



# CHRI

COMMONWEALTH HUMAN RIGHTS INITIATIVE

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## NEWSLETTER

### LOOKING AHEAD AT MALTA 2015



[For private circulation only]

First Steps towards  
Democracy in Fiji

Multimedia as a Tool to Shape  
the Debate for Better Policing

US-UK Ethnocide  
in Chagos Islands

The Prisoner from  
Ward No 11

And more...

The Commonwealth Human Rights Initiative (CHRI) is an independent international NGO mandated to ensure the *practical realisation* of human rights in the countries of the Commonwealth

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CHRI was founded in 1987 and is currently constituted by the

**Commonwealth Journalists Association**

**Commonwealth Lawyers Association**

**Commonwealth Legal Education Association**

**Commonwealth Parliamentary Association**

**Commonwealth Press Union**

**and**

**Commonwealth Broadcasting Association**

These sponsoring organisations felt that while Commonwealth countries had both a common set of values and legal principles with which to work, they required a forum to promote human rights. It is from this idea that CHRI was born and continues to work.

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# Looking Ahead at Malta 2015

By Vrinda Chooria



Photograph by Flickr User Berit Watkin

In July 2014, Prime Minister Joseph Muscat insisted that the Commonwealth Heads of Government Meeting (CHOGM) 2015 in Malta must be a watershed for the Commonwealth, adding: “What happens in Malta should be a driving force for what happens in the Commonwealth over the next two decades.”

In the following months, the Prime Minister together with the Secretary-

General of the Commonwealth Kamalesh Sharma announced the theme for the upcoming CHOGM: “The Commonwealth – Adding Global Value”. This will be the idea informing the discussions of the Heads of Government and the parallel events of CHOGM.

And truly, the theme has the potential to steer the upcoming CHOGM into providing a long term vision for the Commonwealth.

It is hoped that “adding global value” is what the Commonwealth will endeavour to deliver over the next twenty years. And there doesn’t seem to be any obstacle in doing so, if the Secretariat of the Commonwealth stood firmly with the Charter of the Commonwealth and not driven only by the political choices of its Members. As Dr Muscat articulated at a recent talk at the London School of Economics that the

Commonwealth needs to be about commitment and not about history.

CHRI has engaged with CHOOGM for several years including with the one Malta hosted in November 2005 with Donald McKinnon as the Commonwealth Secretary-General. In line with its mandate, CHRI tried to promote a human rights agenda during and before the meeting through the media and through meetings with government delegations. Apart from raising the profile of human rights issues in the Commonwealth from the

active participation of all those who attended, led to a strong and focused final statement which was forwarded to the Foreign Ministers and Commonwealth Heads of Government. Following the circulation of this concluding statement, feedback was received from several government delegations – indicating that they had noted the concerns raised.

Some of the key recommendations from the Forum included the need for a formal report back to the next CHOOGM on the implementation

Many recommendations from CHRF were reflected in the Commonwealth People's Forum communiqué, which was officially presented to the Foreign Ministers at the roundtable held the day before CHOOGM.

In November 2015, it will have been ten years since the last Commonwealth congregation in Malta but CHRI's intervention could be identical. The Commonwealth has been unable to address the issues that have consistently found space in

**... the theme has the potential to steer the upcoming CHOOGM into providing a long term vision for the Commonwealth.**

sidelines, CHRI also organised a human rights forum in the lead up to the meeting of the Heads.

The two-day long Commonwealth Human Rights Forum (CHRF) was held at the St. James Cavalier Centre in Valletta. The theme of the forum was "Networking for Human Rights in the Commonwealth", linking it to the CHOOGM 2005 theme, "Networking the Commonwealth for Development". The focus was particularly on the importance of increasing space for civil society to perform their work within the Commonwealth.

The expert contributions by speakers from around the Commonwealth, as well as the

of commitments for human rights made by the Heads of State during this CHOOGM; that governments should ensure that human rights norms are not compromised using national security as an excuse; that the Commonwealth Ministerial Action Group should investigate human rights situations in Member countries where violation are known to be occurring; that the Commonwealth should stay engaged with suspended members; that there should be a Commonwealth Expert Group on the future of policing; and that the Commonwealth should agree that all members should offer a standing invitation to UN Rapporteurs and other UN investigators as a commitment to transparency.

civil society submissions to the Association. Many wonder for how long an organisation can remain relevant, when it has been unable to accommodate its constituency. (The Eminent Person's Report constituted to suggest reforms to the Commonwealth called it a Commonwealth of People, not just of States.)

Sir Ronald Sanders wrote a piece earlier this year where he said, "In arguing that the Commonwealth is in dire crisis, an initiative is proposed for the Commonwealth to be rescued at the 2015 CHOOGM in Malta." This sums up what people and organisations, which care about the Commonwealth, are hoping for in Malta. ■



# First Steps towards Democracy in Fiji

By Coel Kirkby



Photograph by David Kaner; Children in the Ba Highlands, Fiji.

After nearly eight years of military rule, Fijians returned to the polls on 17 September 2014 to elect a new government. FijiFirst, the party of the former military ruler, Rear Admiral Josaia Voreqe “Frank” Bainimarama, won a commanding majority of nearly 60 per cent. The next largest party, SODELPA, won just under 30 per cent. The Multinational Observation Group (MOG), led by Australia and including many Commonwealth representatives, found the elections “credible” in their interim report. Shortly thereafter, Fiji was readmitted to the Commonwealth reversing its eight year suspension.

The elections were peaceful though the opposition parties made and then retracted claims of irregularities. The MOG noted some of these in its interim report, which promised more details in its final report. However, two and a half months after the election, there is still no final report and the MOG website ([www.mog.org.fj](http://www.mog.org.fj)) has ceased to function. The elections were also notable for the large cross-community support that FijiFirst attracted. For the first time, a political party received significant support from both Indo-Fijians and iTaukei. SODELPA, the predominantly

iTaukei nationalist party, could only persuade about half of all iTaukei voters to choose them.

The new democratically elected government has run smoothly so far. It has faced two minor challenges in Parliament as Fijians adjust to a new democratic order. First, SODELPA boycotted a special sitting set up to greet Prime Minister Modi of India when FijiFirst refused to let it give a vote of thanks to the foreign dignitary. Second, and more important, is the scrutiny underway by the Public Accounts Committee, chaired by an opposition MP, of the Auditor-General’s reports that were

suppressed since 2009. FijiFirst has tried and so far failed to remove the Chairman, an economics professor especially critical of the unaccountable spending during the years of military rule.

The return to democracy also promises the protection of human rights. The new Constitution commits itself to a range of civil, political and socio-economic rights. Yet most rights have specific limitations, while all rights may be limited for any “necessary” reason. The “claw-back” clause lets a majority in Parliament limit any right if it deems it “necessary”. This wording was deliberate since older constitutions and the Ghai Constitution Commission draft only allowed limitations that are “reasonable and justifiable in a free and democratic society”.

Even more worrying is that all decrees passed by the military regime not only remain in force but are also protected as “super decrees”. Decrees trump other parts of the Constitution, namely the Bill of Rights, and cannot be challenged in courts. This effectively creates two constitutions: a higher one of “super decrees” and lower one of the Constitution and ordinary laws. Until a decree is repealed, any action taken under its authority (and decrees now cover almost every aspect of state authority) is immune from checks on compliance with human rights benchmarks and judicial review, essential to protect democracy.

