



IMMEDIATE RELEASE
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U.S. to Make Decision in Indian Extradition Case *CHRGJ emphasizes duty to withhold extradition to risk of torture*

The Center for Human Rights and Global Justice (CHRGJ) today called on the U.S. Secretary of State to withhold extradition of any person who is more likely than not to be subjected to torture upon return. The call came as the U.S. Secretary of State finalized her decision whether to extradite Kulvir Singh Barapind to India. According to ENSAAF, a human rights organization fighting impunity in India, Mr. Barapind, a political activist from Punjab, India, faces a substantial risk of torture upon return.

The *United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* (CAT), as implemented in U.S. law and policy, prohibits the U.S. from extraditing individuals who are more likely than not to be tortured upon return. The Government of India requested Mr. Barapind's extradition in 1997 and in November 2005, the District Court for the Eastern District of California certified Mr. Barapind for extradition in three cases involving allegations of murder committed during the militancy in Punjab. ENSAAF submitted an application for relief from extradition under CAT on November 23, 2005.

Under U.S. law, the Secretary of State is required to consider all relevant facts when exercising this duty to withhold extradition. The relevant facts in Mr. Barapind's case include the existence in India of a consistent pattern of gross, flagrant or mass violations of human rights, the experience of other similarly situated returnees to India who report that they were tortured on return, and the individual circumstances of Mr. Barapind himself. The application for relief states that Mr. Barapind was tortured by Indian security forces before fleeing to the United States in 1993 and that his family and friends were also tortured by Indian officials.

The CHRGJ submitted an amicus letter in support of the legal position taken by Mr. Barapind regarding U.S. obligations under international and domestic law. "The Convention Against Torture makes it clear that the right to be free from torture is absolute and non-derogable," said Meg Satterthwaite, Research Director of the Center and co-author of the amicus letter. "The evidence set out in the application suggests that an individual in the position of Mr. Barapind will more likely than not be tortured if extradited to India. Accordingly, a decision to extradite Mr. Barapind under such circumstances would plainly violate U.S. law and policy," said Satterthwaite.

Satterthwaite also stated that "Diplomatic assurances from India would not necessarily protect Mr. Barapind against torture." "The U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment of punishment has criticized diplomatic assurances as unreliable, ineffective and non-binding," she added.

[For further information on Mr. Barapind's case.](#)

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