

(Case No. **Case No: 5769/30/0/2015**)

To: The Assistant Registrar Law

Copy to: Prime Minister's Office

Manav Adhikar Bhawan, Block C- GPO Complex

Copy to: Advocate Mr. Aman Rab

INA, New Delhi 110023 INDIA

Copy to: US Embassy, ACS

Regarding Colette Smith Case No: **Case No: 5769/30/0/2015**

APPENDIX

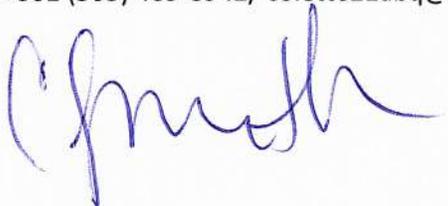
Application	14 pages
Part I	
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Letter dated March 29, 2017 asking for more time to file reply.	3 pages
Letter dated Feb 22, 2017 from NHRC asking for response	1 page
Narcotic Agency Response on Jan 25, 2016	23 pages
Colette reply to NHRC on Dec 14, 2015	4 pages
Colette reply to NHRC in Dec 14, handwritten response	10 pages
Original NHRC complaint Sept 15, 2015	7 pages

Colette Smith

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Case No. **Case No: 5769/30/0/2015**

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To: The Assistant Registrar Law

Copy to: Chief Secretary and DGP Uttarakhand.

Manav Adhikar Bhawan, Block C- GPO Complex

Copy to: Advocate Mr. Aman Rab

INA, New Delhi 110023

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Regarding Colette Smith Case No: **Case No: 5769/30/0/2015**

Date: December 10, 2017

Sir/ Madam

I sent you a letter dated March 29, 2017. At this time I asked your commission to provide me with extra time to file a response the Narcotics Bureau. In this letter I asked you to grant me extra time to reply as I was very sick, battling numerous health issues and I fractured my elbow. At this point in time I feel as if I have sufficiently recovered. I would now like to pray that you give me an opportunity to present my case. I have been deported and I am back in the USA and have retained proper legal counsel.

These NCB officials violated my human rights in every possible way. These NCB officials consider that since they are a central agency they do not have to follow the Constitutional Rights laid out in amendment 14 and are not required to follow international human right guidelines. I was frequently told, that since I am a criminal (and I was only accused) that I did not have Human Rights. These officials need to be educated. It is a disgrace to the country and institution of law that they deem themselves above the law and do not have to follow international and national guidelines.

On Feb 22, 2017 , the NHRC sent me a letter to respond to the report on the authorities.

Please see my reply to the Narcotics Agency Below:

Part I

1. NCB has decided to target and victimize me after collaborating with Inderpal Singh Chawla. NCB colluded with Inderpal Singh Chawla, the Managing Director of Daffohils, the pharmaceutical manufacturing plant, where I was a Director for three months in 2013. NCB colluded with this director in an attempt to extort large amounts of money from me. NCB



actively destroyed the documents exculpatory evidence. NCB received the notice to cancel the URN of Daffohils and did not comply with this order. NCB willingly collaborated with Daffohils, to allow Daffohils to continue operations even though the URN was cancelled. NCB colluded with Inderpal Singh Chawla to fabricate evidence to be used against me.

2. In a brief synopsis I was at the IGIA on January 13, 2015. I was traveling to the USA to celebrate my Birthday when I was stopped by the immigration, because an LOC was on my passport. NCB had never sent a summons to me and decided to humiliate and scare me by using the LOC instead of summoning me legally. I was told by the immigration officials that NCB would come to collect me. At that point I did not even know what NCB represented. One man came into the airport unaccompanied. He was not in a uniform and did not produce any ID and he refused to tell me his name. I asked him what he was taking me for and he told me that I should know. I later learned that this person was Investigating Officer Kumley. *It is a Human rights violation to be arrested by people who hide their identities.*
3. Officer Kumley forced me to enter an unmarked jeep. While I was entering the jeep he kicked my legs three times, he slapped my face and hit my laptop and mobile out of my hands. I was forced to sit in the middle of the backseat. On the right side was a female who was wearing simple Indian style clothes and she did not have a uniform or identification. She did not speak any English. This physical assault occurred outside of departure gate number 6. Many people witnessed this attack. The NCB claims I was not assaulted because there was a female officer present. To this I say the female officer was on the other side and did not see what assault transpired on the other side of the unmarked vehicle. *It is a Human rights violation to be detained by officials who do not show proper identification*
4. Once I was in the unmarked vehicle, the Investigating Officer, Kumley asked me: if I was looking forward to be tortured. I was in absolute shock and awe. NCB has tried to cover up this assault and claimed it never happened (surprise). The female officer also claims that NO assault took place. But as I already stated she was not present. Regardless technology is on my side because IGIA has CCTV and I request the court to please summon the footage, so my claims of assault can be validated. I also request you to give the male IO a polygraph test. I was speaking to the US Embassy when he assaulted me and the US embassy can relay my screams *It is a Human rights violation to be physically assaulted by the police*
5. I was on the phone with the US Embassy when the officer physically assaulted me and threatened to torture me. I later filed a complaint of mistreatment with the Embassy on January 29, 2015. (Included) *It is a Human rights violation to be physically assaulted and subjected to mental torture, and threats of torture by officials.*
6. I asked the Investigating officer over and over where I was being taken and why. He repeatedly told me that I should know. *It is a Human rights violation to be detained without giving a reason for the arrest.*



7. I was taken to the NCB office in Delhi. I was forced to sign some document. It was dark and I couldn't see and I told him that I wouldn't sign. He forced me to sign even though the document was wrong and I could not clearly see what was written. Given the circumstances I gave a fake signature. I was forced to sign after being assaulted and threatened with torture. The document said a seizure had been made. He told me it was in my best interest to cooperate. He said the investigating officer would be there in the morning to take my statement. He took my laptop and mobile away. He told me that I could not call anyone. I asked to call my lawyer but he refused.
8. I was not provided with food or water. There was loud music and dancing coming from another room in the office. I was freezing and shivering and did not have access to a bathroom. *It is a Human rights violation to not provide the arrestee with reasonable human necessities.*
9. The Arresting officer did not allow my lawyer to be present at any time during the investigation even though I asked repeatedly. *It is a Human rights violation to not give the detained legal counsel*
10. I was not produced before a Magistrate within 24 hours *It is a violation of the constitution of India to be detained and not be produced before the magistrate*
11. I was not allowed to inform my family that I had been detained by NCB *It is a Human rights violation and a constitutional violation to not let the accused notify family*
12. The following morning the people who worked in the Narcotics office trickled into work. I was told to keep waiting, that the investigator was coming from Dehradun to question me. I asked for food and water and these people refused. I was severely dehydrated and hypoglycemic. NCB IO- did not have identification. I asked to see his ID and he refused. He put me in an unmarked car and then assaulted me and threatened to torture me.
13. A Female officer was not present. However NCB claims a female officer was present with me. but this is a lie. The female officer did not enter the airport and did not witness the physical assault. The male officer intentionally withheld his name and identification because he planned to assault me.
14. I was never shown or given a copy of an arrest memo.
15. The Grounds of arrest not explained to me ever, no matter how many times the IO writes it does not mean it is true and the IO is lying to cover himself because it is a direct violation of the Constitution in amendment 14.
16. The NCB Investigating Officer took me to a hospital and he did not leave while the doctor examined me. The doctor asked if I had medical problems and I said Yes. I told him that I had been assaulted by the Investigating officer, but the Investigating Officer jumped in and spoke to the doctor in Hindi. I am not sure what he told me as I don't speak hindi, but no record of the abuse was documented. The government doctor documented that I was in fit condition.

A. Smith

17. NCB caused mental torture to me. During the 8 hour drive from Dehradun to Delhi he repeatedly told me that I am a criminal and I do not have any rights. I was forced to stay awake all night in the Investigating officers office. He forced me to look at his facebook page. He spoke all non sense. He boasted that all of the people he had arrested had been convicted. I feared for my life after already being assaulted, threatened with torture ,food/ water sleep deprivation. This torture and turmoil and ILLEGAL tactics NCB used should be punished
18. NCB states in their response that I was arrested at 1600 on Jan 14, 2015, when in reality I was detained at midnight , 16 hours earlier, so this leaves a whole 16 hours unaccounted for.
- a) Assault- The male NCB IO- Kamley (I later found out from the documents), assaulted me. He kicked me in my leg 4 times, he slapped my face, he slammed my laptop and hit my phone out of my hand. Physical torture- After the IO assaulted me, he threatened to torture me. Once I was in the unmarked vehicle this IO Kamley threatened to torture me. He asked me if I had ever been tortured, and I was looking forward to this. I have never been threatened to be tortured and feared for my life. NCB has responded to my accusations of torture by stating that a female guard was present. However this female guard did not speak any English hence her testimony is irrelevant. It isn't logical that someone who doesn't understand hindi can be a witness to a conversation in English. When I informed the Zonal Director at NCB in Delhi about the assault and threat to torture me, he told me to "forget it" and brushed it off. Hence he admitted that the torture did happen. I feared for my life after already being assaulted, threatened with torture ,food/ water sleep deprivation. This torture and turmoil and ILLEGAL tactics NCB used should be punished
 - b) The Zonal Director of Delhi who has since been suspended and Investigating Officer Pandey forced me to write a voluntary statement after being assaulted, threatened with torture, denied access to my lawyer, food and water. When I complained the Zonal director stated if I insist on my lawyer being present I will be deemed as being uncooperative. The IO forced me to sign documents. I feared for my life after already being assaulted, threatened with torture ,food/ water sleep deprivation. This torture and turmoil and ILLEGAL tactics NCB used should be punished
 - c) The NCB agents who were not identified or known to me took me in a car at 10pm at night and told me we were going to Dehradun. They took me in numerous dark, back alleys in the ghetto of delhi. I was in one of 2 unmarked cars, no one had identification. They made me get out of the car, and there were 8 fat guys all who kept staring at me in a revolting manner. Once I was out of the car, their leader came up to me and forced me to sign the documents. I complained that I couldn't see what I was signing, but he grunted. I signed a fake signature so in the future I would be able to differentiate that I was forced to sign this against my will. I succumbed and signed the documents without reading them, on the hood of an unmarked vehicle in a residential area in Delhi at 10



pm at night. I feared for my life after already being assaulted, threatened with torture ,food/ water sleep deprivation. This torture and turmoil and ILLEGAL tactics NCB used should be punished.