All this takes place in a new constitutional system that greatly centralises power in the offices of the Prime Minister and Attorney-General. These two offices have almost exclusive authority to appoint members of “independent” bodies such as the Auditor-General and Constitutional Offices Commission. The Prime Minister also has greater discretion in appointing the Chief Justice, a process which had significant checks in the 1997 Constitution and Ghai draft.

While Commonwealth prime ministers often have considerable discretion over judicial appointments, in Fiji this is a major problem since judges are often appointed from other countries on fixed-term contracts and existing judges, once renowned for their fierce independence, have been cowed by eight years of military rule.

The deep flaws in the new Constitution are set in stone. The amendment procedure is more difficult than any current Commonwealth country’s Constitution (indeed, it might be the most difficult in the world). It requires a double super-majority of three-quarters of all MPs and three-quarters of all registered voters. Even if this incredible feat was met, the Constitution absolutely prohibits any amendment of the immunity clauses for the 2006 coup makers. The only way the Constitution can be changed in practice is by an external act: another coup.

Peaceful and “credible” elections cannot in themselves undo the great damage done to Fiji’s democratic culture by the creeping militarisation of the state. The military government had twice before promised a return to democracy and pulled back when it realised that it would not retain control. In 2009, it decided to abrogate the 1997 Constitution and impose rule by decree. In 2012, it suppressed the draft Constitution produced by the independent Ghai Commission after intensive consultations across the many islands. If it let the 2014 elections go ahead, it did so knowing the general outcome would be in its favour.

As always, Fiji’s fragile democracy operates in the shadow of its military. Many officers took up high-level posts as civil servants over the last eight years, and most continue to hold these posts. Before the elections the military claimed that it would uphold the new Constitution against any threats. This was itself a veiled threat against some opposition parties who campaigned on amending or throwing out the Constitution since it was not drafted with any meaningful input from the people. The Constitution has also removed all but the lightest checks by the civilian government on the military. With its grant of immunity as a reward for every one of its coups, all Fijians know that democratic governments cannot cross the ultimate authority on the islands. ■

# A Sustainable Commonwealth Common Purpose?

By Sashy Nathan



Photograph by Pete via creativecommons.org

On 24 October 2014, representatives from Commonwealth institutions and organisations gathered at a one-day conference organised by The Round Table and The Commonwealth Association, entitled “Commonwealth Organisations and the People’s Commonwealth: Common Purpose or Parting of Ways?” The primary objective of this event was to consider the current state of democratic participation at the Commonwealth and the challenges that lay ahead.

Commonwealth Secretary-General Sharma gave the keynote address pointing out the high level of youth engagement the Secretariat had

been involved in, and announcing a strategic initiative for civil society participation. This initiative would entail the creation (subject to Member States’ approval) of a two-person unit within the Secretariat designed to further civil society engagement and report back to the board with quarterly updates.

While this was encouraging, the Secretariat must maintain a firm stand on protecting the Institution from Member States’ manoeuvrings, if it is to achieve real change. It is an established imperative for a democracy, that States and/or intergovernmental bodies should at best enable and promote civil

society actors and their participation in governance, and at worst, refrain from restrictions and limitations on an individual’s freedom to express.

CHRI’s Richard Bourne made a straight-forward case for encouraging civil society participation in the Commonwealth in his speech at the conference. He stated: “The future of the Commonwealth cannot be left to governments or to small intergovernmental bodies. The more powerful governments have other concerns than to use the Commonwealth. The poorer and smaller countries do not have the firepower to worry overmuch about an Association that may lie third on priorities that include the UN and their own regional body. Hence, it will be for civil society to push for the vitality and utility of the Commonwealth as an overarching community, identifying areas where its networks can make a meaningful contribution to the lives of citizens.”

People and organisations who believe in democratic principles and have trusted the Commonwealth to uphold the democratic values it claims to stand for, are getting disillusioned with it. There is a feeling that while development focused groups find some buy-in with the Commonwealth, the concerns of advocates of



human rights are brushed aside. Further, members of some historic Commonwealth Associations raised urgent concerns around their lack of financing and renewal and that they would be unable to continue their work owing to the reviewed priorities of their funders, particularly the Commonwealth Foundation's renewed strategy for its financial resources.

This eventuality would deny the Commonwealth an array

ways", goes beyond the discussions of these largely London-based Commonwealth institutions and associations, and rests on the manner in which Member States reconcile development agendas with human rights.

Sir Ron Sanders, in his piece in the Round Table titled "The Commonwealth after Colombo: Can It Become Meaningful Again?", rather aptly observed, "tension has now developed between

(SDGs) should have a very different remit and format to the Millennium Development Goals (MDGs) in that they will explicitly adopt an human rights agenda alongside the conventional development goals (albeit they are goals and not legally enforceable commitments). It is intended that there will be much clearer and universal indicators and instruments to measure implementation of the SDGs as well as new, separate UN structures of oversight, such as a High Level

**"it will be for civil society to push for the vitality and utility of the Commonwealth as an overarching community, identifying areas where its networks can make a meaningful contribution to the lives of citizens."**

of expertise, knowledge and important work in noble fields. It was pointed out that the Commonwealth Broadcasters Association had already decided to re-brand to a more generally, globally-focused "Public Media Alliance", and the Commonwealth Business Council had liquidated and re-formed as the Commonwealth Enterprise and Investment Council.

The response to the established Commonwealth organisations' complaint from certain quarters was along the lines of, "diversify, renew, adapt or perish". Evidently for some, that process has already begun. Perhaps though, the more pressing Commonwealth question of "common purpose or parting of

Commonwealth governments, with some developing country governments claiming that human rights concerns are 'Western exports', incompatible with more urgent development issues and cultural differences." So if the Commonwealth is to be unlike other inter-governmental bodies, merely a club of nations subject to a Charter without recourse to a binding treaty or legal personality, without common defence and security obligations, without the interdependence of multilateral trade; and without the UN clout of development aid, where is the common purpose?

It is now clear that the post-2015 Sustainable Development Goals

Political Forum (HLPF) every four years to consider progress, and an annual review reporting mechanism.

The Open Working Group's proposal for the 2015 SDGs embodies a fusion of the development and human rights sectors and arguably reads like the implementation flesh on the bones of rights enshrined in international covenants. This format may be something the Commonwealth should engage with substantively and meaningfully and run with the wind, before, like some of its historic associations, it is too far down the line in the process to diversify, renew, adapt, or perish. ■

# Multimedia as a Tool to Shape the Debate for Better Policing

By Vivek Trivedi



substance of the issues. Through using a broad range of tactics and collaborations, we've distilled our message of better policing in accessible and informative ways that echo out well beyond traditional advocacy.

Civil society is the connecting tissue between a country's political establishment and its citizens. It has been defined as "a public space between the state, the market and the ordinary household, in which people can debate and take actions that try to do right and struggle to right wrongs non-violently". This role makes it ever more demanding, then, for civil society to remain accessible to the public in the public spaces it occupies, and to continue to innovate and expand its reach so that debate and action are as inclusive as possible.

bridges and appetites for change is an immense undertaking. Add to that an 1861 Police Act which is outdated yet still complex, and governmental restrictions which inhibit NGO activity and funding, and you realise the challenges facing an organisation which wants to sound its voice for better policing.

