

<b>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or Punishment</b> <b>- Mr. Juan Mendez (Mr. Manfred Novak until October 2010)</b>	
<p><b>Communications to/from Governments</b></p> <p>A/HRC/16/52/Add.1 (16<sup>th</sup> session of the HR Council, March 2011)</p>	<p><u>INDIA</u></p> <p>Para. 54. Concerning Mr. A. S, a 28-year-old dalit.</p> <p>Mr. A.S. was arrested on 4 January 2010 at 10:00 p.m. by a police officer. He was held in police custody remand (PCR) until 11 January and was charged with robbery. Throughout the detention period, Mr. S was beaten repeatedly, including on his arms and legs with wooden planks, and on his genitals. It is believed that he may have suffered from vision loss and a fractured arm and leg. During this time, his family was not allowed to see him, and he was neither given food nor allowed to use the bathroom. On 7 January, as part of the investigation, a police officer took Mr. S to the place where the alleged robbery took place. The officer (whose name remains on record with the mandate holders) then proceeded to hit him on numerous occasions on his head and genitals with his boots, and forced him to jump in public for thirty minutes. The same procedure was repeated in front of the victim’s house. In addition, Mr. S was verbally abused regarding his caste and his religion. The officer also threatened Mr. S by stating that he would shoot all the boys born in the same caste. When Mr. S was presented before a court, the police officer presented a false medical certificate and threatened Mr. S not to speak about his experience in detention. Mr. S refused to request medical treatment for fear of reprisals. His family has also received threatening messages not to take legal action. Mr. S is currently detained under magisterial custody remand (MCR) and has not had access to medical attention. He reportedly cannot walk properly and stammers due to the beatings and requires urgent medical attention.</p> <p>By a letter dated 6/04/2010, the Government of India examined the communication and found that it would not be possible to investigate the allegation in absence of information about the specific place of occurrence of the alleged incident. It is, therefore, requested that information be provided about the specific place of occurrence of the alleged incident (village/town/area/district/state) to enable suitable investigations. The Permanent Mission of India requests that the response of the Government of India be presented in full to the Chairperson- Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the Question of Torture.</p>
<p><b>Interim report of Mr. Manfred Nowak</b></p> <p>A/60/316 (60th GA Assembly)</p>	<p>Interim report (A/60/316) on <b>torture and other cruel, inhuman or degrading treatment or punishment.</b></p> <p>Country visits of relevance: India and Nepal</p> <p>The SR regrets that there has not been any response from the Indian Government concerning a country visit which was requested in 1993.</p> <p>A country visit to Nepal had been requested and was undertaken in 2005.</p>
<p><b>Report to 62<sup>nd</sup> CHR session: Mission to Nepal</b></p> <p>E/CN.4/2006/6/Add.5</p>	<p>Country visit to Nepal: In his report, the SR makes no specific reference to CBD or any problems encountered by Dalits in the conflict in Nepal despite the increased international recognition of the connection between CBD as a root cause of the conflict (as documented in the report “The Missing Piece of the Puzzle” and as referred to in the Concluding Observations issued by CERD after its examination of Nepal in November 2005).</p>