- d) Contrary to the charge sheet and arrest memo, NCB never once informed me of the grounds of arrest. I asked repeatedly but the Investigating Officer Pandey refused to tell me. This is a direct violation of the constitution
- e) NCB forced me to sign a tamatalashi , it states my luggage was seized in front of me which is a lie and I put a fake signature. My luggage was completely out of my site from the time it was collected at the airport. This is a direct violation
- f) In the papers submitted to the NDPS judge by the IO, to get a PCR order, he wrote a seizure was likely, even though at that point I was in jail and my luggage was seized. This an example of how they manipulated the judicial system to abuse and misuse their status which is a direct violation of law.
- g) During court ordered PCR I suffered mental torture at the hands of the IO. It is all documented and I refused to sign the medical officer documents, because the IO told the doctor what and how to chart.
- h) NCB informed me that I would see a magistrate. I have never heard the term magistrate before. I was presented to a magistrate after nearly 40 hours in police custody. This is a direct violation of the constitution.
- i) The bail applications of Rajesh Salunke, Venkant Reddy and Prasad Reddy, also states they were assaulted, tortured and threatened by NCB agents when they were arrested. This shows the pattern of behavior that NCB investigating officers indulge in.
- j) The magistrate did not ask me if my next of kin was notified, even though they are required to do so.
- k) When I told the Delhi Zonal Director that I had been phsycially assaulted and threatened to be tortured, he told me to "let it go " officially acknowledging that my human rights were violated.
- l) NCB forced me to go to the hospital. At the hospital they did not allow me to speak to the doctor in private. I asked so many times to speak to the doctor alone, but NCB would not allow this, because they were hiding the truth. NCB also prompted the doctor how to fill the necessary documents. NCB threatened the doctors to hurry up and fill out the documents without discussing any medical condition with me.
- m) Zonal Director and Superintendent Refused to allow me to call my advocate or anyone known to me. In the NCB response, NCB states that I did not provide them with the number of my advocate. This is an illogical and condescending view. NCB never allowed me to contact any advocate and my advocate was waiting at the Patiala court in Delhi from 10am until 7pm on January 15, 2017.



- n) There were also numerous media personal waiting outside the NCB office in Delhi and the NCB officials prevented me from meeting with the media and that is why they took me after office hours at 10pm at night.
- o) On a letter to NDPS judge on 15/01/2015, NCB IO on a hand written request, asked the judge to order me to PCR. This request asked the judge to order me to PCR. This request states that, "some recovery is possible". This is an outright lie. NCB had already searched all my luggage and did not find one gram or milligram of anything. Not to mention, this case is over 2 years old. The explicit lie to the NDPS judge is a direct insult on the judge's intellect. NCB investigators continue to conduct a botched investigation, lie, deceive, and cover their mistake to HIDE the fact they broke the law, illegally arrested, illegally detained me, and assaulted me and so on. The incident in Manipur was closed and no evidence of any illegal transaction was found. NCB re-opened a closed case and fabricated charge on their victims by collaborating with IPS Chawla. Narcotics agency has maliciously and intentionally abused its agency power and has chosen to be the "mafia police" to settle a financial dispute.
- p) NCB IO's feel that they are above the law because they are with the Union Ministry and the Laws don't apply to them. **It is mandatory for public officials to uphold the Human Rights points and it is a direct violation of human rights to not protect or stop a of human rights violation.**
- q) On the date that the charge sheet was filed, I was approached by a police constable. This police constable demanded 40 lacs to get me out of this situation. I did not understand the language, so the constable approached Venkat Reddy and the constable asked to be paid 40lacs to Vivek Pandey to close this case. I was aghast at the open corruption- Vivek Pandey asked me to pay 60 lac through police guard to get rid of the charges. **I feared for my life after already being assaulted, threatened with torture ,food/ water sleep deprivation. This torture and turmoil and ILLEGAL tactics NCB used should be punished. This obtuse corruption should be investigated, especially following the suspension of the Superintendent Ravi Rana in Dehradun and the SubZonal Inspector Mr. . They were directly responsible for attempting to exhort bribes. They have been suspended pending investigation. I filed 4 Right to Information Applications about their status but they were not entertained.**
- r) I complained to the NDPS judge incessantly about the Investigative Officer Pandey and LavKumar behavior. These Investigating officers had shamelessly harassed me, humiliated me, mentally tortured me, harassed my family and friends, stole papers from me, stalked me, recorded me at court, they threatened me and my friends. They used the property they seized and changed the password to my gmail account and checked my facebook/twitter and instagram accounts, all in attempted to exhort money. They had the audacity to do this by saying this was for the investigation. The NDPS Judge

afmth

eventually wrote an order that the Investigating Officer Vivek Pandey had to stay away from me and stop stalking me. The court order did not stop the Narcotics agency from harassing me and my friends. They wire tapped my phone, followed me, stalked me, harassed me at court and attempted to defame me by publishing fake news articles in the hindi newspaper about my case, character and NGO. This cruel and unusual punishment is degrading and humiliating. **It is a human right violation to subject anyone to cruel and unusual, degrading and humiliating behavior..** Even though wire tapping is a direct violation of the Supreme Court but this agency feels that they are above the Supreme court

- s) The first Public Prosecutor for the Narcotics Agency was removed due to charges of corruption.
- t) All of the allegations on me are false. I was never proven guilty of the crime. I merely confessed to a crime that I did not commit using my medical issues as a basis so I could leave jail, since I was not getting bail. I was never found guilty of the crime in a competent court of law. The conviction will be challenged from the courts in the USA. The false allegations never came to light. The Narcotics Agency was able to effectively manipulate the Judicial system to keep all of the 6 accused in jail. The Prime Witness was the Investigating Officer Lov Kumar and he was transferred one day before the trial was started. Over the course of 6 months the Judge sent him 2 nonbailable summons. The prosecution and prosecuting agency used every trick and loop hole known in law to delay and adjourn the trial. **This is a direct violation of the Human Right to have a fair, speedy and unbiased trial.**

Part II

The Prosecution did every imaginable trick to delay and adjourn my trial for over two years. Below are excerpts of the letter I sent to the Chief Justice in the Uttarakhand High Court. Every detail can be fact checked with the actual court documents to ensure varacity.

Honorable Sir, the undersigned/accused, in the Honorable court of NDPS, Dehradun District, is submitting this application and pleading with you to intervene on my behalf. Honorable Sir, I realize that there are thousands of undertrials languishing in Jails in India and I do not expect nor deserve special treatment, but I would like to appraise you of the facts of my trial, because it just might seem outrageous to the interest of Justice.

1. I have been languishing in Jail for 21 months and my second bail application is pending before the Honorable Justice Dhyaani. The Honorable Justice Alok Singh passed an order, C-482, No.



1466 of 2015 directing the trial court to complete the trial by 18/6/2016. The prosecution's Chief Witness was summoned since April 23, 2016. The Chief Witness Statement took 7 hearings over 2 months to complete, on 12/8/2016. The first accused (out of 6) to conduct cross examination of PW1 had 4 hearings over 1.5 months and has NOT yet completed the cross. There are 6 accused and at this rate it will take 4 months to complete the cross of PW1. **This is a direct violation to have a speedy and unbiased trial in a competent court.**

2. Honorable Judge of NDPS has issued 2 bailable warrants to the Prosecution's Chief witness who is the investigating officer of the Narcotics Crime Bureau. It is shocking such actions have to be taken by the court to secure the statement of the prosecution's own witness. **This is a direct violation to have a speedy and unbiased trial in a competent court.**
3. The case is still not progressing as it should due to administrative and procedural delays. The accused are brought to the court from 12:30-2, then a break for lunch and the brought again from 3:30-4:30. **This is a direct violation to have a speedy and unbiased trial in a competent court.**
4. After 4 pm, the public prosecutor claims that he cannot work on Wednesdays and Saturdays, further delaying proceedings. Days in court are not spent efficiently when the time spent in court amounts to only 2-3 hours.
5. The prosecution continues to delay the progress of proceedings which is unbecoming of a central government agency. Honorable Sir, it is my human right to have a speedy and fair trial with 6 accused in Jail and the order passed by Alok Singh it is in the interest of Justice to hasten this case, because Justice delayed is Justice denied. **This is a direct violation to have a speedy and unbiased trial in a competent court.**
6. During the cross examination of the Chief Witness it became evident that the prosecution has withheld vital documents. The Honorable Judge has ordered the prosecution to submit these documents on 2 occasions, but ALL of the documents are yet to be submitted. The omission of exculpatory documents by the prosecution has caused grave harm. **This is a direct violation to have a speedy trial with an unbiased and competent court.**
7. Honorable Sir, the second issue is that I feel as if my bail hearing in the Honorable High Court has not been heard in a fair and unbiased manner. I am merely given further dates. The prosecutor is always requesting more time to file a counter which is ridiculous considering over 25 counters and counter affidavits have been filed and the charge sheet was filed on march 4, 2015, giving the prosecution ample time to fine tune their case. Sir, I pray that you can intervene to ensure that I receive a fair hearing and perhaps shift my case to a Judge who has less of a workload and is able to devote the time to review the facts of the case and decide if I am eligible to be granted bail. Bail will not be any compensation for the wreckage this case has caused in my life and shattered the lives of my family. **This is a direct violation to have a speedy, fair and unbiased trial in a competent court.**



8. Honorable Sir, the third issue is that all court proceedings, transcripts and witness statements are conducted in Hindi I am not given an English version of the proceeds against me, which is in violation of my human rights. Since I am in JAIL, I do NOT have access to a translator. This is a direct violation to have a trial in a language I understand or be provided a translator.

Chugh

Part III

Lies that NCB through its' Intelligent Officer have stated under OATH

Below are a list of Lies that the NCB stated under oath. Since I was in custody I could not fight these lies, that defamed, degraded and humiliated them. Many of these are character . The prosecutors did everything to malign the character of me, the accused, which has caused, permanent trauma and irreversible harm to me. These are excerpts taken from the Documents in the High Court which can be easily shown as false, now that I am not in custody. The tactics the Narcotic agency used is defaming. And it is difficult for me to counter a claim made by Narcotic agency that I am from Mexico.

1. It is submitted that the accused will try to intimidate the seizing officer and other witnesses of the case. She may also try to destroy all the evidences. She is a criminal minded lady with huge affluence. She has been mocking at Indian law and its reach. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
2. The affidavit in support of her bail application cannot be trusted. Her permanent residence has been shown to be of USA. If granted bail she would try to escape out of India violating the conditions of bail. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
3. Accused has contended to have worked in rural sectors of Uttarakhand and approached various rural ladies for educating them about female issues which is not possible without the knowledge of hindi or the local language. It is pertinent to mention the accused denied giving thumb impression on medical documents at the time of her periodical medical tests despite being requested by the doctors. She also denied putting her signature on the court documents on each and every date of her attendance on remand dates. She shrewdly denied any knowledge of hindi before the prosecuting agency, the judiciary and the jail authority. This clearly shows the ambiguous behavior displayed by the accused and her intention to cooperate with various government authorities. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
4. Accused cannot be restricted from absconding once she gets bail. She had tried to escape out of India when she was detained . She frequently changed the address of her organization Bella Health care. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
5. The organization was opened just to invite foreign funds in the name shake of social work for personal gains. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
6. It is also submitted that the accused Colette Smith was on a tourist visa and defying the terms of the visa, she got engaged in business activities such as getting absorbed in the directorship of Daffohils. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.