Here enters innovation. CHRI's Access to Justice Programme has leveraged multimedia to double and triple its bandwidth to reform the police, while never losing the

Recently, in the run-up to the October Maharashtra State Elections, CHRI endeavoured to make better policing an election issue by emphasising to citizens that the new government should represent the interest of every citizen – man, woman and child – to ensure their safety, liberty and constitutional rights. We emphasised that both the current and potential future governments must do this through legislation and policy changes which make the police responsible and accountable. Essentially we were asking for democratic police through the democratic process, and we did

Accessibility is a key point for CHRI, which has dedicated nearly twenty years to reforming the police in India. While strides have been made, distressingly, on a matter of proportion, the task far exceeds capacities. With 1.3 million civil police on the ground and 1.3 billion people in India, building





IMAGE 3

this through a series of campaigns over several months leading to the elections. This included creating short animation videos which explained the history of policing in Maharashtra, the substance of the Supreme Court directives in the seminal *Prakash Singh* case, the lack of compliance with these directives by the Maharashtra government, and the real and urgent conditions on the ground which only better policing policies can cure.

These videos were shown at several events, including the Bombay Stock Exchange in collaboration with Mumbai First, a not-for-profit think-tank, where hundreds of members of the public, government, police and civil society gathered to discuss the vital issue of better policing in the state. Our on-the-ground partners, Police Reforms Watch Mumbai, were also on hand to spread awareness on the issues and thereafter showed the animations (Image 4 and 5) at several advocacy events leading up to the elections. In tandem with these exposures,

we circulated the products through our social media portals, including our Facebook page, which has over 56,000 likes, and our Twitter page which has an active following. We also leveraged our high profile supporters such as Kiran Bedi, an activist and a retired Indian Police Service (IPS) officer, to re-tweet our videos to her networks, which generated more traffic and exposure to the issues and our reform agenda. It's the virtual nature of this strategy and its brevity at less than ten minutes which makes it an efficient and effective tool to educate

and motivate citizens to demand better policing. These videos were also shown during field visits in Bangladesh and the Maldives, and are shared with our partners in East Africa to spark an interest in this kind of advocacy in other countries.

Another strategy was creating pictographic slides that were shown in 55 cinemas (Image 1 and 2) throughout Mumbai for two weeks before the elections. These slides used compelling pictures of a variety of neighbourhoods of Mumbai, and people from different backgrounds – businessmen, children, women, commuters and labourers – all of whom want better policing in their city. Added to the photographs were specific messages on the need for police reforms, such as: “I am Mumbai. I vote to feel safe at night. Kaun dega saacha police sudhaaar? (Who will give us true police reforms?)”. A voiceover accompanied the visuals asking Mumbaikars to visit our partner



IMAGE 4







organisation's website, [www.policereformswatch.org](http://www.policereformswatch.org), (Image 3) to educate themselves on the issues and to get involved.

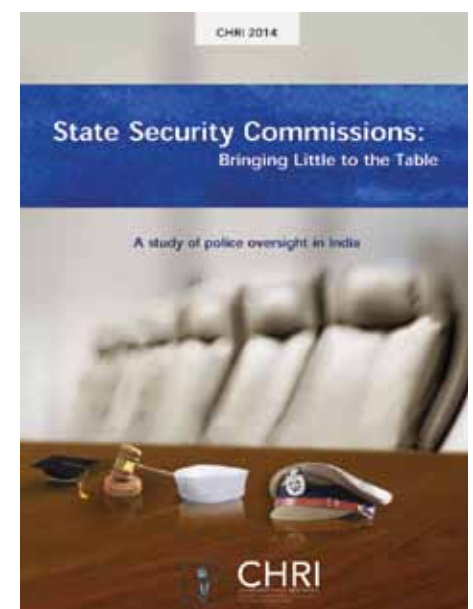
We also created 20 radio jingles which were played on Mumbai's three most popular radio stations for one week, sounding a call for better policing. These radio messages also invited citizens to visit our website which, in tandem with our Facebook page, acted as the headquarters for our Maharashtra campaign. It listed the most pressing and current news relating to policing in Maharashtra, acted as a repository of all the media we had created for this campaign, gave a comprehensive list of resources for citizens to peruse, to learn more about the issues, had an events page which detailed where and when advocacy functions would be held if someone wanted to be more involved, and finally provided contact details in case there were questions, concerns or ideas on

how to demand police reforms in Maharashtra.

These, along with many of the other strategies we've used in our work throughout the region are progressive and cutting edge, while cost-effective. Having a modest budget, ingenuity, a dedicated team, an understanding of the power of the Internet and an eye to simultaneously educate and entertain the public is all that's necessary to push for change. While traditional methods of research and advocacy are irreplaceable, developing online strategies to disseminate the insights gained through in-depth research is a key technique to convince the public of the importance of our message and bring it to their doorsteps in a way that cannot ignore.

What is unforgettable is that the police are an intimate yet indifferent aspect of the State's interaction with its constituency.

Using multimedia and the Internet to pressure power structures to reform is a dynamic and gradual way of creating small changes in old systems. Being modest yet ambitious in campaigning and with an eye to the long view, can lead a civil society organisation to see returns and use those successes to showcase their innovation skills and effectiveness to donors for a dedicated stream of funding. A surge in social media followers, message board hits or website visits can demonstrate tangibly that the message is being spread and awareness is taking place. As the country continues to be linked to computers and the Internet, an entire marketplace of ideas is waiting to be infused with our human rights initiatives. Though we've only just scratched the surface, CHRI will continue using multimedia as a primary tool to shape debate calling for better policing. ■



# Assessing Compliance of Police and Prison Authorities with the Transparency Regime

By Seema Choudhary



Photograph by user גלוי גלוי via Wikimedia Commons; Lock and key

CHRI has strived to promote greater transparency and accountability in the working of the police and prisons administration in India and other parts of the Commonwealth for more than a decade and a half.

With the enactment of the Right to Information (RTI) Act in India, CHRI has increasingly used RTI as a tool to publicise both action and inaction by the police and prison departments in respect of their obligations under the law.

We presented our experience in this regard at a recent event – National Conference on People’s Right to Information: Assessing Compliance of Police and Prison Authorities with the Transparency Regime – in New Delhi on 20-21 September 2014. In partnership with the National Law University, Delhi (NLUD), CHRI and the participating delegates identified specific action points to advocate for greater transparency in the working of these two departments.

In participation were serving and retired senior police officers, academics and civil society partners from 15 states across the country.

The Conference began by shining a light on the different types of records maintained by the police, prisons and the judiciary during the life-cycle of a criminal case. This background knowledge set the tone of the ensuing discussions where CHRI presented its findings of a country-wide assessment of police

departments on their compliance with the obligation of proactive disclosure under the RTI Act. The survey findings indicate the poor state of implementation of this obligation despite it being ten years since the adoption of the RTI Act. Even the Supreme Court of India has stressed on the non-negotiable nature of this obligation. Many police departments did not have their websites translated in the local languages. Participants from different states of India presented in detail the level of compliance of police departments with their obligation of proactive disclosure of information.

With a full day of dedicated discussions on issues of transparency and accountability in the police department, on the second day, CHRI presented its findings on proactive disclosure as mandated by the RTI Act in prison departments across the country. The findings showed a picture worse than that of police departments.

CHRI's Prison Reforms Team pointed out that while prison departments were lackadaisical in proactively disclosing information, they used the RTI Act to obtain information request-on-request and inching towards securing greater accountability in the functioning of the prison administration in West Bengal and Rajasthan. Of importance were the difficulties that were highlighted, particularly

in obtaining information about undertrials who are eligible to be released on bail.

