

Family of jailed British Sikh calls for action against India

Patrick Wintour

Diplomatic editor

The British Sikh activist Jagtar Singh Johal, detained for seven years in an Indian jail, has been placed in solitary confinement and under 24-hour surveillance despite being acquitted of all terrorism charges against him by a Punjab court on 4 March, his family have claimed.

Johal is still facing the exact same charges in a parallel case in a clear example of double jeopardy, his brother Gurpreet said when giving testimony at Westminster to an all-party committee on arbitrary detention. He said the Indian courts have not granted his brother bail, despite the prosecutor's failure to produce any credible evidence or witnesses in the Punjab court.

Gurpreet said UK consular staff met his brother in jail on Tuesday and were told he had been put into

solitary confinement with a 24-hour guard, adding no explanation had been given. Gurpreet said: "I fear for his physical and mental welfare since he is being excluded from contact with all other prisoners. He has been in jail seven years, acquitted and now is being further punished. He is being mentally tortured and I am concerned something is going to happen to him. The aim is to break him."

He added that a critical window of opportunity existed after the Punjab acquittal, in which the judge was damning about the quality of prosecution evidence, to secure his brother's release. He said the Foreign



◀ *Jagtar Singh Johal, acquitted by a court last month, is being held in solitary confinement, his family say*

Office had to realise his brother was not being held to secure his conviction, but to keep him in detention. "What is missing from the British government is political will. I am told the prime minister raised the case when he met the Indian external affairs minister, S Jaishankar, but I do not know what exactly they are raising."

He said that what the former Conservative cabinet minister Lord Patten has dismissed as "by-the-way diplomacy" is not enough to make India sense there will be consequences for the mistreatment of British nationals.

He said: "The current prime minister is an ex-prosecutor and should be well apprised of what double jeopardy means."

Dan Dolan, the deputy executive director of legal NGO Reprieve, said double jeopardy protects people from being put on trial twice for the same crime and is enshrined in both international law and India's constitution. Both Reprieve and Jagtar claim the eight other cases brought by the Indian National Investigative Agency are essentially duplicate cases, with no additional evidence provided.

The Indian government denies torture has been used.