7. She had several illegal associates in India for helping in her surreptitious objectives. Even though she is granted bail with her passport surrendered, she may hide somewhere in India and it would be tough for the agencies to locate her further. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
8. Accused scuffled with one of the police personnel accompanying her during the remand duty and tried to abscond. The whole incident took place in front of the prosecuting agency at the stairs of the court. When she failed her attempted she started making false allegations on the police personnel of mis handling. Feared of her actions, the in charge of the police team had given an application before the special court to continue her remand through video conferencing from jail. Not only this, she has been making baseless complaints against the prosecuting agency, the Judge and Jail authorities, which has nothing to do with her, except her custody. This case of police brutality is a separate case under 2353/35/5/2015 in the NHRC. The NHRC ordered that case be investigated by CB/CID and is still ongoing. It is claimed that the Narcotics Agency instructed the police constable to assault me to scare and to prevent me from writing complaints. On the issue of being accused of writing baseless complaints, all of the complaints that I have written have been entertained whether the complaint is with the SHRC, NHRC, High Court, Chief Medical Officer, US Embassy, etc. Since my complaints have initiated an investigation, they are not considered baseless. The Narcoits agency is attempting to defame and malign my character. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights. There is documentary evidence that cannot be negated in the case of custodial violence, which is of utmost concern for India.
9. Once she is permitted to leave India, she will not come for the hearing of her case.
10. If she is not permitted to leave India, she cannot do any business as per the condition of her tourist visa and in that situation, her source of income for stay in India, is also unknown, in such circumstances there is every possibility that she will again indulge in similar illicit activities. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
11. The investigation in case against the member of her syndicate in illicit business of pseudo is still on progress. The accused will try with all intents to destroy the evidences against them and herself. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
12. She may also try to influence and intimidate the witnesses of the case. Complete speculation to malign my character which caused grievous harm. It is illegal for them to call me a criminal when I am undertrial. This is a violation of my Human Rights.
13. She was running all of the illicit narcotics business on behalf of Dr. Agarwal who is the prime suspect in the case. She was regularly reporting to him about the controlled substances to him and was also working according to his directions. Complete speculation to malign my character which



caused grievous harm. It is illegal for them to call me a criminal when I am undertrial. This is a violation of my Human Rights.

14. No biased consideration should be given on the basis of her gender and nationality as her crime are heinous in nature and has been committed deliberately against the society. Complete speculation to malign my character which caused grievous harm. It is illegal for them to call me a criminal when I am undertrial. This is a violation of my Human Rights.
15. Apart from this she has been booked in another case by police in Ambala of fraud. This point is exceptional because the case is a check bounce case under section 138 not a case of fraud under section 420. It is pathetic that a central agency official is not able to differentiate between a check bounce case under section 138 and a fraud case under section 420. This misinformation was given to malign my character which caused grievous harm. This is a violation of my Human Rights.
16. Such a resolute criminal lady has only shelter in jail. Every possible facility demanded was provided to her on humanitarian basis by the prosecuting agency and jail facility. Complete speculation to malign my character which caused grievous harm. It is illegal for them to call me a criminal when I am undertrial. This is a violation of my Human Rights.
17. She has never been discriminated on her nationality and gender. Despite these efforts, she has been harassing officers. Complete speculation to malign my character which caused grievous harm. It is illegal for them to call me a criminal when I am undertrial. This is a violation of my Human Rights.
18. In her voluntary statement, she has disclosed that she has already been to several countries during the period in which the diversion of controlled substance took place, however she was not out of India for the complete period. Complete speculation to malign my character which caused grievous harm.
19. The source of her funding for visit and purpose of her visit is suspicious. Actually it is doubted that she was siphoning money from the illicit trade of pseudo to her foreign associates during these tours. It is also possible that she was clandestinely carrying narcotic drugs to these countries. Complete speculation to malign my character which caused grievous harm.
20. She has stated her brother died of overdose of heroine. I don't have a brother.

Chunth

Timeline of Events.
13/1/2015 – 2200 Colette Smith was detained from Delhi 2300 International Airport by NCB Officer Kamley- he did not have identification and it was an unmarked vehicle.– officer physically assaulted her & threatened to torture her.
13/1/2015 – 2300 Colette Smith taken to NCB Delhi Office
13/1/2015 –2300 Colette Smith forced to stay at NCB Delhi Office overnight. Colette spent the night in a freezing room, without access to food, water or washroom while being forced to listen to loud music and dancing by the office attendant all night.
14/1/2015 – 0900 Met Delhi zonal Director – He told me to forget the physical assault and torture I sustained and to cooperate with them and not ask for my lawyer.
14/1/2015 – 1500 Dehradun officer Vivek Pandey came to arrest Colette & Question Colette
14/1/2015 – 2200 resented to Magistrate at Patiala – Not informed it was Magistrate.
14/1 – 15/1 2300-0400 travelled from Delhi to Dehradun driving 0400- can't sleep.
15/1/2015 – 1100 Questioned by Dehradun Superintendent – asked for advocate refused.
1600 – taken to Magistrate at Dehradun District court. I was not allowed to speak to advocate

Colette Smith

Part IV

In the response given in February 2017, by the Narcotics Agency a long paragraph is devoted to a whatsapp chat. This whatsapp chat is added to distract the officials. My complaint is about the Human Rights abused I suffered at the hands of the Narcotics Agency. I want to keep the complaints specific to human rights abuses. This is not a trial and some conversation between two people I do not communicate with is not important. At the time of the said conversation I was in jail and never communicated. The conversation was never entered into the court evidence, so this is just used to divert the attention of judicial officials from the real human rights violations.

Thank you,



Colette Nicole Smith, RN, BSN, MPH

(Case No. **Case No: 5769/30/0/2015**)

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Case No. **Case No: 5769/30/0/2015**

Dated: 29th March, 2017

Case No. 5769/30/0/2015

To,
The Assistant Registrar (Law),
National Human Rights Commission (Law Division),
Manav Adhikar Bhavan,
Block-C, GPO Complex,
INA, New Delhi 110023.

Re: Preliminary reply to letter dated 04.02.2017 (22.02.2017) in Case Number: - 5769/30/0/2015.

Respected Sir/Madam,

Kindly find the preliminary reply to the reports filed by the concerned authorities against my complaint dated 16.09.2015 detailed below: -

1. That vide your letter dated 04.02.2017/22.02.2017, I was appraised that my complaint along with the reports from concerned authority were presented before the Commission on 02.02.2017. Moreover, as per the reports submitted, it alleged that the complaint could not be substantiated on inquiry.
2. Further, I was notified that I have been awarded opportunity to reply to the reports till 31.03.2017 and therefore, in this light it is pertinent to bring forth certain necessary facts.
3. That I am citizen of the United States of America and have been convicted in SST No. 12/2016, Crime No. 06/2014 UoI vs. Rajesh Mohan Saulanke & ors u/s 9A/25A/29/38 of the NDPS Act, 1985 and awarded imprisonment of 2 years and fine of INR 1,00,000/- [Rupees One Lakh Only].
4. That I have furnished the fine before the Trial Court and my sentence of imprisonment stands completed/ executed on 10th March, 2017.

C. Smith

C. Smith

5. It is pertinent to mention that I am extremely unwell and suffering from various disease and disorders which are:

- a. lupus nephritis,
- b. interstitial cystitis,
- c. chronic, recurrent urinary tract infection with chronic urinary catheter leading to overactive bladder and bladder neck obstruction,
- d. urethral stricture due to chronic indwelling foley catheter,
- e. endometriosis,
- f. arthritis,
- g. allergic vulvovaginitis,
- h. hypothyroidism,
- i. panic attacks,
- j. major depression with suicidal ideation,
- k. chronic diarrhea,
- l. sigmoid volvulus,
- m. obesity and cushing's and
- n. memory loss.

Therefore, I require continuous specialized intensive medical care and the record is available with the concerned departments.

6. Furthermore, on 12.03.2017, I broke my elbow and got it plastered at Synergy Hospital, Dehradun. My condition has further deteriorated, therefore, making it compulsory and necessary for me to have 24x7 care and assistance.
7. Additionally, on 16.03.2017, I travelled to Himalayan Institute Hospital, Dehradun for specialized medical care and consequentially on 22.03.2017,

C. Smith

C. Smith

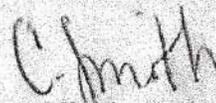
in a pursuit to improve my health travelled to Moolchand Hospital, Delhi and visit specialized medical experts.

8. Thereafter, on 28.03.2017, I revisited Synergy Hospital, Dehradun for a checkup.
9. Presently I am focusing on regaining my physical and mental health and will require many weeks, if not months, of multiple Specialists' care before these illnesses are resolved and I can heal.
10. It is *prima facie* evident that at present, I am not in a stable physical or emotional state and certainly not in a good enough state of mind to objectively file my reply to the reports filed by the concerned authorities.

We humbly request you to grant me an extension of four months to file my reply, which will allow me to recover and rehabilitate from my illnesses. Also, it will give me an appropriate opportunity to present my case with application of reasonable mind.

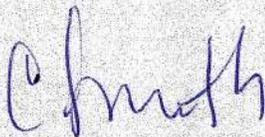
Thank you for your consideration and kindness.

Yours Sincerely,



Colette Nicole Smith,
MPH

Local Resident: Aashiana Colony, Village Newada, Dehradun,
CC: C-3, Nehru Colony, Across Fountain Chowk, Dehradun.



Speed Post

Assistant Registrar(LAW)
Fax No.: 011-2465 1332
Home Page : hup://nhrc.nic.in

Case No. 5769/30/0/2015

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI-110023

Dated 04/02/2017

22 FEB 2017

Case No.:- 5769/30/0/2015

To

✓ COLETTE NICOLE SMITH, MPH
BELLA HEALTH CARE CHARITABLE TRUST, C-3,
NEHRU COLONY, ACROSS FROM FOUNTAIN CHOWK,

DEHRADUN, UTTARAKHAND. - 248001

Sir/Madam,

With reference to your complaint dated 16/09/2015, I am directed to inform you that the above mentioned complaint along with the report received from the concerned authorities were placed before the Commission on 02/02/2017. Upon perusing the same, the Commission has directed as follows :-

The aforesaid cases pertain to alleged violation of human rights or negligence in prevention of such violation, by a public servant.

Pursuant to the directions of the Commission, the concerned authorities have submitted their reports. As per the reports, the allegations could not be substantiated on inquiry.

Let a copy of the report received from the authorities in above cases be transmitted to the complainants under registered post/ speed post for comments, if any, within four weeks. The complainants be also informed that if their comments are not received within the stipulated time, the Commission will be constrained to presume that they have nothing to say against the report and further action, as deemed fit, will be taken based on material available on record.

Pursuant to the above directions, I am enclosing herewith a copy of the report for furnishing your comments, if any, by 31/03/2017 for consideration of the Commission.