In a related study on compliance of police departments with the statutory obligation of making the list of all persons arrested for commission of criminal offences, public, CHRI revealed that except for Kerala no other State Police Department had created a publicly accessible database of arrested persons. A part of this study focused on the types of offences for which people were arrested, and which showed that a large proportion of the arrests are for crimes that invite maximum jail terms of less than seven years. Disturbingly, in Rajasthan and West Bengal, a large number of arrests were made for preventive purposes, indicating the rampant misuse of the power of arrest by the police.

An entire session, by an ex-Director of the Bureau of Police Research and Development, discussed the sub-culture of the police and its impact on the performance of their obligations under law. The discussion noted that the informal methods developed by the police to often subvert the official procedures were visible in their manner of dealing with RTI applications as well. It was emphasised that more trainings and sensitisation of the police was required to enable them to perform according to the law.

Inspired by a very revealing conference, participants identified some key areas to concentrate their energies to make the police and prison departments more transparent. There was agreement to collaboratively work for the implementation of the requirement to make public the list of all persons arrested for commission of criminal offences, in the different states, which would reduce the need for filing RTI applications to know the whereabouts of detained persons.

On its part, CHRI proposed that it would develop a guide on the kinds of information that could be sought under the RTI Act in respect of criminal cases. It would list possible public interest arguments for demanding their public disclosure with due regard to the need for protecting individual privacy and also without impeding the investigation and prosecution process. Further, it was agreed that CHRI would circulate a concept note amongst all participants to file information requests to ascertain the steps taken in their states to comply with the Supreme Court's directives on reviewing all cases of acquittals in trials for heinous offences.

With the hope that the goodwill and energy to work together towards bringing change continues, participants aim to meet again and exchange notes on progress and further strategise to achieve the identified goals. ■



# The Elusive Freedom

By Mrinal Sharma



Photograph by Foreign and Commonwealth Office from Flickr.com via Wikimedia Commons; Displaced Rohingya people in Rakhine State, Myanmar.

*Imagine a woman trapped in a prison in a foreign country, speaking a language no one around understands. With a massacred past and little hope for the future she lingered to see her children while being held under unnecessary detention in a correctional home in West Bengal and then a shelter for female beggars in Delhi for five years. Her crime – she is a Rohingya Muslim from Myanmar.*

Rohingya is a Muslim ethnic minority in the Buddhist-majority Myanmar. Johra is one of those few Rohingyas who managed to survive the communal violence that

started to smoulder between the Buddhist and Muslim communities in the Rakhine region of Myanmar in 2009. Rohingyas do not find a mention in the 135 ethnic communities of Myanmar, which renders them stateless. Johra fled Myanmar only to come to India via Bangladesh with her seven children in tow, yearning for a place to call home. She was met with a merciless welcome from the Border Security Force (BSF) in India, which arrested her along with her children and had her thrown behind bars for being an illegal immigrant.

Johra had a “well-founded fear of persecution” in Myanmar. Her house was burnt, family murdered and neighbours arrested. She ran to India to seek refuge. Does that merit detention or protection? Does that make her an illegal immigrant or a refugee under international law?

Nevertheless, the trial courts in India read the law and sentenced her to one year of imprisonment under Section 14A of the Foreigners Act, 1946. And helpless as she was, she went on to serve her sentence, without appealing it and completed

it in 2010. However, she continued to be in custody. Her case was then identified by Commonwealth Human Rights Initiative (CHRI) through their legal support initiative, *Shadhinota*, in 2013, leading to a journey through the procedural laxities of the Indian legal system. CHRI pleaded with the court to stall her repatriation to Bangladesh (being the last international border she crossed to enter India) along with alerting the office of United Nations High Commissioner for Refugees (UNHCR), to develop a plan of action.

On 12 December 2013, the Calcutta High Court passed an order directing that she be

Not dampened by Tihar's position, a petition was filed in the Court to modify its decision in order to transfer Johra to a detention centre in Delhi. On 19 July 2014 Johra was transferred to a shelter for beggars, Mahila Sadan, New Delhi. Mahila Sadan is essentially a custodial institution that houses beggars, guardian-less mentally ill women and foreigners who have overstayed their visa permit.

Thereafter, for over five months, Johra remained confined to the shelter, while UNHCR struggled to get access to her, making formal requests to several government departments.

to access Johra and interview her to determine her refugee status. And soon after, Johra was granted a refugee status.

While there is a happy ending to her case, it must pain every reader's heart to know that despite a genuine refugee claim and being eligible for international protections, Johra spent over five years in confinement. Her interview with UNHCR concluded that she has developed mental instability due to her long detention and isolation.

It is interesting to note that although India is home to one of the largest refugee populations in the world, it is not a signatory to

## UNHCR concluded that she has developed mental instability due to her long detention and isolation.

transferred to Tihar Jail, New Delhi, within four weeks, to facilitate her meeting with her family members and to enable her to directly approach the UNHCR, based in Delhi, for grant of refugee status in India. Four weeks turned into four months when Tihar Jail refused to accommodate Johra saying it was against their mandate to take in a released prisoner. The confusion could be attributed to a systemic flaw that results from lack of standard operating procedures (SOP) on dealing with the refugee population in India leading to a justice system that fails to respond to such cases.

Additionally, CHRI, moved by unrelenting pursuit for information on Johra's case by her son, continued its correspondence with various agencies to expedite the release of Johra. In the nearly two years since we have been involved in the case, almost every office approached by us understood the special nature of Johra's case. However, every one seemed to be held down by the chains of the system that is either overtly regulated by redundant laws or lacks a comprehensive and specific legislation on refugees.

At last on 26 November, UNHCR received the required permissions

the 1951 Convention relating to the Status of Refugees, also known as the Refugee Convention. With no legal framework to deal with the refugee population, India deals with the situation on an *ad hoc* basis, providing privileges to selective refugee communities instigated by domestic and international political expediency.

As we write this, almost 45 Rohingya Muslim families continue to be unnecessarily detained in West Bengal correctional homes alone, for being illegal immigrants. Not many will see the light at the end of the tunnel like Johra did. ■

# US-UK Ethnocide in Chagos Islands

By **B. G. Verghese**, with editorial inputs based on Richard Gifford's talk to the Chagos Conference, 29-31 October 2013



Photograph by MarsRover via Wikipedia; B-1B Lancer bombers on Diego Garcia in November 2001 during the Afghanistan bombing campaign.

Another Commonwealth Head of Government Meeting (CHOGM) looms and the Chagos Islands tragedy, caused by the expulsion of the native population by Britain in 1971, continues unabated. This act of extreme cruelty was perpetrated in order to lease the main island, Diego Garcia, to the United States to unleash illegal wars against all and sundry, notably in Iraq.

All legal and humanitarian laws were trampled and defied and lies have followed lies as Britain has compounded rank folly with international fraud and criminality. Some 3,000 Chagossians have been dumped in Fiji, Australia, Mauritius, the UK and elsewhere to clear the base for US bombers to thunder down the coral even as it is perfidiously argued that the return of the Chagossians in this

age of climate change could cause the Islands to sink!

Fortunately, the Chagossians are fighting gamely and some British champions and the media have lent them principled support. Her Majesty's Government has been in the dock for decades and has used every crude and devious subterfuge to go back on its word, flout international conventions and preach virtue to others. The Chagossians are presently, involved in an appeal at the Supreme Court in the UK, against the House of Lords' decision to uphold the abolition of the right of abode, and a separate challenge to the Court of Appeal's decision to uphold the marine protected area.

