

**GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1651
ANSWERED ON:10.08.2011
EXTRADITION OF KIM DAVY
Mani Shri Jose K.

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether India has taken note of the recent observations by the Danish High Court rejecting India's plea to extradite an accused in the Purulia Arms - Drop case;
- (b) if so, the details thereof;
- (c) whether the Danish High Court has expressed apprehension over prevailing human rights scenario in India while rejecting the plea for extradition;
- (d) if so, the details thereof;
- (e) whether the court had relied on India's failure to ratify the UN Convention Against Torture and Inhuman Treatment of the accused under detention, for not agreeing to India's plea for extradition; and
- (f) if so, the details thereof and the Government's comments thereon?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SMT. PRENEET KAUR)

(a) to (f) As a result of strenuous diplomatic efforts by the Government, the Danish Government agreed to extradite Mr. Niels Holck alias Kim Davy in April 2010. He appealed against the decision in the City Court which ruled against the extradition on November 1, 2010. The City Court decision was immediately appealed against by the Danish Government. The Eastern Court in Denmark delivered its verdict on June 30, 2011 upholding the judgment of the City Court and ruled against the extradition. Government immediately conveyed its extreme disappointment at the highest levels to the Government of Denmark and urged it to appeal against this judgment. However, on July 7, 2011, Danish Director of Public Prosecution announced the decision not to appeal. Government's disappointment and concerns were again conveyed to the Danish Government and it was emphasized that the judgment had grave and far-reaching implications and could only serve as an encouragement to terrorists and criminals. The grounds cited by the Danish Court as the basis for its decision; which included possible violation of human rights in police and prison custody in India and the fact that India has not ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were completely rejected by the Government. Government's demand for extradition of Mr. Niels Holck alias Kim Davy to India stands.