Yours faithfully,

✓
ASSISTANT REGISTRAR (LAW)

Encl: As stated above

1 of 1

C. Smith

①

Government of India
Ministry of Home Affairs
Narcotics Control Bureau
West Block-I, Wing-VII, R.K. Puram
New Delhi-110066.

F.No.NR/ VI/19/DZU/174/2015 / 91

Dated: 25.1.16

To

The Assistant Director (Admn.)
Narcotics Control Bureau
R.K. Puram, New Delhi

**Subject: Complaint of Ms. Colette Smith, Dehradun (Uttarakhand) against
Officers of NCB, Dehradun Sub-Zone –reg.** - 2-87/c

Please refer to your letter F.No.II/2(16)/2015-Vig. dated 17.12.15 on the above mentioned subject.

In this connection, this is to inform you that a report was sought by the undersigned from ZD, DZU vide this office letter of even number dated 22.12.15.

Now, ZD, DZU has submitted his report vide his letter F.No.II/30/DSZ/2015/87 dated 15.1.16 stating that the contents of this complaint are exactly the same as one dated 15.9.15 lodged in the past and a detailed report has already been submitted by him vide his letter no. II/30/DSZ/2015-4016 dated 10.11.2015 which was forwarded to you by the undersigned on 27.11.15. ZD, DZU is of the opinion that nothing more or new is there to add to the already submitted reply.

I am forwarding the report of ZD, DZU dated 15.1.16 for further necessary action.

Encl: as above.

①
25-1-16
(Rajender Pal Singh)
Deputy Director General (NR)

C. Smith

②

भारतीय निदेशक का कार्यालय
स्वापक नियन्त्रण ब्यूरो
दिल्ली क्षेत्रीय एकक
पश्चिमी खण्ड-1, विंग-7, आर.के.पुरम
नई दिल्ली-110066
दूरभाष: +91-11-26186283
फैक्स +91-11-26181449
ई-मेल: dzu-ncb@nic.in



DDG, (NR) NCB
Dy No. 2349
Date: 10/11/15

Office of the Zonal Director
Narcotics Control Bureau
Delhi Zonal Unit
West Block-1, Wing-7, R.K Puram
New Delhi-110066
Tel. +91-11-26186283
Tel. +91-11-26181449
E-mail : dzu-ncb@nic.in

फ.सं II/30/DSZ/2015-4016

दिनांक: 9 नवम्बर 2015
10

सेवा मे

उप महानिदेशक (उ0क्षे0)
स्वापक नियन्त्रण ब्यूरो
नई दिल्ली।

Sub:- Representation/Complaint of Ms. Colette Nicole Smith -reg.

महोदय,

Kindly refer to your letters no. NR/V/19/DZU/170/2015/383 dated 29.09.2015 and no. NR/V/19/DZU/170/2015/442 dated 20.10.2015 on the above subject.

02. In this regard, comments were sought from the Superintendent, Dehradun Sub Zone and he has furnished the same vide his letter bearing no. IV/NCB/DDUN/Cr. No. 06/2014/1442 dated 04.11.2015, (which is in response to your letter no. NR/V/19/DZU/170/2015/383 dated 29.09.2015), which is enclosed as Annexure-B comprising 02 pages and vide his letter no. IV/NCB/DDUN/Cr. No. 06/2014/1440 dated 04.11.2015, (which is in response to your letter no. NR/V/19/DZU/170/2015/442 dated 20.10.2015), which is enclosed as Annexure-C comprising of 11 pages. The Superintendent, Dehradun has given parawise and a detailed reply to the allegations leveled by the accused, Ms. Colette Nicole Smith. The undersigned fully agrees with the comments of the Superintendent, Dehradun. In addition, I would like to add the following:

i) The accused, Ms. Colette along with her co-accused associates like Dr. Vijay Aggarwal (an NRI, who is on the run), K. Prasad Reddy etc. has been trying to level baseless and false allegations against the NCB, the Jail authorities, the Police and even the Judiciary. I may not be wrong in saying that every now and then, throughout her different complaints, the accused has tried to project herself as a person larger than the system and in fact, at places has tried to subjugate the Indian Authorities on account of her false pride in being an American citizen. The very tone and tenor in her complaint written to the Hon'ble Prime Minister suggests that India would be deprived of the economic sops to be doled out by America if she was not cleared in the case by the NCB. This is nothing but an attempt to browbeat the officers and threaten them into subjugation. I would also like to highlight that the associates of Ms. Colette Smith in crime, like K. Prasad Reddy, Venkat Reddy and Rajesh Salunke have been issuing death

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C. Smith

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threats to my officers during the J.C proceedings. This extremely serious issue has already been flagged by me before you and the DG, NCB. Ms. Colette Smith and her associates in crime are trying to malign the image and integrity of the NCB officers, the Jail authorities and even the Judiciary. Recently, I had discussed with you in your chamber the contents of the whatsapp conversations obtained from the mobile phone of the recently arrested, K. Prasad Reddy. Herein, there were too many incriminating conversations pointing towards winning over the Executive, the Judiciary and the Public Prosecutor through money and if the money does not work, by issuing death threats. The Superintendent, Dehradun in his reports has given a brief gist on the contents of the whatsapp conversations. It is pertinent to mention that in these whatsapp conversations between K. Prasad Reddy and Dr. Vijay Aggarwal, they are often conversing about the strategies where by Ms. Colette would enact dramas in the Court and behave like a mentally challenged patient and she would level allegations of corruption against the NCB officers. I shall soon be forwarding you the authenticated copies of the whatsapp conversations after obtaining the same from the CFSL, CBI so that an appropriate action against these accused persons can be initiated against the provision of the Prevention of Corruption Act, or any other relevant Act.

03. Besides my above observations, I am also inclined to state that on an earlier occasion also, Ms. Colette Smith has complained before the Hon'ble NDPS Court Dehradun, levelling virtually the same allegations as in her present complaints. Then also, the replies of the concerned IOs were furnished before the Hon'ble Court. I am enclosing herewith as Annexure-A comprising of 06 pages, the complaint of Ms. Colette Smith before the Hon'ble NDPS Judge, Dehradun and the replies thereto of the IOs as sought by the Hon'ble Court. The Annexure-A should be read as a part of my comments since it covers most of the allegations of the present complaints.

04. I would also like to give a few comments complaint wise:-

i) **Compliant dated 21.09.2015 forwarded vide your letter dated 29.09.2015** - In the first para of the complaint itself, she has questioned the Indian Judicial System and tried to cast aspersions on its integrity. I shall only be saying that India has a vibrant and an independent Judiciary which is internationally acknowledged, and the independence of the judiciary needs no certification from an accused whose acts in a heinous crime will be proved before the Judiciary, in due course.

- She has alleged that one IO, Sh. Kamley misbehaved and slapped her at the Delhi Airport. The replies of both the concerned IOs, Ms. Kamlesh Kumari and Sh. C.S.K Singh are already enclosed as a part of Annexure- A. The next morning during office hours, when Ms. Colette insisted on meeting me, I gave her a detailed hearing and summoned IOs, Ms. Kamlesh Kumari and Sh. C.S.K Singh to ascertain any misdemeanour, if at all. Both negated it vehemently. On the contrary, IO, Sh.

Chunika

(56) 25
C.S.K Singh stated that the accused was very arrogant and was misbehaving with the officers. In any case, I called all the concerned staff and IOs to exercise maximum restraint and encourage Ms. Colette Smith to give a 'Voluntary' statement U/s 67 of NDPS Act. Accordingly, she gave a voluntary statement before the officers without any pressure, threat and coercion. It seems that she is now retracting from her 'Voluntary' statement, which is a common practice the accused resort to under legal advice. Therefore, her allegation that the IO and the Zonal Director forced her to give a statement is without any basis. Even otherwise, the statement u/s 67 is recorded by the IO and not by the Zonal Director.

- As regards her specific allegation that the Zonal Director did not arrange a lawyer for me, it is stated that no advocate/lawyer ever approached and came to the NCB office to defend Ms. Colette Smith. No officer ever denied her any legal access at any stage. In any case, the statement U/s 67 of the NDPS Act is a 'Voluntary' statement which does not require an advocate to be present as a pre condition.

Regarding her allegations that she was tortured, ill treated and denied basic comforts, it can only be submitted that the NCB team went out of the way to keep Ms. Colette Smith in comfortable conditions. I was informed by my staff that during the late night, Ms. Colette Smith had insisted on drinking mineral water only and my staff went out of the way to arrange mineral water bottles for her in the dead of night. Even after, reaching Dehradun, on her request, warm water was provided for her for bathing purposes and a cot was especially arranged for her to take some rest.

ii) **Complaint dated 17.08.2015** – The mother of Ms. Colette Smith, in her complaint has called the Indian Judicial System to be corrupt. I would not like to comment of the integrity of the Judiciary but would definitely say that from what has emerged in the whatsapp conversations referred to above, Ms. Colette Smith is very much a part of the plan of K. Prasad Reddy and Dr. Vijay Aggarwal to malign the Indian Judicial System.

iii) **Complaint dated 27.08.2015** – Vide para-2 of the complaint, it has been alleged that the NCB officers collaborated with IPS Chawla to fix her in the case. It has been clarified by the Superintendent, Dehradun that IPS Chawla being the Director of the company was being summoned and he was cooperating in the investigations. He was providing evidence to the NCB officers from time to time and was not on the run, like Ms. Colette Smith and her associates K. Prasad Reddy, Venkat Reddy and Dr. Vijay Aggarwal. In fact, later on, even Mr. IPS Chawla was arrested in the case as evidence against him was also found out.

- **Paras-6 to 15** – Incidents of high handedness at Delhi have been highlighted vide these paras . Most of the issues raised therein, have been covered vide the contents of Annexures- A, B & C to this letter.

Smith

(5)

- **Paras-13 to 19** – The allegations relating to the assault on Ms. Colette Smith by the IO and she being denied legal access by the ZD have already been discussed above.

iv) **Complaint dated 15.09.2015** – Paras- 2,3 & 12. The same allegations of the ZD ignoring the assault on her by the IO and legal access being not provided to her are raised vide these paras. This has already responded to, as above.

05. In conclusion, it is stated that all the allegations leveled by Ms. Nicole Colette Smith are baseless, whimsical and are not based on facts, altogether. The spate of letters being written by her and her relatives just show her level of desperation to get out of the Jail. She, along with her co-associates like Dr. Vijay Aggarwal, K. Prasad Reddy & Venkat Reddy are trying their level best to win over the executive, the Judiciary, the Jail authorities and even the Public Prosecutor by use of money or through threats. On my recent visit to Nainital, even the High Court Public Prosecutor, Sh. Shobhit Saharia confided in me that he was been inappropriately approached by the accused through their counsels. Upon your telephone directions, Case files from Sh. Ashok Kansal, NCB's Public Prosecutor at Dehradun NDPS Court have already been taken back as sufficient suspicion has been aroused about his conduct based on the whatsapp conversations, as discussed by Superintendent, Dehradun in his note to the comments submitted by him.

