

COMMITTEE FOR THE RELEASE OF POLITICAL PRISONERS

185/3, FOURTH FLOOR, ZAKIR NAGAR, NEW DELHI-25

25/09/09

PRESS Note

(Circulated to the media persons at a press conference held at Press Club, New Delhi)

The Committee for the Release of Political Prisoners (CRPP) after its *Mulaakat* with senior Maoist leader Kobad Ghandy in the Tihar jail would want to bring a few important facts, which are of vital significance for his life, before the democratic citizens of this country. Moreover, after the meeting of the lawyer Mr. Rajesh Tyagi on 24 /09/09 with Kobad Ghandy, the details of his arrest and mistreatment have come to light. Some of the important facts are as follows:

Hiding the exact date of arrest

Kobad Ghandy was abducted on the 17/09/09 at the Bhikaji Cama Place around 4 pm by the Intelligence Bureau. About 5-6 people who pulled up in a white sumo car pounced on him at the bus terminal near Bhikaji Cama where he was waiting for about 5-7 minutes. All the claims of the police that he was arrested on the 21/09/09 speaks for itself. He was kept under illegal detention for four days and interrogated torturing him for three days and three nights.

Kobad Ghandy was under medical treatment

Kobad Ghandy had visited the Sitaram Bhartia Hospital for a kidney problem. He had taken medical advice from the urologist there. Since 12/09/09 he has been going there for various tests till the date of his abduction by the intelligence officials. On 17/09/09 he had received the PSA report which showed the high possibility of prostate cancer. He was advised to take a tablet for 14 days and return for further PSA tests and a possible biopsy. The time he was abducted by the intelligence agencies and kept under illegal detention he was having Veltam tablet as advised by the doctor.

Deteriorating health conditions

Chest pain and dizziness: Kobad Ghandy, while under illegal detention and then in the court of the Chief Metropolitan Magistrate (CMM) on 21/09/09 had persistently brought to the notice of the officials and the magistrate about his failing health. He was having severe chest pain and almost fainted while on the way to the CMM on 21/09/09. On that day under direction from the CMM who heard him in the court, Mr. Kobad Ghandy was taken to the Bara Hindu Rao Hospital where his BP and ECG were checked and later he was put on oxygen for about an hour. He was then shifted to a ward with 25 gun totting security

personnel hovering around. He was having the life saving drug sorbitrate for acute chest pain and dizziness from 20/09/09. After being shifted to the Tihar jail he was not provided with this vital life saving drug.

He has been also taking medicines for high blood pressure for the last 10 years. He is having arthritic trouble (knee pain) and spondylitis.

Severe Diarrhoea /dysentery: He has been undergoing medical attention for years for Irritable Bowel Syndrome. He has been taking Digiplex, Nexium 40. Due to the severity of the problem, he has to have special food and safe/boiled water. Normally prescribed diet as the one provided in hospitals is to be provided to him, which is in practice for the inmates having severe health problems of Tihar prison. But all his pleas for such facilities have fallen on deaf ears in the prison. This is a matter of grave concern.

As has already been mentioned he has been taking Veltam tablets for prostate cancer.

Callous attitude of the Jail doctor: When he took up the case of his ailing health with the prison officials he was referred to the jail doctor who casually called him to the OPD the following day. Kobad Ghandy had taken up the issue of overcrowding in the cell several times with the prison officials especially the Superintendent. In a cell where only one person can be kept, there were four. But the attitude of the Superintendent was that "why even 6 can stay in the cell". Due to overcrowding on 23/09/09 night he had complained of severe breathing problems and demanded medical attention. The prison staff came twice but did nothing.

While under medical attention in Bara Hindu Rao Hospital the doctor on his discharge for production before the CMM court referred him to the Cardiac department of GB Pant Hospital or AIIMS.

