



PRESS STATEMENT

Foreign prisoners at risk, enquire into death of Ugandan national in Tihar: CHRI

New Delhi, August 9, 2020 – Calling on state governments, the Ministry of Home Affairs and Ministry of External Affairs, Government of India to work closely with diplomatic missions in ensuring the safety and well-being of foreign national prisoners, the Commonwealth Human Rights Initiative (CHRI) today urged an independent enquiry into the circumstances that led to the recent death of a Ugandan woman in Tihar Jail.

“Jail authorities have reportedly cited ‘use of minimum force’ as the cause of her injuries, and that itself warrants an enquiry by the National Human Rights Commission,” CHRI said.

Jesca Sarah Kafecco died in July while undergoing surgery for injuries received on her hand during a scuffle after a protest by foreign national prisoners in June demanding release on interim bail in the wake of the pandemic.

She along with 53 other foreign nationals had made a representation before the High Powered Committee (HPC) in New Delhi in March, raising concerns of discrimination meted against foreign national prisoners, which had placed restrictions on the release of foreign national prisoners.

“There are a range of vulnerabilities that face foreign national prisoners in India and these have intensified after the pandemic,” said Madhurima Dhanuka, CHRI’s Programme Head, Prisons Reforms. “Blanket denial of bail and parole for foreign nationals, curbs on communication with family and lawyers, suspension of regular hearings in courts, delayed consular access, suspension of international flights,” are among factors heightening the stress, she added.

CHRI said the HPC should have taken cognisance of the situation and faulted it for not passing any directions for ascertaining the special needs of foreign national prisoners. A similar representation by male foreign national prisoners in Tihar was also rejected last month.

While many national and international bodies have called for the release of prisoners during the pandemic, “focussed attention must be provided to each foreign national prisoner, through remote access to consular representatives, who must ascertain that they are in good health, and are being provided appropriate facilities in prison,” said Sanjoy Hazarika, International Director, CHRI.

CHRI also called upon the National Legal Services Authority, mandated to provide free legal services to all persons in custody, to conduct specialised campaigns across the country’s prisons to ascertain rights of foreign nationals. It also stressed the need for the new Expert Committee set up by the NHRC to document the specific impact of COVID-19 on foreign nationals, and recommend appropriate steps to state and central governments. Further, it urged the Supreme Court to frame guidelines for their release to address certain procedural inadequacies in grant of bail/parole to foreigners.

Dhanuka stressed that CHRI has received several requests for assistance – via its [urgent action desk](#) – over the past few months: on release of foreigners, legal representation, communication with families and ascertaining provisions of basic amenities in detention centres. These warrants affirmative action by appropriate authorities. The inquiries highlight the growing impact of COVID-19 on FNPs, she said.

As per the Prison Statistics India, 2018, there are 5168 foreign national prisoners in India, of which 15.2% were women. Their vulnerabilities are detailed in CHRI’s [‘Strangers to Justice: A report on foreigners in Indian prisons’](#).

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