Encl: As above.

भवदीय
श. रोहित शर्मा
(रोहित शर्मा)
क्षेत्रीय निदेशक
दिल्ली क्षेत्रीय इकाई।

(ड्रग्स को "ना" जीवन को "हाँ" – ड्रग्स का उपयोग और अवैध व्यापार प्रतिबंधित एवं दंडनीय है।)

Smith

6

Annexure 1

RABE EDGE, NDFS,
ZADUN, UK, INDIA.

COPY TO: ① ADV. VIJAY GUPTA
② DISTRICT MAGISTRATE: DEHRADUN
③ AMERICAN CITIZEN SERVICES
US EMBASSY

⑤
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②4

S.

VIOLATION OF MY RIGHTS UNDER INDIAN CONSTITUTION

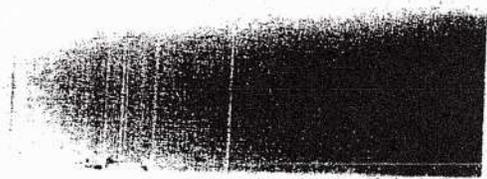
Dear Sir, I was visited by the AMERICAN CITIZEN
of the US Embassy on 29/1/2015. At this time
to my attention numerous SERIOUS, VIOLATIONS
rights under the Indian Constitution, that were
by the NCB investigators.

I was arrested by NCB Investigators in Delhi
they did not inform me of the charges.
I was in police custody, NCB did NOT
take me to a court within 24 hours, hence
detention is considered illegal but the Indian
Government. I asked the NCB investigators repeatedly
reasons of arrest but they refused to inform
me. While I was in NCB custody, they DID NOT
allow me to make phone calls. I asked the
Regional and Zonal Director of NCB to have
an advocate present and they refused my advocate
to be present. He informed me if I pursued
an advocate present I would be deemed
OPERATING.

The NCB officer who arrested me assaulted me,
he pain times in my leg. He slapped my
arm and my laptop from my hands and hit
it out of my hands. This happened while
I was on the phone. I have filed a case
for assault and police brutality through the
American Citizen Services of the US Embassy. After I was
arrested by this NCB officer, he asked me, "if I had
tortured, and if I was looking forward to it"
C. Smith.

Her report
is called for
NCS for next date
for 3/2/15

C. Smith



⑦

Before the Hon'ble NDPS Special Court, Dehradun

Union of India
Through Narcotics Control Bureau

Vs

Colette Nicole Smith (Accused in Jail)

Sub. Violation of Rights under Indian Constitution

This is in reference with the complaint made by the accused Colette Nicole Smith on dated 03/02/2015. As ordered by your Honour the written report in this regard is hereby submitted as below:

1. Ms. Colette Smith was not arrested at Delhi Airport; rather she was called under section 67 of the NDPS Act 1985 so it was not required to inform her charges at the Airport. A LOC had been issued against the accused in a case booked by NCB Dehradun and as she was trying to escape India an alert was given by the immigration at the Delhi airport to the Superintendent, NCB Dehradun, who informed the same to his superior i.e. the Zonal Director, NCB Delhi. Following this, NCB officials of Delhi zone including a lady officer went to Delhi airport as directed by the Zonal Director. The accused was called for information duly under section 67 of the NDPS Act 1985 and brought to the NCB Delhi zonal office where her statement was recorded. The accused was duly produced before the Hon'ble Metropolitan Magistrate, Patiala House Court, New Delhi without fail of time at about 21.15 Hrs. on 14/01/2015 to obtain transit remand, and again before the NDPS Spl. Court at Dehradun on 15/01/2015. She was informed the grounds of her arrest which is evident from the Annexure-A. Hence the detention was not at all illegal at any point of time and was within the time limit permitted by the Law.

2. During the period before her arrest at NCB, Delhi Zonal Unit she had been using her mobile phone, laptop. The accused Ms. Colette Smith has also been stating falsely that her advocate was denied to be present with her. However the fact is that no one approached to advocate her before her production at the Hon'ble Spl. NDPS Court, Dehradun and it is not the duty of Narcotics Control Bureau to provide the legal assistance.

3. The accused Colette Nicole Smith also falsely stated that she had been assaulted by any of the NCB Officer. Rather she was accompanied with one lady officer whose averment is hereby submitted as Annexure-B (for further clarification.)

4. The allegations made by the accused Colette Smith that no FIR was been recorded is baseless. Her voluntary statement dated 14/01/2015 is self-explanatory. After she was arrested she was permitted to call her family but she chose to call on other number

C Smith

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As advised by the concerned authorities, the accused is being held for the information of the court and also to be held in custody for the purpose of the investigation.

(52) (6) (243)

5. After she was arrested at NCB, Delhi Zonal Unit, she was taken to Dehradun Sub Zone on the passing night of 14/15/01/2015 with all the legal documentation done legitimately. While journeying we could not provide her with bed. Despite she was provided food periodically and all the basic amenities. She has been making false allegations that she was forced to listen loud music, singing and dancing. NCB is not a partying place and no loud sound equipment is available at NCB Dehradun.

6. Lastly it is requested before your Honour that arresting her was itself a problem for the department. She has been having problem with being held by a female NCB official who was ordered to prevent her from fleeing. She has been in perfect mental and physical state as per the periodical medical examination report. She purposely vexed the officials/officers of NCB. She has been abusing Indians without any reason for it. She had committed grave crime against the citizens of India. She has been bullying about the chout of American Government and the approaches she is having. She threatened NCB Officer about ruining his life & Career. She didn't cooperate with the NCB officer when she was sent under the NCB Custody for the first time. She ridiculed about the law of the land and the Indian culture as well.

7. Hence it is prayed before your Honour to kindly reject the application of the accused Colette Smith reminding the accused that leniency on account of nationality is not accepted and permitted in the law of the land.

[Signature]
14/02/2015

Intelligence Officer
Narcotics Control Bureau
Dehradun Sub Zone
123B, Rajeshwar Nagar Phase-1
Shastradhara Road Dehradun

[Handwritten signature]

(9)

Annexure B

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244

2015
5/11/15

भारत सरकार / GOVERNMENT OF INDIA
न्यायिक नियंत्रण ब्यूरो / NARCOTICS CONTROL BUREAU
गृह मंत्रालय / MINISTRY OF HOME AFFAIRS
उप क्षेत्रीय इकाई देहरादून / DEHRADUN SUB ZONAL UNIT
123 B, Rajeshwar Nagar Phase - 1, Sahastradhara Road, Dehradun- 248001
Ph. No/Fax.: 0135-2608873

F No IV/NCB/DDUN/Cr No.06-2014/1142

Date: 04/11/2015

सब में,

क्षेत्रीय निदेशक
स्वायत्त नियंत्रण ब्यूरो
दिल्ली क्षेत्रीय इकाई
नई दिल्ली

विषय : Representation of Ms.Colette Nicole Smith-reg.

माननीय महादय,

Please refer to DDG(NR) office letter no. NR/V/19/DZU/170/2015/383 dated 29.09.15 addressed to you, wherein I am directed to send my comments with respect to the representation/petition of Ms Colette Smith received through CPGRAM system of the MHA.

My comments are as under:

Para 1: Colette's claims that she has suffered blatant human and civil rights violations is false, baseless and aimed at maligning the image of NCB. She has nothing to prove her claims and is just making false allegations to attract unnecessary sympathy of the State and to evade criminal proceedings against her. She goes on to blame the Indian Judicial System for rampant corruption and travesty of justice, and makes a request through her letter to 'clear' her name, a request which itself is illegal and a travesty of justice. She is trying to become bigger than the system. NCB has not fabricated any evidence against the accused. All evidence is matter of fact and record, whether her e-mails, bank records, company records or statements given by herself and other accused or persons.

Para2: (Human Rights violations)

- 1) Assault: Refers to incident at Delhi airport and IO Kamley. The undersigned has no comments
- 2) Torture: Refers to incident in Delhi and allegations against ZD. The undersigned has no comments
- 3) Relates to incident in Delhi when the accused was taken for medical examination, and to appear before magistrate. The vehicle used, which she is referring to as unmarked, was the official vehicle, and the residential area which the accused is referring to is the place where the Magistrate's house is. The 'strange' people which she is referring to are

Handwritten signatures and dates:
C. Smith
B.S. / se. ...
5/11/15

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the US officials would not know their identity to the accused. The accused was never told their identity and the fact that it was night time doesn't take away anything from the officer's duty to produce the accused before the Magistrate nor does it lend any leverage to the accused to make any allegations against any officers.

(502)
(24)

Paras: The complainant is accusing NCB of harassing her, psychological torture, physical assault and coercion, inadequate investigation and delaying court proceedings. All these allegations are totally false, baseless and aimed at gaining unnecessary sympathy of the State.

NOTE:

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr. Vijay Agarwal for the period 5th March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr. Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr. Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the notorious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr. Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr. Kansal might not have been beyond doubt. The records also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr. Agarwal and Mr. Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.

Yours faithfully

(Handwritten signature)
(Ravi Rand)

Superintendent

(Handwritten signature)

(11)



Amr K... 'C'

111

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390
05/11/2015

भारत सरकार / GOVERNMENT OF INDIA
स्वापक नियंत्रण ब्यूरो / NARCOTICS CONTROL BUREAU
गृह मंत्रालय / MINISTRY OF HOME AFFAIRS
उप क्षेत्रीय इकाई देहरादून / DEHRADUN SUB ZONAL UNIT
123 B, Rajeshwar Nagar Phase - 1, Sahastradhara Road, Dehradun- 248001
Ph. No/Fax : 0135-2608873

F. No. IV/NCB/DDUN/Cr. No. 06/2014/-1440.

Date: 04/11/2015

सेवा में,
क्षेत्रीय निदेशक
स्वापक नियंत्रण ब्यूरो
दिल्ली क्षेत्रीय इकाई
नई दिल्ली

विषय: Complaint of Ms.Colette Nicole Smith-reg.

माननीय महोदय,

Please refer to DDG(NR) office letter no. NR/V/19/DZU/170/2015/442 dated 20.10.15 addressed to you, wherein I am directed to send my comments with respect to the three complaints made by Colette Smith against NCB. In this regard, the para-wise explanations of three complaint letters mentioned below are attached alongwith.

Please refer:

1. Letter dated 17 Aug, 2015 addressed to India President Secretariat, Rashtrapati Bhavan by Rosemary A.Nowak,
2. Letter dated 27 Aug, 2015 addressed to President India by Ms.Colette Nicole Smith
3. Letter dated 15 Sep, 2015 (addressed to CBI Residential Complex, Dehradun by Ms.Colette Nicole Smith)

Submitted for your kind perusal please.

Encl A/A (5 Pgs)

Yours faithfully

(Ravi Rana)

Superintendent

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(H8) (241)

SUB. Reply to complaints made by Ms. Colette Nicole Smith-reg.

