she was allegedly asked by the authorities of the Howrah District Correctional Home to write a letter stating that her husband health condition was not good and as it deteriorated while in the Correctional Home, he had to be transferred to the hospital where he later died. The Howrah District Correctional Home was thereof not responsible for his death. Mrs. Gouri Roy reportedly refused to write the letter and sought assistance from human rights NGO MASUM. On 19 December 2007, her husband's body was eventually given to her. The body was reportedly covered with suspicious injury marks.

According to the information received, a post-mortem examination was conducted but no information has yet been provided as to the conclusions. Mrs. Gouri Roy reportedly lodged a complaint before District Magistrate of Howrah for illegal arrest and physical torture in custody.

The International Secretariat of OMCT expresses its deep concern over the alleged torture and subsequent death of Mr. Raju Roy. 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 article 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 the circumstances of the death of Mr. Raju Roy, 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.

Action requested

Please write to the authorities in India urging them to:

0. Order a thorough and impartial investigation into the circumstances of the death of Mr. Raju Roy, in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
0. Guarantee that adequate compensation is awarded to the victim's family;
0. Ensure respect for human rights and fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

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**
- 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, 22 January 2008

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