The conduct of the US is of course, cynical, criminal and in flagrant

violation of its own laws and international conventions on which it holds others to account. However, an important success came in 2012, after a successful challenge to the conclusions of the 2002 Feasibility Study, which was shown as having been interfered with by the UK Foreign and Commonwealth Office (FCO). In 2012, the UK announced that it would undertake an entirely fresh study, due for completion by the end of the year. The outcome of this new study could open the doors for potential resettlement.

Despite the racial affinity, the Government of India has been remiss in its advocacy of Chagossian rights. The Chagossians are one or two steps removed descendants of Indian indentured labour to Mauritius from where the Chagos Islands were later settled. The Indian media and human rights organisations have shown little or no interest in the dreadful fate of the Chagos Islanders.

It is time to change that; the Chagossian case must be brought on the CHOGM agenda and the UK censured for blatantly flouting the Commonwealth's fundamental values. As an association of consensus, with equal voice and vote for all its members, the case of a UK should not be taken any more lightly than the violations of a Sri Lanka, when it tramples on the rights of its people. ■



# The Prisoner from Ward No 11

By Sana Das



Photograph: Author's own

(CHRI recently helped a prisoner pay his fine towards completion of his sentence so that he could walk out of the prison gates a free man. Sana Das, Coordinator of CHRI's Prison Reform Programme, spoke with JV\* in Jodhpur Central Prison, Rajasthan, India where CHRI runs a legal aid clinic. This interview was taken on

26 and 27 August 2014 after the completion of his period of imprisonment, while he was still awaiting his release. JV was formally released on 1 October and left the jail on 2 October 2014. (Please note that real names have not been used for the prisoner or any official.)

**Q. How long have you been in jail? What were the charges against you?**

I came to the Jodhpur Central Jail as an undertrial in July 2011.

I was a witness in a case involving a Government Railway Police (GRP) constable, 10 years ago. He was convicted. When he was released, he implicated me in a forgery and cheating case under the Indian Penal Code (IPC) Sections 419, 420,

467, 468, 472. And I was sentenced by a trial court in Jodhpur to five years imprisonment and a fine of Rupees 22,000.

**Q. How much longer do you have to be inside?**

I have now served the term of my imprisonment with a remission of eight months and twenty-eight days earned for my good work inside the jail, and I will stay only as long as my fine is pending.

But, I am prepared for my release to be delayed by a month. The District Legal Services Authority (DLSA) which appointed me as a paralegal volunteer (PLV) last October, promised to release my fees in ten days. However, it has been a week since that deadline was over and I still don't have my money. The prison owes me money for services

\*A 45 year-old, man, with a degree in law and a diploma in Forensic Science from Hyderabad. Worked with the *Times of India*, a leading Indian daily, covering railways and based in its Delhi office, at the time of arrest.

I rendered in the jail, but I am told there's no money in the jail welfare fund. I will write to them tomorrow. Their payments will help me pay my fine. I will not be released till the fine is paid.

In my family, only my father knows about my detention. He is a retired officer of the Indian Army. I don't like stressing him but I hope he can come to pay my pending fine amount soon and have me released.

**Q. Did you have a proper defence during your trial? Would you say the trial was conducted fairly?**

I defended myself because I knew my case best. My colleagues and the media came for my first production in court. I was convicted in four months six days, during which I was in jail as an undertrial. It was a conspiracy. The Magistrate convicted me without even seeking a Forensic Science Laboratory (FSL) report of the railway pass that I was accused of forging!

I requested the FSL report on my own, which confirmed my innocence, and this constituted an important part of my appeal (which remains pending even now).

**Q. After the sentencing, how did you plan for jail life? Were you at all prepared for the experience?**

Three months into the trial I knew

I was going to be convicted; it was almost as if it was pre-determined. So I began preparing myself.

At the time I was brought here, the jail had heightened restrictions – movements were constrained and working conditions were difficult. This followed the murder of the jailor by prison inmates less than a year ago.

My first night in jail was really bad. Having been used to a decent lifestyle, the transition was more difficult - the rules about talking, sleeping and counting of inmates two or three times through the night, being forced out of sleep, and staying lined up outside the cell till the number tally was completed, was all very tedious, exhausting and bizarre.

**Q. How would you describe the living conditions?**

After a prisoner's second production in court, which usually happens within 15 days of being jailed, the Chief Warder decides the "permanent ward" of the prisoner. And as one can guess, this power of discretion leaves the office open to partiality and corruption. I was assigned Ward No 11, one of the two permanent wards at the time, which was "okay"; meaning one can survive even though amenities such as cooler, heater, tube lights, water connectivity, washing space, walking space, toilet, etc. are not available. I adjusted.

In case of undertrial prisoners, the rules don't allow you to possess even a bag – which means no clothes or personal items! And the few things we have, are strewn around us. The jail provides blankets and a thin floor rug and clothes that simply don't fit.

Jails are places of extortion. First the jail officials extend extra "services", then they demand compensation. Food for free distribution to the inmates had to be bought. Some undertrials even paid Rs 200 to have a heater in their barrack to cook their own meals, while the jail ration went to the officials. Illicit drugs, mobile phones were available if one had the cash. If caught, you could still get away by paying a bribe.

Though things are different with the new Superintendent. Today, all inmates are given the same food irrespective of their economic or social background. There is now a canteen too.

**Q. What was your daily routine? How many hours does one spend locked up?**

We stay under lock for 15 hours every day. Opening time for the barracks is 5.30 a.m., when we have to assemble for counting, where the numbers are tallied with the previous day's numbers. After this everyone prepares for the day, starting with breakfast at 6 a.m.,

following which we join our assigned work units. The next lock-up time is from 11 a.m. to 3 p.m. Between 3 and 6 p.m., inmates are allowed to come out of their barracks. Tea is served at 4 p.m. and one can get some fresh air and mingle, before the closing count at 6 p.m. And then it's all dark and quiet till the next morning.

Because of my involvement with the Jail Service and the jail administration's faith in me, restrictions were somewhat relaxed. I can stay out of the barrack till 8 p.m. if I am working on records.

However, accepting that I can't go beyond these walls was the most painful thing for me. The other frustrating factor was the surprise counts, day and night, carried out by the Deputy Jailor. Often, before you can get 15 minutes of rest, the bell would ring again, and another count would begin.

**Q. Were you ever punished, perhaps given "solitary"? Were you allowed to meet your family?**

Since the authorities knew I was a journalist, educated and aware of my rights, their behaviour was decent towards me, they did not speak to me like they did to others.

I never got "solitary" or any other punishment. In Jodhpur solitary confinement is called *kothi*. But

*kothi* is for a maximum of fourteen days after which a magistrate's permission is necessary. But yes, every third day someone is sent to *kothi*, for over-excitement, threatening, in-fighting, anything. Today some prisoners from Africa who are protesting and are on hunger strike, are likely to get *kothi*...

The jail didn't prohibit me from contact and communication with outside either. While in jail, I sent letters to my contacts for clothes, medicines, etc. A prisons constable helped me reach my letters to my father and accepted delivery of letters on my behalf. When my father came to see me, I could meet him in the Jail Superintendent's office. My associates from the Anti-Corruption Department could also come and see me without restrictions.

**Q. How did you keep hope inside the jail?**

The important things were to practise self-control and manage my anger. To reconcile with being sentenced for a crime I had not committed; and the restrictions and limits on freedoms. I knew I had to keep myself busy, and that was only possible through work.