Ref. Letter dated 17 Aug, 2015 (addressed to India President Secretariat, Rashtrapati Bhavan by Rosemary A. Nowak)

Para 1&2: Relates to IO Kamley, not belonging to NCB Dehradun. The undersigned has no comments.

Para 3&4: The claims are totally false, frivolous and baseless. After she was arrested at NCB, Delhi Zonal Unit, she was taken to Dehradun Sub Zone on the passing night of 14-15/01/2015 with all the legal documentation done legitimately. The official vehicle had not stopped at any random place enroute from Delhi to Dehradun. A female was throughout present in the vehicle. The accused was provided food periodically and all the basic amenities were taken care of. On the contrary, the accused purposely vexed the officials/officers of NCB. She has been abusing Indians without any reason for it. She had committed grave crime against the citizens of India. She has been bullying about the clout of American Government and the approaches she is having. She threatened NCB Officer about ruining his life and career. She didn't cooperate with the NCB officer when she was sent under the NCB Custody for the first time. She ridiculed about the law of the land and the Indian culture as well.

***NOTE:**

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr. Vijay Agarwal for the period 3rd March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr. Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr. Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr. Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr. Kansal might not have been beyond doubt. The records

C. Smith

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also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr. Agarwal and Mr. Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.

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C. Smith

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3210: Reply to complaints made by Ms. Colette Nicole Smith-reg.
Ref. Letter dated 27 Aug, 2015 (addressed to President India by
Ms. Colette Nicole Smith)

Para1: The accused has not been subjected to any kind of brutality in NCB Dehradun office. Infact, she was provided with all basic amenities including fooding, and hot water and blanket for her comfort.

Para2 &3: NCB has not fabricated any evidence against the accused. All evidence is matter of fact and record, whether her e-mails, bank records, company records or statements given by herself and other accused or persons. NCB has nothing to do with any financial dispute between her and Mr. IPS Chawla. NCB has not 'collaborated' with Mr. Chawla. Being the Director of Daffohils, Mr. IPS Chawla was asked to provide the company records, manufacturing records, e-mails etc. Regarding Colette's claim that NCB had earlier investigated the matter in 2013 and 'closed' the case, it is purely her imagination as the case was never closed and investigation was going on.

Bullet point 1: The contents of the paragraph are totally false, baseless and evasive. Rigorous efforts were made to trace and contact the accused by the IO, but she was not traceable. When the case IO visited the accused's NGO, the representative from Bella Health Dr. Rozalia George told that the applicant is out of India which was found to be false later. However the case IO requested to pass the message to her to cooperate with the investigation in the case but Colette never came to office. After that summon was issued to her which was returned back with the remarks by the India post that after several visits the address found locked. Later, a LOC was opened against her as per law.

Bullet point 2: The return ticket was booked to hoodwink the authorities that she is not escaping India, as she always knew that she can be apprehended any time.

Bullet point 3: NCB has never told anything to the media. The media is an independent entity and NCB has nothing to do with it. The undersigned would not like to comment on anything printed in the media handpicked by Colette. The claim that the case was 're-opened' does not hold ground as the case was never closed in the first place. Also, by iterating again and again that she was tortured and assaulted, the accused is trying to gain sympathy and malign the system.

C. Smith

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Bullet Points 4&5: Relates to the investigation. Systematic investigation was done and statements of all firms and people concerned were taken, before arriving on any decision.

Bullet Points 6 to 15: Relates to the incidents that happened at Delhi airport, arrest of the accused and her presence in Delhi Zonal Unit. The undersigned only has to say that as she was trying to escape India an alert was given by the immigration at the Delhi airport to the Superintendent, NCB Dehradun, who informed the same to his superior i.e. the Zonal Director, NCB Delhi. Following this, NCB officials of Delhi zone including a lady officer went to Delhi airport as directed by the Zonal Director. The accused was called for information duly under section 67 of the NDPS Act 1985 and brought to the NCB Delhi zonal office where her statement was recorded. The accused was duly produced before the Hon'ble Metropolitan Magistrate, Patiala House Court, New Delhi without fail of time at about 21.15 Hrs. on 14/01/2015 to obtain transit remand. For all the time at Delhi Zonal Unit on 14/01/2015, no one abused her either verbally, physically or mentally and throughout a lady official was also present with her. She was given all due respect and all possible arrangements were made for her comfort. Besides the Officers who were present with her have certified that her respect & comfort was taken care of. The allegations have been made to attract unnecessary sympathy from the authorities.

Bullet Point 16-18: The accused is again iterating that she was tortured and assaulted, to gain sympathy. It has been stated earlier that after she was arrested at NCB, Delhi Zonal Unit, she was taken to Dehradun Sub Zone on the passing night of 14-15/01/2015 with all the legal documentation done legitimately. She was provided food periodically and all the basic amenities. On her request, she was provided lodging in NCB Dehradun office, blanket and hot water to bathe. She has been making false allegations that she was forced to listen loud music, singing and dancing. NCB is not a partying place and no loud sound equipment is available at NCB, Dehradun. She was never forcibly made to sign any document. She was in perfect mental and physical state as per the medical examination report.

Bullet Point No.19: Relates to ZD, Delhi.

Bullet Point No.20: The accused was duly informed of her grounds of arrest by the IO.

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Bullet Point No.21 to 23: Relates to incident in Delhi when the accused was taken for medical examination, and to appear before magistrate. The vehicle used was the official vehicle, and NCB officers do not have any uniform. The residential area which the accused is referring to is the place where the Magistrate's house is. The 'strange' people which she is referring to are all NCB officials, who had all shown their identity to the accused. The accused was never forced to sign any document.

Bullet Point No. 24: The accused is lying and contradicting herself by saying that grounds of arrest were not explained to her, because she has herself received a copy of the Arrest Memo which states that she was duly informed of her grounds of her arrest, and she has also stated in her handwriting and signed that she was duly informed of her grounds of her arrest.

Bullet Point No.25: The secret information available with NCB, or any other agency, is not meant to be shared with any suspect or accused, as Ms.Colette claims wants to. Moreover, she was well confronted with all evidences against her, and she was made to explain them, such as the e-mails sent by/to her, her role and designation in the company, bank records, ROC records etc

Bullet Point No.26 to 28: The accused is again maligning the NCB officers and insulting the system by making false allegations that the investigation is botched up, and that NCB officers lied, deceived her and assaulted her etc. She is venting out her anger, frustration and hatred towards the Indian investigative agencies by using such words and language, such as "mafia police". NCB strongly objects to the use of such word for a reputed national agency by a criminal. Her claim that NCB had closed the case and re-opened it is misconstrued and imaginary. She also goes to the extent of saying that NCB harassed her in court and attempted to extort 40 Lac rupees from her, which at best can be described as an act of fiction and vendetta against the agency. She can prove nothing, because all these accusations are false and baseless. She goes on to blame NCB for delay in her trial, and then even blames the judiciary for travesty of justice! All this is nothing but an attempt to hoodwink the agency and malign its officers, to evade law and gain sympathy of the State.

C Smith

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***NOTE:**

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr.Vijay Agarwal for the period 3rd March to 1st August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr.Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr.Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr.Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr.Kansal might not have been beyond doubt. The records also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr.Agarwal and Mr.Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.

[Signature]

C Smith

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Subject: Reply to complaints made by Ms. Colette Nicole Smith-reg.

Ref. Letter dated 15 Sep, 2015 (addressed to CBI Residential Complex, Dehradun by Ms. Colette Nicole Smith)

Reply to Introductory Para: Colette's claims that she has suffered blatant human and civil rights violations is false, baseless and aimed at maligning the image of NCB. She has nothing to prove her claims and is just making false allegations to attract unnecessary sympathy of the State and to evade criminal proceedings against her. She has alleged that NCB 'collaborated' with Mr. IPS Chawla to victimize her. NCB has not 'collaborated' with Mr. Chawla. Being the Director of Daffodils, Mr. IPS Chawla was asked to provide the company records, manufacturing records, e-mails etc. for investigative purposes. She has alleged that DRI had to 'intervene' because of some corrupt IO. This can be best described as a statement of fiction and imagination, for which she has no base or proof. She goes on to blame the Indian Judicial System for rampant corruption and travesty of justice, and makes a request through her letter to 'clear' her name, a request which itself is illegal and a travesty of justice. She is trying to become bigger than the system.

Reply to Examples of Human & Civil Rights Violation: All the claims made by the complainant are factually false. During the period before her arrest at NCB Delhi Zonal Unit she had been using her mobile phone, laptop. The accused Ms. Colette Smith has been stating falsely that her advocate was denied to be present with her. However the fact is that no one approached to advocate her till her production at the Hon'ble Spl. NDPS Court, Dehradun and it is not the duty of Narcotics Control Bureau to provide the legal assistance. Her claim that she was not produced before Magistrate within 24 hours of arrest is also totally false, as she was produced before the Magistrate within few hours of her arrest. After she was arrested she was permitted to call her family but she chose to call on other number as selected by her from her phone which is available in her call log. The information of her arrest was also sent to her Embassy hence complying with all the legal provision. All NCB officials themselves displayed their identification before her. She was not put in any unmarked van, rather it was a government vehicle. She was never tortured or assaulted, as she alleges. All through her movement from the airport till the Delhi Zonal office and then to the Magistrate and on transit remand to Dehradun, a female official was always present with her, as documented. All the grounds of her arrest were explained to her, as she has herself testified in her written statement and signed on the Arrest Memo. She was not 'forced' to meet Govt. Doctor. In fact she was duly taken for medical examination as per

C. Smith

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and procedure. She was never subjected to any mental torture. She says that in 5 hours drive from Delhi to Dehradun, she was forced to stay awake for 48 hours! a statement which does not need any comments. She obviously had problem with all NCB officials who accompanied her to Dehradun, and it was he who mentally harassed all officials by abusing them and saying derogatory things about Indian culture, Indian people and Indian system.

