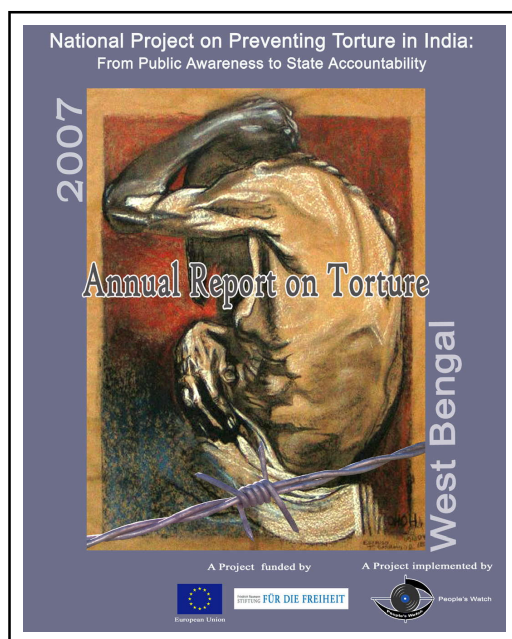


**National Project on Preventing Torture in India:
From Public Awareness to State Accountability**



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Acknowledgments

This volume is a compilation of materials on torture by law-enforcement personnel in the State of West Bengal for 2007. As torture is an alarmingly widespread phenomenon, the pages that follow represent the work of a vast array of devoted activists, professionals, and volunteers. We are indebted to these individuals for their time and expertise. We would like to acknowledge with appreciation and to place on record the names of all those who have contributed in their particular capacities.

Thanks must go first to the State Team for West Bengal. Led by State Director Mr. Kirity Roy, this group of passionate human rights defenders is responsible for the staggering quantity of raw data in the pages that follow. State Program Coordinator Ms. Sonali Das and State Program Associate Mr. Subhrangshu Bhaduri provided valuable oversight and guidance. Legal interventions in West Bengal benefited from the steady hands of Mr. Abhijit Datta, State Law Officer, and Mr. Subhasis Dutta, State Legal Associate. None of the Project's successes in West Bengal would have been possible without the commitment and considerable work of the District Human Rights Monitors, namely Mr. Gopen Sharma, Mr. Julfikar, Ms. Aditkar, Ms. Amrita Rana, Mr. Sumita Roy Choudhrey, Mr. Murari Dey, and Mr. Mukhtar Ahamed.

Working with this raw data, a devoted team of volunteers engaged themselves in the massive task of editing and processing literally hundreds of case reports. Leading this group was Mr. Jason Hoffman, a volunteer at People's Watch from the American Jewish World Service. His team comprised Ms. Rajabharthi (Ethiraj Women's College, Chennai), Ms. C. Lavanya (Ethiraj Women's College, Chennai), Ms. Norman Sharon Rose (Ethiraj Women's College, Chennai), Ms. Sreedurga (ILS Law College, Pune), Ms. Swathi (PSG College of Arts and Science, Coimbatore), Ms. Shobana (Editing Assistant, People's Watch), Mr. David Jeyaraj (Lecturer, American College, Madurai), Mr. Joel Timothy (Lecturer, American College, Madurai), Ms. Anita Rosalind (Translator, Peoples Watch), Ms. Meena (Translator, Peoples Watch), Mr. Dorian Needham (McGill University, Montreal, Canada), and Mr. Neville Dastoor (New York University, New York, United States). Thanks are also due to all those at the National Office who processed the secondary sources in the volume that follows.

However, even polished reports are not enough. Coordinating their receipt, transmission, and smooth passage was the ever-calm Ms. Anitha Princy (Administrative Assistant, NPPTI). Ensuring their standardised formatting and guiding their conversion into electronic media was a dedicated trio at the Computer Unit, led by Mr. Anand Kumar and also including Mr. Samuel and Ms. Sathya.

Finally, acknowledgement must be made of the torture victims themselves. Some survived to recount their experiences to members of the State Team; others did not. Regardless, they and their families have shown remarkable courage in telling their stories. Fighting intimidation, fear, and trauma, they have rejected a culture of impunity and silence by raising their voices aloud – and the pages that follow bear witness to their suffering and their strength.

Henri Tiphagne

Executive Director, People's Watch &
National Director, National Project on Preventing Torture in India

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People's Watch—An Overview

People's Watch ("PW") is a human rights organisation that has been actively engaging itself in the protection and promotion of human rights and fundamental freedoms in Tamil Nadu since 1995. After eleven years of work, PW has expanded its concerns across India.

Vision

A society free from human rights violations and discrimination to be built through cultivating a human rights culture and building a participatory democracy

Mission

- Protection of human rights through monitoring human rights violations, intervention and building solidarity with people's struggle for human rights.
- Promoting human rights culture through education and conscientising the larger community.

