

### **India: Police brutality in West Bengal**

*The West Bengal government is failing to take responsibility for widespread police brutality and is allowing a deeply entrenched culture of impunity to persist, Amnesty International said today in a new report on torture in the Indian state.*

*"Police are being urged to use whatever means necessary to deal with crime and are often allowed to use torture as a substitute for investigations, while action is rarely taken against the perpetrators. This system of policing is having little if any impact on crime," the organization said.*

*"The government is duty-bound to protect its citizens from torture. It should send a strong and clear message that torture will not be tolerated in any circumstances and set about a thorough reform of the police service so that human rights protection is central to the criminal justice system."*

*The report is part of Amnesty International's global campaign against torture and sets out evidence of widespread abuse of police powers including illegal detention, corruption and extortion which are regularly accompanied by torture.*

*Victims of torture are most often those who are socially and economically disadvantaged, including women, children and "denotified tribes". Mirroring methods used elsewhere in the country, beatings (with fists, rifle butts and lathis), kicking and slapping are common-place. Other methods of torture include rape and electric shocks. There are reportedly a number of "notorious" police officers who are known for particular methods of torture or for a high number of deaths in their custody.*

There have been numerous reports of police asking for money from relatives of people taken into custody on petty criminal charges. In many cases when the family is unable to raise the money, the detainee is reportedly tortured.

Mohammad Alam was arrested on a petty criminal charge and tortured to death in 1995 after police demanded his mother pay them Rs.4000 (\$86) for his release. His mother, Jabeda Khatoon, has been fighting a legal case against the police officers allegedly responsible. However, despite warrants in 1996, 2000 and 2001, they have avoided arrest. Jabeda has received repeated threats from police and local criminals and has been offered out of court settlements amounting to Rs.50,000 (\$1,500), which she has refused to accept even though she only earns Rs.150 (\$3) a month.

Other elements in the criminal justice system such as public prosecutors, the courts and doctors, have also ignored systematic patterns of abuse in policing, due to overload, lack of resources, intimidation or disinterest.

Amnesty International welcomes the acknowledgment by the government of West Bengal of serious problems in the policing system in the setting up of a West Bengal Police Commission. However the perception that law and order are incompatible with the protection of human rights needs persists among police and government officials.

Rather than make human rights central to its policies and integral to effective law and order, the West Bengal government appears to have sidelined them to the remit of the West Bengal Human Rights Commission (WBHRC). In response to the report (sent to the government last month), the government suggested that the WBHRC represented huge progress on human rights. "However the WBHRC

cannot in any way be considered as a substitute to an effective policing and judicial system," the organization said.

Amnesty International's report sets out comprehensive recommendations to the Government of West Bengal which it believes should be implemented as a matter of urgency. The recommendations include public condemnation of torture, bringing perpetrators to justice, and providing adequate safeguards for interrogation.

For a copy of the report see

<http://web.amnesty.org/ai.nsf/recent/ASA200332001?OpenDocument>

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