I also derived strength from my past experiences. My father disapproved of my aspirations to join the field

of forensic science and insisted I join the Indian Army. He once said. "Earn and then live". In rebellion, I joined the *Times of India* (TOI) Group, and covered stories on the railways. I virtually lived on the railway platform and saved money to buy land next to my father's house, and built my home there. So, prison life could not break me.

The drive to ensure that the person responsible for my wrongful imprisonment is brought to justice has kept me going. Also, knowing that I have a job waiting for me at the *Times of India* means that I can return to the life I lead before and that has helped. I earned remission on my sentence due to good conduct.

**Q. What made you volunteer as a paralegal volunteer (PLV) in the jail? What was the work like?**

As I said I wanted to just keep myself occupied. But it was really after the appreciation and acknowledgement of my good conduct by the new Superintendent, that I started thinking constructively. Another motivation to work as a paralegal inside the jail was the small advantages that come with being a PLV. Prison gives recognition for good conduct, though its translation to remission is poor – In 18 months of work I got 15 days remission. Negligible!

As a jail paralegal, my job was to



attend to the two wards which accommodated undertrial prisoners (UTPs) and identify the ones who needed legal aid. To identify those who had appeals to file, I would visit the convicts' wards.

Every morning I would ready the post for District Legal Services Authority (DLSA), with instructions from the Director General of Prisons, requesting the DLSA to appoint a counsel. We lost no time in getting applications for legal representation out, even if this meant fighting with guards at the gate. Earlier they waited two to three days and then during family visiting hours, the visitor confirmed the lawyer's appointment status.

The other important task I handled was maintaining registers of the legal aid clinic. I maintained and updated five registers meticulously every second day. I also handled all Right to Information requests that came to the jail, many of which came from CHRI! The new PLVs have to be trained on this.

### **Q. During your work, what observations did you make about the prison system?**

Well, plenty... There are loopholes at the stage of detention and legal remedies. One of the major problems, I believe, is with "preventive detention" cases. These are arrests done to prevent



Photograph: Author's own

an offence. There are at least 25 to 30 preventive detention cases every month. Once, in a span of a week, we found 84 preventive detention cases! These detainees, at minimum, spend two to four weeks, some more than a month, and in a few rare cases, even two months, in detention. If lawyers went on strike, the detention periods were more prolonged. Why can't a DLSA lawyer be appointed exclusively for such cases and secure release expeditiously? The situation is very urgent.

Further, people are kept in continued detention for petty, sometimes bailable offences. This, in spite of the monthly meetings of the Periodic Review Committee (PRC) set up to review undertrials and the necessity of their detention. At least five to six releases are recommended every month. But the jail does not

receive any formal communication from the Chief Judicial Magistrate (CJM), the convenor of the PRC, regarding these releases, so things are left hanging.

The third disturbing trend is the delay on the part of DLSA in appointing lawyers; except in a few instances where DLSA has expedited appointments and cleared backlogs, we have long waits for each of our requests. Moreover, appointed lawyers do not always appear in court. Further, jail visits from the DLSA lawyers have reduced from two days a week to one, leaving little time for any legal advice on cases.

A major impediment to the smooth functioning of the legal aid system is the lack of coordination between DLSA and the High Court Legal Aid Committee. This also contributes to not relaying information to

applicants, who struggle to discover the status of their case, requesting NGO workers, like CHRI legal aid clinic lawyers, to update them. Moreover, there is no provision of forms in the jail to file appeals to the High Court! Often, even plain sheets of paper are not available to write letters and applications. This leaves us absolutely helpless!

Since October 2013, we have been working towards obtaining social welfare benefits for prisoners and their children, offered by the Social Justice & Empowerment Department of the Rajasthan government. In spite of letters sent by CHRI lawyers and paralegals through the jail, the department is yet to respond. There isn't a single beneficiary of this scheme in the jail.

Lastly, for prisoners, in the absence of incentives, even if there are capacities, like English language skills, it is very difficult to keep up motivation to do voluntary paralegal work. If DLSA paid its paralegals on time, the quality and consistency of work would improve considerably. There is no appreciation for the work we do. On the contrary, there is displeasure over some of us partnering with NGOs.

**Q. What are your suggestions for prison reform now that you have seen the jail inside out?**

A lot depends on the approach of the head of the management towards

the reformation and rehabilitation of prisoners, so that after serving their jail time, when prisoners are released, they can reintegrate with society and contribute meaningfully. Sometimes, even the families may not be ready to accept a released prisoner. Where is the rehabilitation that jail promises? Jail service money is only Rs. 20 a day. A fourth of which goes to the "victim" of the crime the prisoner is sentenced for. How will a released prisoner re-enter society with such limited support? A library in Jodhpur, Gandhi Bhawan, came forward to seek short stories/articles from the jail but the jail authorities did not take the offer forward. The exercise could teach prisoners a skill they could use in the real world. It is all about having a vision for the future.

Moreover, prison administration is run by an outdated Jail Code which is completely out of sync with the current times. Even the measurements it prescribes for food, etc. are not understood or in use today.

But everything can change if the judiciary is reformed. Consider my case: my sentence is over, and my appeal is still pending! Like DLSA, the jail too is yet to pay me my dues. They owe me Rs. 9,000 with which I can settle part of the fine. Organisations like CHRI should call for such reforms: a better incentive system in jail, quick

representation and other major policy changes. I look forward to seeing that.

**Q. Lastly, what does the thought of release feel like?**

I have mixed feelings. Last night I was too depressed and could not sleep till 3.30 a.m. I kept wondering if I had achieved my goal inside. Had I completed the research which I may not be able to do outside.

But I also ponder over the setback to my life; these four years will never come back. I have not left the jail in the last three years, ever since court productions got over in the first year of my jail life and I was convicted! So I don't know if things will be where they were: what new structures have come up; whether I can even find the railway station; whether I can make out which platform to go to. The suffocation of being inside and the disorientation I will face when I go outside is scary.

But, my job at the *Times of India* is waiting for me. Let's see. Who knows, maybe someday CHRI and I will work together. Ironically, jail officials are scared of what I would do when I am out. I know too much; the records I have on India's top security jail. You will be amused that I have even been offered a bribe to keep quiet! But the first thing I want to do is meet my mother. ■