The CRPP strongly condemn the callous, insensitive treatment being meted out to Kobad Ghandy, a political prisoner whose life is in danger due to his failing health. The jail officials and the authorities cannot play with his life for his political convictions as it is complete violation of law and all norms of guarantee to dignity and life for a political prisoner or for that matter any detainee as has been assured by the Constitution not to say the International Covenants on Civil and Political Rights to which India is also a signatory.

Kobad Ghandy is yet to get proper medical attention as he was taken to the GB Pant Hospital on 24/09/09. The GB Pant doctors have called him back again on 30/09/09 for further tests. Kobad Ghandy has asked the GB pant doctor to take his Sitaram Bharati records pertaining to prostate cancer also.

No FIR furnished till date

Kobad Ghandy has not yet been given the FIR on him. He was not even provided a lawyer. In protest he had refused medicines and food while in the Bara Hindu Rao hospital. Only then the officials relented a bit. But he could only get access to a lawyer after the police made official his arrest on 21/09/09 and

produced him before the duty magistrate. Later his judicial custody was confirmed and only then he could get access to a lawyer. The police has systematically evaded all possibilities of the detainee to take recourse to legal remedies from any possibilities of being falsely implicated.

Torture under illegal confinement

Kobad Ghandy, after being abducted by 5-6 intelligence officials, was kept in illegal confinement for 3 days and 3 nights in a house in the outskirts of Delhi and was continuously questioned. They did not allow him to sleep. On 21/09/09 night they tied his hands and legs to a table and asked him to sleep! This is nothing but torture and all those responsible for such inhuman torture should be held responsible. Not allowing a detainee to sleep continuously for hours and days tantamount to physical and mental torture that is universally condemned by all civil and democratic rights bodies and the UN. This is a matter of grave concern particularly because of his failing health. The CRPP feels that these acts are deliberately being done to shorten his life.

Attempts by the police to take him under police remand

In these circumstances all democratic forces and civil rights organisations should raise their voice against the continuing attempts of the police to get him under police remand. They are systematically maintaining that as soon as his health condition improves he will be taken for further questioning. But from the details provided it is amply evident that the health problems of Kobad Ghandy need to be given more attention and ample time for treatment. He should not be handed over to the police.

Attempts to transfer him to other states

There are also reports in the press that the Jharkhand and other State police are preparing to move court to shift him to other states. There is also talk that they are preparing to put him under narco analysis tests. Already several medical experts and international bodies have unequivocally condemned narco-analysis as another form of inhuman torture which damages health of the person under subjection fatally. Given the seriousness of Kobad Ghandy's failing health we strongly feel that such inhuman torture would only put his life in danger. And all efforts of other states to take him away can only endanger his life as he has still the possibility of getting medical care in Delhi. The efforts to shift him to Jharkhand and other states are to jeopardise any such attempt for proper medical care as well as protection from all forms of torture. CRPP strongly demand that all such efforts should immediately stop and his medical treatment on prostrate cancer should start henceforth.

The CRPP appeals to the media and through the media, to all people with a democratic conscience to join hands to stop these devious designs of the state to silence the life of a political prisoner who has given his flesh and blood for the cause of the poor and the oppressed. We cannot let such people to be silenced forever! The CRPP does neither endorse nor criticise the ideology or line of action Kobad Ghandy stands for. But it strongly feels that Kobad Ghandy does have the right, like all others, to hold and express his political conviction and methods of struggle.

The CRPP demands:

1. Provide immediate medical care to Kobad Ghandy for all his health problems including cardiac and prostate cancer.
2. Allow him provision for prescribed diet as provided in the hospitals and either safe/boiled water.
3. Stop all attempts to transfer him to other states under false charges which will endanger his life.
4. Allow a team of specialist doctors to take immediate stock and continuous monitoring of his health.
5. Stop all attempts to put him under the illegal narco-analysis which would endanger his life.
6. Shift him to a cell which is not over crowded.
7. Provide him with materials to read and write.
8. Provide him the status of Political Prisoner.



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