

Her Excellency Mrs Ruchi Ghanashyam
Indian High Commissioner to London
High Commission of India
India House
Aldwych
London
WC2B 4NA
United Kingdom

**International Rehabilitation Council for
Torture Victims (IRCT)**
Vesterbrogade 149, building 4, 3rd floor
DK-1620 Copenhagen V – Tel. +45 44 40 18 30
irct@irct.org – www.irct.org – CVR No 16 70 10 33

By email: hc.office@hcilondon.in

Copies to: Shri Amit Shah, Union Home Minister; Sandeep Goel, Director General of
Tihar Prisons; Prof Nils Melzer, UN Special Rapporteur on Torture; Dr Ahmed Shaheed,
UN Special Rapporteur on Freedom of Religion or Belief

17 October 2019

Re: Independent expert opinion on the situation of Mr Jagtar Singh Johal

Your Excellency,

With this letter, we respectfully convey to you the independent forensic expert opinion of the International Rehabilitation Council for Torture Victims (IRCT) on the situation of the British citizen Mr Jagtar Singh Johal. The REDRESS Trust London has requested the IRCT to evaluate the allegations of Mr Jagtar Singh Johal provided in a two-page handwritten note.

Mr Johal was arrested on 4 November 2017 by plain-clothes officers while shopping with his wife in Punjab, India. He was brought before a judge and met his lawyer on

5 November and then allegedly held incommunicado until 14 November. During 5 to 9 November, Mr Johal alleges in a two-page handwritten note, the police tortured and interrogated him, including by means of electric shocks, forcing his limbs into painful positions and depriving him of sleep. Mr Johal is currently held in Tihar Jail in New Delhi.

In summary, we believe that there is some evidence to support Mr Johal's allegations. We deem that there is an urgent need for Mr Johal to undergo an independent forensic medical and psychological evaluation in order to effectively investigate his grounded allegations of torture. In addition, we believe that Mr Johal should receive urgent access to independent medical and psychological examination and care to address the physical and psychological injuries that he may suffer from as a result of the possible extreme physical and psychological assaults against him.

Comprising of 160 torture rehabilitation centres in 74 countries, the IRCT is the world's leading centre of knowledge on the physical and psychological effects of torture and ill-treatment. We are one of the original creators of the Istanbul Protocol, which elaborates the standards accepted internationally – as well as by the UK courts – on effective investigation into allegations of torture and ill-treatment.¹ In addition, we are a key provider of technical assistance and expertise on forensic investigation to policy-makers worldwide, including to several States, regional and inter-governmental bodies.

In fulfilling this request, we involved members of the Independent Forensic Expert Group (IFEG). The IFEG is an international body of thirty-five preeminent independent forensic specialists from eighteen countries, who are recognised global

¹ Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). 2004. HR/P/PT/8/Rev.1.

leaders in medico-legal investigation into torture allegations. IFEG members hold high-level positions in international organisations, UN human rights treaty bodies, government agencies, nongovernmental organisations, and academic institutions worldwide. They have collectively examined over 18,000 alleged torture victims in over forty countries and authored and edited over 2000 scientific articles and books on forensics.

According to Mr Johal's handwritten account: he was subjected to torture and ill-treatment following his arrest from 5 to 9 November 2017. Acts included: forced nudity and the beating of his chest and back; electrocution with clips placed on his ear lobes, nipples and private parts; threats of arrest and torture of his family members; death threats by shooting and of burning by petrol; and the repeated pulling apart of his legs, causing increasingly intense pain, until he was unable to walk and had to be carried out of the interrogation room. Mr Johal indicated in his handwritten note that, since this event, he has experienced urinary problems.

The IRCT first observes that, in his handwritten account, Mr Johal describes methods of torture, including especially the pulling apart of his legs, that are indeed common to the region and especially India. We also observe that Mr Johal's description of the torture experience corresponds to the accounts of torture given by others. We additionally note that there are a number of possible causes to urinary problems, particularly for individuals in detention, and one of those can be trauma.

It is therefore our independent forensic expert opinion that Mr Johal's account of his torture experience suggests reasonable grounds to believe that Mr Johal has been tortured. Under binding international law, states are obliged to launch an investigation wherever there is reasonable ground to believe that an act of torture has been committed. This obligation is discharged only when, among other actions,

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a prompt, impartial and effective forensic evaluation is conducted following the Istanbul Protocol.

Considering the serious allegations made by Mr Johal as well as the severe and often far-reaching physical and psychological consequences of torture on individuals, *the IRCT urges you to take all possible steps to secure an independent forensic expert evaluation of Mr Johal. We additionally urge you to secure for Mr Johal immediate access to independent medical and psychological examination and care to address the injuries that he may suffer from as the result of torture.*

We remain at your disposal if you have any questions or require any assistance on this matter. We may also assist in providing medical and psychological examination and independent forensic evaluation of Mr Johal if this becomes possible.

Yours truly,

James Lin

Istanbul Protocol Programme Coordinator