# Updates from CHRI this Quarter

## CHRI, Delhi Office

### Access to Information Programme

- In August, the team organised a two-day regional conference, “Promoting People’s Right to Information in South Asia: Achievements and Challenges”, in Male, Maldives. The event was attended by practitioners and supporters of the right to information, from legislatures, governments, Information Commissioners, civil society and the mass media across the South Asian region. The conference concluded with the participants adopting a resolution urging SAARC to bring transparent government back into its agenda and take concrete steps to promote transparency and accountability at the regional, national and local levels.
- CHRI-managed, South Asia Right to Information Advocates Network (SARTIAN), a regional network, joined together with several civil society members to advocate with the SAARC Secretariat to adopt a comprehensive information disclosure policy on the eve of the 18th SAARC Summit. Twenty-seven organisations from across the region joined hands with CHRI and made submissions to their foreign secretaries, their Head of State and their governments to discuss the state of transparency and people’s access to information from the public and private sectors.
- In September 2014, the team, in collaboration with National Law University, Delhi organised a two-day national conference on assessing compliance of Police and Prison Authorities with the transparency regime in New Delhi. [More on this in the piece titled “Assessing Compliance of Police and Prison Authorities with the Transparency Regime”, on page 13.]
- In November 2014, the team organised a two-day advanced capacity building workshop in Srinagar, Jammu and Kashmir, India, on drafting appeals and complaints under the RTI Act. CHRI presented the preliminary findings of its analysis of the decisions of the J&K State Information Commission, delivered in 2013, focussing on the non-adherence with the prescribed time line of disposal of RTI application at the various stages of implementation. The study also revealed the penalties imposed by the Information Commission and the cases where it could be imposed, the gender statistics of the RTI applicants, purpose of the RTI applications, etc. The Chief Information Commissioner of the J&K State Information Commission appreciated the concerns raised in the report and also agreed to consider the template suggested by CHRI for writing the orders of the Commission. The highlight of the programme was a case study on RTI being successfully used as a tool to influence change in policy. The particular case, involved Tosa Maidan, an area in Kashmir which had witnessed the deaths of several civilians as a result of being situated close to the Indian Army’s firing range. After strategic advocacy interventions using information obtained through RTI, the firing range was ordered to be closed.
- On 25 November, CHRI in collaboration with the National Constitution Club held the fourth of its series of RTI Knowledge Meet and People’s Assembly, in Kerala, with about 250 people ranging from PIOs, activists, public prosecutors to advocates. The discussions surrounded the evolving jurisprudence in the High Courts and Supreme Court of India. Later, the participants discussed the problems they faced in their positions as applicants and public officers and the possible solutions to these.
- The team organised a “Right to Information Learning Programme” from 7-14 December 2014 for Members of Parliament from Afghanistan and Information Commissioners from Khyber Pakhtunkhwa province, Pakistan. The



programme facilitated participants' interactions with representatives of civil society organisations, lawyers and prominent media houses to draw on their experiences of campaigning for greater transparency in India and of using the RTI Act to promote accountability in governance. The programme also included one-to-one meetings with representatives of the Department of Personnel and Training, Government of India, and other public authorities that are implementing RTI effectively. Significantly, participants to the programme benefited from interacting with members of the Central Information Commission, the main appellate body under the RTI Act in India.

### Police Reforms Programme

- In response to the Goa state government's move to bring in a new police law, CHRI's police reforms team launched a campaign to mobilise civil society and the media to demand an open and consultative legislative reform process. A press conference was held together with the Council for Social Justice and Peace, a non-government organisation based in Panjim, highlighting the need for public consultations. CHRI also met several activists, lawyers and political leaders in support of the campaign. Ultimately, owing to strong

media pressure, the government decided against tabling the bill in the upcoming Assembly session and announced that public consultations would be held to seek public input and support.

- CHRI's partner, Bangladesh Legal Aid and Service Trust (BLAST), held a meeting on 16 October 2014 to review the implementation of the High Court directions on Section 54 and Section 167 of the Code of Criminal Procedure. Around 90 people including retired justices of the Bangladesh Supreme Court, senior lawyers, magistrates, journalist, academics and human rights activists attended the meeting. For more details, see the seminar report at <http://www.nipsa.in/bangladesh/resources/review-of-implementation-of-the-high-court-directions-on-section-54-and-167-of-code-of-criminal-procedure.html>
- In the run-up to the state Assembly elections in Maharashtra, on 15 October 2014, the team implemented a public campaign to mobilise demand for police reforms in Mumbai. The campaign involved showcasing our strapline "Avaaz uthao, suraksha badao" (Speak up for better policing) through slides in cinemas spread across the city and through top three radio channels. For more details, visit [www.policereformswatch.org](http://www.policereformswatch.org). [More on this in the piece titled "Multimedia as a Tool to Shape the Debate for Better

Policing", on page 10.]

- CHRI's partner, Individualland, a non-government organisation based in Islamabad, held a seminar on "Women Police in Pakistan" on 22-23 October 2014 to highlight the contributions of women personnel in Pakistan and the challenges facing them. For more details, see the seminar report at <http://www.nipsa.in/pakistan/resources/women-police-the-silver-lining---seminar-report-on-individualland-pakistan-seminar.html>

### Prison Reforms Programme

- The team participated in a two-day National Seminar on Prison Reform organised by the National Human Rights Commission.
- In July, the team facilitated a foundation course on Pre-Trial Justice with the Rajasthan State Legal Services Authority, for legal aid and pro bono lawyers. CHRI offered mentoring support to some interested lawyers.
- The team developed a "Personal Diary" for use of both convicts and undertrial prisoners to help the criminal justice system keep track of prisoners' treatment and trial procedures in Rajasthan jails as per provisions of Part 17 of the Rajasthan Jail Manual.
- In August 2014, the team successfully implemented a half-day training on "Rights

and Rules for Undertrials' with an emphasis on the Periodic Review Committee for 35 prison officers who were part of the Promotion Cadre Course of the Directorate of Prisons.

- The team participated in a national workshop organised by the National Human Rights Commission, on the Juvenile Justice Bill, 2014 and made recommendations on amendments.
- Briefing papers on key judgements on prison reforms, including of *Bhim Singh vs. Union of India*; *Arnesh Kumar vs. State of Bihar* and *Another; Narendra Parihar vs. State of Rajasthan*, produced by the team, were widely disseminated in the Rajasthan higher judiciary and National Judicial Academy.
- A representative from the team attended the "Asian Regional Consultation on Measuring Justice Targets" organised by the Open Society Foundations in Istanbul, Turkey.
- A representative from the team attended a seminar on "Rule of Law and Fundamental Rights" organised by the International Academy of Leadership, Friedrich Naumann Foundation, in Gummersbach, Germany.
- The team secured the transfer of Johra Begum, a Rohingya Muslim asylum seeker, from Dum Dum Central Correctional Home, Kolkata, to

Mahila Sadan, Nirmal Chhaya, Delhi. This helped facilitate her access to UNHCR for processing her refugee status application. [More on this in the piece titled "The Elusive Freedom", on page 15.]

- Funds raised by the team contributed towards the fine imposed on a convict and volunteer paralegal, at Jodhpur Central Jail, who had completed his jail sentence but was being held due to the pending fine, eventually leading to his release. [More on this in the piece titled "Prisoner from Ward Number 11", on page 18.]
- In September, the Ministry of Home Affairs, Government of India, organised a brainstorming meeting on collecting biometrics of all persons lodged in jails across the country in order to provide them a Unique Identification Number. CHRI, the only civil society organisation to be represented at the meeting, proposed recommendations on the issue.
- The team prepared and disseminated material on legal aid, bail, arrest and remand in all the Correctional Homes in West Bengal, the Rajasthan higher judiciary and the National Judicial Academy.
- On 6 and 7 October, National Law University, Delhi, in collaboration with CHRI and the University of Oxford, organised a workshop titled "When Criminal Justice Goes Wrong", where the team also

resourced a session.

- Pursuant to the Supreme Court order in the case of *Bhim Singh vs. Union of India* on 436A of the Criminal Procedure Code (CrPC), India, the Additional Director General of Prisons in West Bengal circulated CHRI's Evaluation of Period of Detention (EPoD) software in various correctional homes. EPoD was developed by CHRI to determine the number of inmates to be released under Section 436A of the CrPC.
- Plays developed by CHRI, in collaboration with the School of Women Studies, Jadavpur University, West Bengal, on Legal Aid and Rights of Trafficked Bangladeshi Women, have been put into circulation.

