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## **PRESS RELEASE**

### **India: delays in prosecution may lead to impunity**

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The World Organisation Against Torture (OMCT) wishes to express its deepest concern over the fact that it has taken ten years for the Indian judiciary system to start the process of prosecuting a police officers suspected of torturing a man to death.

According to the information received by the Asian Human Rights Commission (AHRC), on 28 July 2004 the Calcutta High Court granted permission to prosecute police officers allegedly responsible for the forced disappearance of Mr. Bhikari Paswan in 1993. As far back as 1995 senior police investigators concluded that the victim was taken away by the Additional Superintendent of Police (ASP) Mr. Harman Preet Singh and three of his men in the early hours of 31 October 1993. He was reportedly brought to the Telinipara police station, where he was tortured to death. Mr. Bhikari was never to be seen again and his body was never found.

It wasn't until October 2003 that a special bench was called to consider the case "immediately". Nine months later, on 28 July 2004, the bench held that government permission is not required to prosecute Mr. Harman Preet Singh, now promoted to Deputy Inspector General.

The day following the High Court's decision, the victim's father, Mr. Lakhichand Paswan, passed away. He was a key witness in this case, as he saw Mr. Harman Preet Singh and three of his men take his son away.

Although OMCT welcomes this decision of the Calcutta High Court to finally permit the prosecution of Mr. Harman Preet Singh and his men for the torture and disappearance of Mr. Bhikari Paswan, it strongly deplores the fact that it has taken so long for the Court to do so. These delays in procedures, which can lead to the loss of witnesses and material evidence, may very well hinder justice from being obtained and encourage impunity. Therefore, OMCT urges the Indian authorities to ensure that the persons suspected of torturing and killing Mr. Bhikari Paswan are brought before a competent tribunal without further delay.

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