Reply to NCB officials Human Rights Violations:

- 1) Assault: Refers to incident at Delhi airport and IO Kamley. The undersigned has no comments
- 2) Torture: Refers to incident in Delhi and allegations against ZD. The undersigned has no comments
- 3) Relates to incident in Delhi when the accused was taken for medical examination, and to appear before magistrate. The vehicle used, which she is referring to as unmarked, was the official vehicle, and the residential area which the accused is referring to is the place where the Magistrate's house is. The 'strange' people which she is referring to are all NCB officials, who had all shown their identity to the accused. The accused was never forced to sign any document. Just that it was night time doesn't take away anything from the officer's duty to produce the accused before the Magistrate nor does it lend any leverage to the accused to make any allegations against any officers.
- 4) The accused is lying and contradicting herself by saying that grounds of arrest were not explained to her, because she has herself received a copy of the Arrest Memo which states that she was duly informed of her grounds of her arrest, and she has also stated in her handwriting and signed that she was duly informed of grounds of her arrest.
- 5) Her baggage was seized in her presence, as documented in the Memo which bears her signature.
- 6) The police acted in obtaining her Police Remand which was lawfully obtained for investigative reasons.
- 7) The accused alleges that IO tortured her during Police Custody and forced the doctor what to write in medical report. This is false and baseless and aimed at maligning the image of the IO.
- 8) The accused was presented before Magistrate within few hours of her custody, and not after 40 hours, as she falsely alleges.
- 9) The accused is referring to bail applications of other accused in the case, that they were assaulted by NCB agents. To use the word 'agents' for

C. Smith

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- govt. officials is itself derogatory and objectionable. Moreover, it is nothing new for accused to blame any officer for assault.
- 10) The accused is blaming the action of Magistrate, which NCB cannot comment on.
 - 11) The accused alleges that she was 'forced' to go to hospital. She might not be aware that this is a procedural requirement. She then complains that NCB did not allow her to talk to the doctor in private, which is not mandated anywhere in the law.
 - 12) The allegation is false and totally baseless.
 - 13) The accused is again maligning the NCB officers and insulting the system by making false allegations that the investigation is botched up, and that NCB officers lied, deceived her and assaulted her etc. She is venting out her anger, frustration and hatred towards the Indian investigative agencies by using such words and language, such as "mafia police". NCB strongly objects to the use of such word for a reputed national agency by a criminal. Her claim that NCB had closed the case and re-opened it is misconstrued and imaginary.
 - 14) It is the accused herself, and not the IOs who feel above the law, as evidenced by Colette's behaviour during her arrest, in the jail and while maligning the Indian investigative agencies, legal and judicial system through her false complaints.
 - 15) The accused is alleging that IO Vivek Pandey asked for 40 Lac through a Police Guard to get rid of the charges. This statement is made with the sole objective of maligning the image and integrity of the NCB officer and Colette does not have any evidence to support her claim. She may like to name the Police Guard in question, to corroborate her claim.
 - 16) The accused has been falsely making allegations regarding the 'behaviour' of IO Vivek Pandey, IO Lav and the undersigned. She has no evidence whatsoever to support her claim that she was harassed, tortured, stalked and attempt of extortion! She is just throwing allegations in the air, to attract attention and sympathy.
 - 17) Please refer to the NOTE at the end of the letter.
 - 18) Her claim that allegations against her are baseless, is false and baseless, and self-judgemental.
 - 19) The accused has never been wiretapped nor stalked. Her allegations are self imaginary.

A. Smith

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Reply to IO's statements under oath:

All the statements (Sl. No. 1 to 21) are made by the IO on oath. The undersigned is requested to make

***NOTE:**

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr.Vijay Agarwal for the period 3rd March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr.Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr.Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr.Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr.Kansal might not have been beyond doubt. The records also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr.Agarwal and Mr.Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.

[Handwritten signature]

[Handwritten signature: C Smith]

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Confidential
19 FEB 2016
28262
Dated: 02.2016

No. II/2(16)/2015-Vig. -68
Government of India
Ministry of Home Affairs
Narcotics Control Bureau, West Block-I,
Wing No.5, R K Puram, New Delhi- 110066

To

The Assistant Registrar (Law),
National Human Rights Commission,
(Law Division), Manav Adhikar Bhawan,
Blck-'C', G.P.O Complex, INA,
New Delhi -110023

SCANNED

Sub :- Complaint of Ms. Colette Smith, Dehradun (Uttarakhand) against Officers of NCB Dehradun Sub Zone- Reg.

M-2
Sir,

Kindly refer to your letter Case No. 5769/30/0/2015 dated 05.11.2015 regarding complaint dated 16.09.2015 from Colette Nicole Smith, MPH, Bella HealthCare Charitable Trust, C-3, Nehru Colony, Across from Fountain Chowk, Dehradun.

2. It is to inform that the matter has been verified from the records of NCB Dehradun Sub Zone and it has been revealed that Ms. Colette Nicole Smith was one of the two directors of the M/S Daffohils Laboratories Pvt. Ltd. Selaquie, Dehradun (Uttarakhand) at the time when the crime was committed. She planned the schedule or production, sales and dispatch of the drugs containing pseudo-ephedrine in consultation with the suppliers, vendors and other employees over e-mails and phone. She was the joint holder of the bank account of the company and was authorized the financial transactions and signed cheques. She diverted many payments meant for the company through personal bank accounts of another employee. She represented the company for taking approval of some drugs containing pseudoephedrine from the State Drug Deptt. Evidence against her includes the excerpts of e-mail conversations, voluntary statements of Inderpal Singh Chawla, Rajesh Mohan Salunke, Ms Parul Sinha and her own voluntary statement.

3. As per the reports of Zonal Director, NCB Delhi Zonal Unit and Superintendent NCB Dehradun Sub Zone received through DDG (NR) the allegations levelled by Ms. Colette Nicole Smith and Mrs. Rosemary A Nowak (Mother of Colette Smith) are false and baseless. Copies of the reports of ZD and Superintendent alongwith relevant documents are enclosed for further necessary action, please.

Encl : as above.

Yours faithfully,

N.R.
12.2.16

(N.R.Sharma)
Assistant Director (Adm.)

C.R.
A.E.
Smith

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Before the Uttarakhand Human Rights Commission

Case no:- 869/2015

Reply to NCB's response to 14/12/2015

1. Colette Smith requested an investigation to blatant Human Right violations that she suffered from NCB Delhi Zonal Director, Superintendent NCB Dehradun and the various intelligence officers of NCB in Dehradun and Delhi. The Human rights Violations she suffered are enshrined in article 21 of the Indian constitution and in article 14(2) of the International Covenant of Civil and political rights. I urge the SHRC to investigate these violations of Human Rights or negligence in the prevention of violation of Human Rights by Public servants. Since the NHRC has given priority to eliminating custodial violence, cruel, inhuman, treatment, torture and other atrocities against vulnerable sections of society which include men. Human right Violations under articles 5,8,9,10 and 11.

NCB has acted arbitrarily which has impinged on the dignity and liberty of complaint ant. All of the constitutional safeguard set in place to prevent human right violations have been violated.

Timeline of Events.

13/1/2015 – Colette Smith was detained from Delhi 2300 International Airport by NCB Officer Kamley- no ID unmarked – officer physically assaulted her & threatened to torture her.

13/1/2015 – Colette Smith taken to NCB Delhi Office

13/1/2015 – Colette Smith forced to stay at NCB Delhi Office overnight.

14/1/2015 – Am met Delhi zonal Director – lawyer &



14/1/2015 – 1500- Dehradun officer Vivek Pandey came to arrest Colette & Question Colette

14/1/2015 – 2100- resented to Magistrate at Patiala – Not informed it was Magistrate.

14/1 – 15/1 travelled from Delhi to Dehradun driving 0400- can't sleep.

15/1/2015 – Questioned by Dehradun Superintendent – asked for advocate refused.

1600 – taken to Magistrate at Dehradun District court. Not allowed to speak to advocate

To SHRC, Uttarakhand.

Enclosed is the response to Narcotic Control Bureau for case number 869/2015.

C. Smith

Time line of Events

13/Jan/2015 – 2100 Colette smith was detained at Delhi airport. She was stopped at immigration and kept with immigration until an Investigating officer named Kamley came inside the airport from Delhi Narcotic Control Bureau. This Officer refused to display identification and put Colette in an unmarked car. This Officer Kamley assaulted Colette. He kicked her 4 times in the leg, slapped her face, hit her phone and slammed her laptop. The assault can be confirmed by summoning IGIA CCTV footage. Colette was on the phone with the US Embassy when she was assaulted. After this assault, the officer asked her, “is she had ever been tortured, and if she was looking forward to it”.

13/Jan/2015 – 2300 Colette taken to NCB Delhi Office and forced to sleep there without food, water, blanket.

13/Jan/2015 – 2330- Colette forced to sign documents after being assaulted and threatened to be tortured.

14/Jan/2015 – Morning. Colette met Delhi Zonal director and requested her lawyer- D.N. Grover. Who was informed by Colette at the airport she was detained by NCB. The Delhi Zonal Director told Colette that if she insisted on her lawyer being present she would be deemed as uncooperative. Colette informed the Director that she was assaulted and threatened to be tortured and he told her to forget it and brush it off, hence admitting the events did happen.

14/Jan/2015 – Afternoon. Vivek Pandey IO of NCB Dehradun came to Delhi to transport Colette to Dehradun.

14/Jan/2015 – 2100 Colette was taken in an unmarked car with 8 men and taken to a residential area. It was here Colette was forced to sign more documents. Colette signed the documents without reading them as she feared for her life. Colette’s lawyer D.N. Grover has attested to the fact he waited at Patiala House Court till 1130. Colette was forced to sign documents by the IO Vivek Pandey. She was forced to sign them without reading them on the hood of an unmarked vehicle, surrounded by 8 strange men in a dark alley in a residential area of Delhi. There was no light to read what was written. No grounds of arrest were informed



to her. When Colette asked if she were under arrest, the IO Vivek Pandey stated NO, she was not under arrest, only in transit to Dehradun. According to law ladies should not be transported at night.

As per law the accused if transported from one state to another state, the arresting officer should obtain a transitional warrant before leaving the state from the local magistrate. During the process of arrest the accused has rights per Section 50 of the NDPS Act. NCB abused the law by denying her the right and forcefully taking signatures.

14/Jan/2015 – 2200:- Colette transported in an unmarked car from Delhi to Dehradun.

14/Jan/2015 – 0400:- Colette arrives at NCB Dehradun office.

14/Jan/2015 – 1100:- Colette met Superintendent of Dehradun NCB and he told her he was sending her to JAIL. NCB Officials never once informed her of grounds of arrest. NCB forced her to sign Jamatalashi. NCB refused to allow her Dehradun lawyer to be notified.

No information of Colette's arrest were given to her next of kin or advocate during arrest as required per law. This proves NCB's intentions were malicious during the arrest.

14 Jan 2015 1600 – Colette taken to Dehradun Court 40 hours after being detained at IGIA Delhi airport.

Other POINTS

- Colette's grounds of arrest were never explained to her.
- Colette was denied contact with her advocate who were readily awaiting her where abouts to assist her.



- In bail application of Co-accused Rajesh Salunke and Venkat Reddy – it also states that they were assaulted by NCB agents.
- NCB IO, did not allow Colette to speak to the Doctor at the hospital in private. She repeatedly asked the IO to allow her to speak to the doctor in private, but the IO would not allow this. NCB IO instructed the doctor how to fill in the documents.
- The NCB agent caused Colette mental torture by repeatedly calling her a criminal even though per Law one is innocent till proven guilty.
- Since NCB's Superintendent has avoided presenting himself to the SHRC is proof enough that the Superintendent is guilty of the Offense.
- All Amar-Ujala articles clearly indicate that NCB agents gave the interviews time and again to malign the image of the accused.
- The use of the word CRIMINAL in NCB reply to SHRC Bullet point No 26 to 28 indicates the type of abuse NCB uses against the accused and in this case she is the complainant's daughter.
- The NDPS Judge instructed the NCB Officers to not harass Colette and this is documented in the case file.