### Strategic Initiatives Programme

- CHRI has started its preparations for the next Commonwealth Heads of Government meeting (CHOGM), which is to be held in Malta in November 2015. A representative from our Strategic Initiatives Programme (SIP) visited Malta in early December to meet with organisers and to discuss plans for the event. It appears that this CHOGM is going to have an exciting programme for civil society, with a new format and many interesting thematic meetings to look forward to. Watch this space going forward, we hope to bring you

more news and details as we get closer to the event.

- SIP was invited to participate in an expert group meeting titled, “Human Rights and Diplomacy”, in Jakarta, Indonesia. The three-day workshop in November was organised by Forum Asia with the objective of exploring ways to collaborate on democratising Asian diplomacy on human rights. A representative from SIP, participating as an expert of foreign policy from India, provided insights to the group on the level and quality of public participation in formulating foreign policy in India. It was a first of its kind meeting in the Asian region and should encourage more dialogue on this hitherto niche policy area.
- A representative of SIP travelled to Johannesburg, South Africa to participate in the International Civil Society Week (ICSW) starting 19 November. A wonderfully rich, full and inspiring week organised by the fantastic team at CIVICUS World Alliance, it consisted of numerous workshops, talks and panel discussions led by some of the most knowledgeable and experienced practitioners, authors and activists, such as Danny Sriskandarajan, Hone Harawira, Nigel Martin, Jesse Chen and Becky Malay. Participating organisations

ranged from grass roots such the Mana Movement, Awethu, the Caucas of Development NGOs, to international organisations such as Action Aid and Amnesty International. The SIP representative, made several interventions during the programme and was a participant in a discussion regarding the need for consistent and strong collaboration between grass-roots movements and international organisations. CHRI also used this opportunity to interview Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association and Former UN High Commissioner for Human Rights, Navi Pillay. ICSW undoubtedly reinforced, rejuvenated and inspired civil society to continue on the path to change. The importance of civil society participation worldwide is indisputable. As Aya Chebbi put it, “The power of the people is greater than the people in power” AMANDLA!

#### CHRI, London Office

- On 19 November, CHRI’s London office organised its first debate in the CHRI Human Rights Debate Series, on the topic “Should the Responsibility to Protect (R2P) Incorporate Fighting Ebola?” R2P sets out that the international community has a responsibility to take appropriate actions if a state is unable to protect its

populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In light of the failure of many nations to urgently respond to the financial and medical facility needs of West African States following the outbreak of Ebola, should this norm be extended and invoked to obligate assistance on international health crises? The debate explored human rights, humanitarianism and the capacities of international mechanisms to assist in crises of health, attracting human rights lawyers, academicians and students, who made the debate an exciting event full of interesting interventions.

#### CHRI, Accra Office

##### Access to Information Programme

- In August of this year, CHRI conducted a two-week internship training on Right to Information (RTI) for two representatives from each of the five selected community-based radio stations in five regions of Ghana, namely Upper East, Upper West, Northern, Brong Ahafo and Central region. This training helped create a network of RTI Ambassadors who will work to increase awareness at the community-level in the regions. Trained interns from Radio Breezy in the Central region produced a jingle on citizens’ right to access information in the local dialect which is now used for advocacy.



- The RTI coalition invited the African Union Special Rapporteur on Freedom of Expression and Access to Information, Advocate Pansy Tlakula, to visit Ghana and extended support to Ghana's advocacy on the RTI Bill. CHRI, as the Secretariat of the coalition, facilitated several meetings during this period, including with: the Leadership of Parliament; the Minister for Information; the Minister for Gender, Children and Social Protection; the Select Committee on Constitutional, Legal and Parliamentary Affairs; and an interactive Session with other stakeholders. This interaction resulted in increased commitment by Parliament to amend the Bill and pass it into law, during its tenure.
- CHRI, on behalf of the RTI coalition, engaged with several associations to increase support for amendments to the RTI Bill and its passage into law. The Association of Importers and Exporters, the Association of Ghana Industries, and the Pharmaceutical Society of Ghana, all committed themselves to supporting the RTI Bill.
- In September 2014, CHRI, again as part of the RTI Coalition, participated in a two-day meeting organised by the Select Committee on Constitutional, Legal and Parliamentary Affairs, to discuss the revisions recommended by

the Committee to replace the problematic areas of the RTI Bill, as the Committee prepared its final report to Parliament. The Committee accepted all the recommendations made by the Coalition and reaffirmed its commitment to presenting its report on the Bill to Parliament when it is back in session. The Coalition issued a press statement to commend the Committee's efforts and called on Parliament to be guided by the same commitment shown by their colleagues on the Committee to ensure that Ghana gets a good RTI law; the statement was widely published by the media.

- The Brong Ahafo regional network of the Coalition organised three workshops for district officials in three districts (local authority), namely Sunyani West Assembly-Odumase, Techiman Municipal Assembly and Techiman North District Assembly-Tuobodom, aimed at mainstreaming RTI into the local governance structure.

#### Access to Justice Programme

- Under its Justice Centres Project, CHRI collaborated with the Faculty Law at the Kwame Nkrumah University of Science and Technology (KNUST) from June to August 2014. During this period, 18 third-year students of the university participated in police station and court visits, providing legal services to indigent persons. Consequently,

the Law Clinic of KNUST, which was dormant, has been revived. Participating students gained from the practical experience.

- Paralegals trained by CHRI, handled 240 cases between July and September 2014. Paralegals from the Accra Justice Centre handled around 135 cases in eight police stations while those at the Kumasi Justice Centre handled 105 cases in fourteen police stations. The interventions resulted in four individuals' cases being sent to court, of which 14 were released without charge, 167 persons were granted police enquiry bail and 55 had their cases discontinued for lack of evidence or lack of interest by complainants in pursuing the cases.
- The presence of paralegals, particularly at police stations to which the project was recently extended, has led to an increase in awareness and respect for the rights of detainees. The paralegals assisted detainees who were hitherto not taken to court on scheduled dates by the investigators, and those who were regularly denied bail. They arranged for a lawyer to represent a detainee held at the Tafo/Pankrono police station on a robbery charge, which eventually led to the discontinuation of his case after the police admitted to the unjustifiability of the charge levelled against him.

- CHRI continues to monitor the courts. Paralegals in this quarter, visited eight Magistrate Courts in Accra and three in Kumasi. These visits enabled the paralegals to make first-hand observations, including that: most suspects appeared in court without lawyers either because they did not have lawyers or their lawyers failed to turn up; most suspects do not understand court processes and are therefore unable to know the status of their cases; some judges adjourned all their cases because they were busy and had not written their judgements

often leading to long delays and over-crowding of prisons.

#### Police Reforms Programme

- In July, the office hosted selected Civil Society Organisations (CSOs) to discuss the idea of setting up a coalition to advocate for the creation of an Independent Civilian Police Complaint Authority (ICPCA). The meeting was successful in building support for the idea and resulted in the formation of a coalition comprising the Bureau of Public Safety, HelpLaw Ghana, POS Foundation, Amnesty International and

Human Rights Advocacy Centre. This coalition has held meetings with the Ministry of Justice, the Attorney-General, the Ministry of Interior, the Ghana Police Service, the Commission on Human Rights and Administrative Justice (CHRAJ) and the Parliamentary Select Committee on Defence and Interior, to advocate for the proposal. All the key stakeholders expressed support for the advocacy and encouraged the Coalition to call on them for further deliberations to ensure that the body is put in place.

## Opportunities with CHRI

### Internship and Stipendary Positions in Research and Advocacy

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