Brief History and Background

In 1993, Mr. Henri Tiphagne, Executive Director of PW and a passionate human rights advocate since 1977, became determined to professionalise human rights responses in the state of Tamil Nadu in India. He and like-minded people such as Dr. Devasahayam, the present Director of the Institute of Human Rights Education, and Fr. Diamond Raj, a Catholic Priest with the Archdiocese of Madurai, founded PW in December 1995 along with a team of Advisory Board members. In its nascent stage, the organisation was entirely committed to monitoring the state to improve accountability for human rights violations. Over time, the organisation expanded into the fields of legal intervention, rehabilitation, and campaigning. PW now boasts a legal team committed to intervening on behalf of torture victims and a Rehabilitation Centre for victims of domestic violence and torture, where victims receive housing and support. Its Campaign Unit works to improve human rights awareness throughout the community and to engage other organisations in the struggle. It is particularly engaged in building what is known popularly as the 'Citizens for Human Rights Movement.' Its Human Rights Education program has successfully introduced the concept of human rights into school curricula in over fourteen states across the country. The program is based on the strongly held belief that the value of rights can be firmly established only when instilled in the minds of children as a social virtue, as a value to be safeguarded and protected as something stable and indestructible.

The National Project on Preventing Torture in India

People's Watch, in league with the Friedrich Naumann Stiftung, began the National Project on Preventing Torture in India (NPPTI) in January 2006 with a grant from the European Union under the EIDHR. The primary aim of the action is to initiate and to model a national campaign for the prevention of torture in India, with a deliberate focus on torture practices routinely employed by police. The project focuses especially upon safeguarding groups on the margins of Indian society, such as Dalit, tribal groups, minorities, women and children.

The project consists of two major stages:

1. Formation of nine State-wide networks to monitor instances of torture and to intervene on behalf of victims.
2. A national campaign against torture that uses monitoring data to develop public awareness, to train professionals, to improve institutional responses to abuse, and to lobby for India's ratification of the United Nations Convention Against Torture (CAT) and its Optional Protocols.

The Project's design reflects priorities set by the European Commission's EIDHR Call for Proposals—specifically, research on torture practices, legal support for victims, awareness-raising, and legislative lobbying.

In the years 2006 and 2007, the Project has undertaken the following in the State of West Bengal:

	<u>2006</u>	<u>2007</u>
Fact-Findings	: 127	466
Legal Interventions	: 9	778
Training Programmes	: 9	7

The overall goal of the Project is the prevention and reduction of torture in India, where police abuses remain an entrenched and often routine law enforcement strategy despite India's status as the world's largest democracy. The Project confronts frequent police practices that include assault and physical abuse, custodial death, custodial rape, threats and psychological humiliation, and deprivation of food, water, sleep, and medical attention.

The primary goals of the Project are as follows:

- Protecting potential victims of torture, particularly those belonging to vulnerable and marginalised communities.
- Highlighting individual cases of torture as they occur
- Improving institutional responses to instances of torture by demanding state accountability
- Advancing an ethic of responsibility and restraint among law-enforcement officers
- Educating and enlisting professional groups such as lawyers, social activists, doctors, psychiatrists, journalists, and teachers in the campaign to prevent and to eliminate torture
- Raising public awareness of torture as an unlawful and widespread abuse of police powers
- Promoting favourable policy outcomes in the form of new domestic anti-torture legislation and commitments to existing international treaties

Ultimately, one of the most enduring effects of the Project will be the model that it sets for addressing issues of torture nationally. Recognising that there are insufficient resources to stanch the practice of torture nationally, PW has sought to create an example for preventing torture that can be duplicated. A key aspect of this approach is the “model taluk,” in which monitoring and campaigning efforts will be intensely focussed in one “taluk” (an administrative subdivision of a district) in each State, with the goal of working towards the elimination of torture practices entirely. This model will create a paradigm for the prevention and elimination of torture on a much larger scale.

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Why This Report?

This report falls under the “Campaign Against Torture” segment of the NPPTI. It seeks to raise awareness of torture and ultimately to influence policies relating to the misuse of official power. The basic thrust of the report is to reveal the context in which PW felt compelled to undertake the NPPTI. This contextual picture is painted by examining three major categories:

1. Data on actual occurrences of torture and police misbehaviour from 2000-2006, collected through state-level organisations and secondary source research
2. An analysis of trends that emerge from the data, with special attention to the effects of torture on marginalised groups such as Dalits and women
3. Institutional responses at the state level

Ultimately, the research reveals a sad scene, in which rhetoric is abundant and action scarce. Indeed, despite its refusal to ratify the CAT or expressly to criminalise torture, India continuously pays lip service to the prevention of torture through its Parliament, Courts, and Commissions. Yet the data reveal an appalling prevalence of police misconduct, including the use of torture as a common interrogation method. Institutional responses are anaemic, in terms of both documentation and concrete preventive actions.

Aside from raising awareness, then, this report aims to combat the complacency and denial that define the Indian Government’s response to such blatant human rights transgressions. It provides irrefutable proof that invites Indian policymakers to acknowledge the extent of torture practices in the country and to take a participatory role in ensuring that basic human rights are guaranteed to all of India’s citizens. By demanding a dialogue on the issue, PW hopes to end the silence that continues to expose hundreds of thousands of Indians to the practice of torture every year.

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Contents

I. SECONDARY SOURCE MONITORING (2000 – 2006)

1. Custodial Deaths	06
2. Encounter Deaths	21
3. Police Torture	23
4. Extra Judicial Killing	31
5. Police Firing	32
6. Police Violence	33
7. Custodial Rape/Sexual Harassment	35
8. Police Inaction	38

II. FACT FINDING 2007

1. Custodial Deaths	41
2. False Charge	52
3. Encounter Death	82
4. Police Acquiescence	88
5. Police Intimidation	195
6. Police Torture – No Death	207
7. Police Violence	214
8. Extra Judicial Killing	250
9. Police Firing	258
10. Police Rape (Violence Against Women)	260