

URGENT ACTION

MEN THREATENED AFTER TORTURE CLAIMS

Two men and a boy who were detained on 15 April and allegedly tortured by police in Mumbai, India, say they are facing intimidation and threats of reprisals to pressure them to withdraw their complaint. A man detained with them who was also allegedly tortured died three days later.

On the night of 15 April, **Agnelo Valdaris** (25), **Sufiyan Khan** (23), another man aged 19 and a boy aged 15 were detained by the Wadala Railway Police, in Mumbai, on suspicion of involvement in a robbery. Sufiyan Khan and the two others, whose identities are being withheld according to their wishes, have said in official complaints that all four were subjected to various forms of torture and other ill-treatment, including being stripped, assaulted with belts and batons on their legs and buttocks, and hung upside down. They say a police officer attempted to rape one man with a baton, and made him urinate on himself. One of the men said he was forced to perform oral sex on two others. The complaints state that Agnelo Valdaris was beaten by two policemen with belts and batons for almost two hours, and his requests for medical attention were ignored.

On the night of 16 April, Sufiyan Khan and two others, excluding Agnelo Valdaris, were taken by the police to a hospital for a medical examination. They say they were threatened to claim that their injuries were the result of a road accident. The next day, Sufiyan Khan and one man were taken to a local court, where they say the police threatened them not to divulge information about the torture.

On 18 April, Agnelo Valdaris's father was told by the police that his son had been hit by a train while trying to escape from the police and had died. Sufiyan Khan and the two others were released on bail on 22 April. On 19 May, a week after he had submitted a complaint, Sufiyan Khan was called to the same police station to collect a legal summons document. He says he was threatened by a policeman and asked to withdraw his complaint or face harassment by the police. The police have initiated a departmental inquiry into the complaint, but not yet launched a formal criminal investigation.

Please write immediately in English, Hindi or Marathi:

- ✓ Demanding that the authorities provide immediate and adequate protection to the two men, the boy, and their families, in accordance with their wishes, to ensure their safety and protect them from intimidation;
- ✓ Calling on authorities to immediately conduct a swift, full and impartial criminal investigation into the allegations of torture and other ill-treatment, and bring those responsible to justice;
- ✓ Demanding that the police officers identified in the complaint as being involved in torture and other ill-treatment be immediately suspended from duty until the criminal investigation is concluded.

PLEASE SEND APPEALS BEFORE 3 JULY 2014 TO:

Commissioner of Police (Railways)

Prabhat Kumar
P Dmello Road,
Railway Area Manager Bldg , 4th flr
Wadibundar, Mumbai 400010, India
Fax: +91 22 23759280
Email:
cp.railways.mumbai@mahapolice.gov.in
Salutation: Dear Sir

Deputy Superintendent of Police

S.D.Khedekar, State C.I.D. Branch
Konkan Bhavan
C.B.D.Belapur,
Navi Mumbai
India
Fax: +91 22 27571485
Salutation: Dear Sir

And copies to:

Home Minister, Maharashtra
R R Patil
Office of Home Minister of Maharashtra, 1st
Floor, Room no 108, Annex Building,
Mantralaya, Mumbai
India
Email: rpatilindia@gmail.com
Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Torture by police officials is pervasive in India, but not very well-documented. The possibility of torture of persons during the first 24 hours of their arrest or detention is high. A large number of incidents of torture and custodial deaths are a direct result of police interrogation.

While torture is not recognized as a distinct crime under Indian law, courts have ruled that torture violates constitutionally guaranteed rights to life and personal liberty, and that the state has an obligation to prevent it. However law enforcement personnel continue to enjoy virtual immunity from prosecution for torture and other ill-treatment. Prosecutions remain sporadic and rare.

India signed the UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment in 1997, but has not yet ratified it. A domestic law, the Prevention of Torture Bill, was introduced and passed by the lower house of Parliament in 2010 without any public consultation or debate. The Bill was significantly flawed, and fell far short of the requirements of the Convention against Torture in several respects. The Bill lapsed in May 2014.

Concern regarding the widespread use of torture in India has been expressed by domestic as well as international experts, including the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on the situation of human rights defenders.

Name: Agnelo Valdaris, Sufiyan Khan, one man and one boy whose identities are being withheld
Gender m/f: Male

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