Before the Uttarakhand Human Rights
Commission

Recvd
01.3.2016

Case no 869/2015

~~Reply~~

Reply to NCB's response on 14/12/2015

1. Colette Smith requested an investigation to blatant human right violations that she suffered from NCF Delhi Zonal Director, Superintendent NCB Dehradun and the various intelligence officers of NCB in Dehradun and Delhi. The Human Right Violations she suffered are enshrined in Article 21 of the Indian Constitution and in Article 14(2) of the International Covenant of Civil and Political Rights. I urge the SHRC to investigate these violations to determine if there have been a violation of human rights or negligence in the prevention of violation of human rights by public servants. Since the NHRC has given priority to eliminating custodial violence, cruel, inhuman, treatment, torture and other atrocities against vulnerable sections of society which include men. Human Right Violations under Articles 5, 8, 9 and 10 and 11.

C. Smith

NCB has acted arbitrarily which has impinged on the dignity and liberty of complainant. All of the constitutional safeguards set in place to prevent human right violations have been violated.

Timeline Summary of events.

- 13/1/2015 - Colette Smith ^{was detained} arrested from Delhi
2300 International Airport by ^{NCB} Officer Kamley - ^{did} ^{unmarked} ^{co}
- Officer physically assaulted her & threatened to torture her.
- 13/1/2015 - Colette Smith taken to NCB Delhi office
- 13/1 - 14/1 - Colette Smith forced to stay at NCB
Delhi Office overnight.
- 14/1/2015 - am met Delhi Zone Director - Lawyer &
- 14/1/2015 - 1500 - Dehradun Officer Vivek Pandey
came to arrest Colette & question Colette
- 14/1/2015 2100 - presented to Magistrate at Patiala
- Not informed it was magistrate.
- 14/1 - 15/1 traveled from Delhi to Dehradun
arriving 0400. - \emptyset sleep
- 15/1/2015 - questioned by Dehradun Superintendent
- asked for advocate - refused.
- 1600 - Taken to Magistrate at Dehradun District Court.
- Not allowed to speak to advocate

C Smith

TO SHRC, Uttarakhand.

Enclosed is the response to Narcotic
Control Bureau for case number
86172015.

C. Singh

Timeline of Events

13/Jan/2015 - 2100. Colette Smith was detained at Delhi Airport. She was stopped at immigration and kept with immigration until an investigating officer named Kamley came inside the airport from ^{Delhi} Narcotic Control Bureau. This officer refused to display identification and put Colette in an unmarked car. This officer Kamley assaulted Colette. He kicked her 4 times in the leg, slapped her face, hit her phone and slammed her laptop. The assault can be confirmed by summoning ICA CCTV footage. Colette was on the phone with the US Embassy when she was assaulted. After this assault, the officer asked her, "if she had ever been tortured, and if she was looking forward to it."

13/Jan/2015 - 2300 Colette taken to NCB Delhi Office and forced to sleep there without food, water, blanket.

13/Jan/2015 7.30 - Colette forced to sign document
C Smith

Forced to sign more documents.
Colette signed the documents without reading them as she feared for her life. Colette's lawyer D.N. Grover has attested to the fact he waited at Patiala House Court till 1630. Colette was forced to sign documents by the IO Vivek Pandey. She was forced to ~~star~~ sign them without reading them on the hood of an unmarked vehicle, surrounded by 8 strange men in a dark alley in a residential area of Delhi. There was no light to read what was written.

No grounds of arrest were informed to her. When Colette asked if she were under arrest, the IO Vivek Pandey stated NO, she was not under arrest, only in transit to Dehradun. According to law ~~it is not~~ ladies should not be transported at night. *Chmuth*

No information of Colette's arrest were given to her next of kin or advocate during arrest as ^{required} per law. This proves NCB's intentions were malicious during the arrest.

14 Jan 2015 1600 Colette taken to Dehradun Court 40 hours after being detained at 141A Delhi airport.

Other points

- Colette's grounds of arrest were never explained to her.
- Colette was denied contact with her advocates who were readily awaiting her whereabouts to assist her.
- In bail applications of co-accused Rajesh Salunke and Venkant Reddy - it also states that they were assaulted by NCB agents.
- NCBIO, did not allow Colette to speak to the Doctor at the hospital

Chinth

- in private. She repeatedly asked the IO to allow her to speak to the doctor in private, but the IO would not allow this. NCB IO instructed the doctor how to fill in the documents
- The NCB agent caused Colette mental torture by repeatedly calling her a criminal even though per Law one is innocent till proven guilty.
 - Since NCB's Superintendent has avoided presenting himself to the SHRC is proof enough that the Superintendent is guilty of the offense
 - All Amar-Ujala articles clearly indicate that NCB agents gave the interviews time and again to malign the image of the accused.
 - The use of the word CRIMINAL in NCB reply to SHRC Bullet point No 26 to 28

C. Smith

indicates the type of abuse NCB uses against the accused and in this case she is the complainant's daughter.

- The NDPS Judge instructed the NCB officers to not harass Colette and this is documented in the case file.

@fnuth

September 15, 2015

National Human Rights Commission

My name is Colette N. Smith and I want to request an investigation into the blatant human rights violations that I suffered at the hands of the Zonal Director, the Superintendent, and the Intelligence Officers of the Narcotic Crime Bureau.

Overview: NCB has decided to target and victimize me after collaborating with IPS Chawla. My complaints about NCB's corruption will be filed in a PIL to the High Court by the end of this month (which will be available to you at that time). The corruption has been documented while NCB's collaboration with IPS Chawla has led to the arrest of IPS Chawla by the Director of Revenue Intelligence while an ongoing investigation of many corrupt NCB IO officials has ensued. The DRI was forced to intervene because of the corrupt IO. This travesty of justice highlights the perils of the Indian judicial system, the rampant corruption that will defame India and will prevent foreign investments, despite Prime Minister Modi diligent campaign in an effort to attract and increase foreign investors. I will work to ensure that justice prevails, that my name is cleared, and that the individuals who fabricated evidence against me, assaulted me, and tortured me, are prevented from doing this to other innocent individuals.

Examples of Human and Civil Rights Violations

- a) The arresting officer did not allow my lawyer to be present at any time during the investigation even though I repeatedly requested a lawyer.
- b) I was not produced before a Magistrate within 24 hours of my arrest.
- c) I was not allowed to inform or to contact my family that I had been detained by NCB.
- d) NCB IO- did not display any identification. I requested to see the official's ID and he refused. The NCB official ultimately put me in an unmarked car and then assaulted me and threatened to torture me.
- e) Another female was not always present- despite the claim of NCB that a female officer was present with me. This is a lie. The female officer did not enter the airport and did not witness the physical assault upon me. The male officer intentionally withheld his name/identification because he planned to assault me.
- f) No witnesses documented the arrest memo
- g) The grounds of arrest were not explained to me at any time, despite the claim of the IO.



h) NCB IO forced me to meet with a government doctor who I had never met beforehand however the IO refused to allow me to meet with the government doctor alone.

i) NCB caused me severe mental torture- for example, the IO kept calling me a criminal during the 8 hour drive from Delhi to Dehradun in which the officers forced me to stay awake for 48 hours, who subjected me to their constant derogatory comments from Vivek Pandey who also forced me to review his face book page.

j) NCB stated in their response that I was arrested at 1600 on Jan 14, 2015, however I was detained 16 hours earlier (at midnight), which left 16 hours unaccounted for.

NCB officials Human Rights Violations

1) Assault- The male NCB IO- Kamley (I later discovered his name when I read his completed forms) assaulted me. He kicked me in my leg 4 times, he slapped my face, and he slammed my laptop and hit my phone out of my hand. NCB has tried to cover up this assault and claimed it never happened. A female officer also claimed that NO assault took place. But as I already stated she had not been present. In my defense, and to confirm my claim of assaults I request that the court summon the footage from the IGIA CCTV. I also request that the male IO participate in a polygraph test. I was on the phone speaking to the US Embassy during the time I was assaulted and the US Embassy staff can confirm my screams (unfortunately the call was not recorded).

2) Torture- After the IO Kamley assaulted me, he threatened to torture me. Once I was in the unmarked vehicle the IO Kamley threatened to torture me. He asked me if I had ever been tortured, and asked if I was looking forward to being tortured. I have never been threatened to be tortured and feared for my life. NCB has responded to my accusations of torture by stating that a female guard was present. However that female guard did not speak English, hence her testimony is irrelevant. When I informed the Zonal Director at NCB in Delhi about the assault and the threat to torture me, he told me to "forget it" and brushed it off. Hence, he admitted that the torture did happen.

3) The Zonal Director and IO forced me to write a voluntary statement after being assaulted, threatened with torture, denied access to my lawyer, food, sleep, and water, or the nature of the charges. When I complained, the Zonal Director stated, "If you insist on your lawyer being present, you will be deemed uncooperative." The IO forced me to sign documents. They took me in a car at about 10 pm at night and told me we were going to Dehradun. They took me in numerous dark, back alleys in the ghetto of Delhi. I was in one of 2 unmarked cars, no one had identification. They made me get out of the car, and there were 8 fat guys all who kept staring at me in a revolting manner. Once I was out of the



car, their leader came up to me and forced me to sign the documents. I complained that I couldn't see what I was signing, and he grunted. I feared for my life and therefore I signed a fakish signature so that I would be reminded in the future what had transpired. I had no choice but to succumb and to sign the documents without reading them, on the hood of an unmarked vehicle in a residential area in Delhi very late that night, long after the sun had set (another illegal act). I continued to fear for my life, after already being assaulted, threatened with torture, food, water, and sleep deprivation. The torture, turmoil, and ILLEGAL tactics used by NCB must be punished.

4) Contrary to the charge sheet and arrest memo, NCB never once informed me of the grounds of arrest. I asked repeatedly. The IO Vivek Pandey refused to tell me.

5) NCB forced me to sign a tamatalashi that stated my luggage was seized in front of me, however this was a blatant lie. [See my signature](#)

6) In the papers submitted to the NDPS judge by the IO, in order to obtain a PCR order, The IO wrote that a seizure was likely, even though at that point I was in jail and my luggage was confiscated. This is one of thousands of examples of their abhorrent nature.

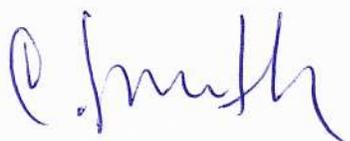
7) During court ordered PCR I suffered psychological torture at the hands of the IO. This was documented and I refused to sign the medical officer documents, because the IO told the doctor what to write and how to chart. [See my letter to the Medical Officer](#)

8) NCB informed me that I would see a magistrate. I have never heard the term magistrate before. I was presented to a magistrate after nearly 40 hours in police custody.

9) In the bail applications of Rajesh Salunke, Venkant and Prasad Reddy, it also stated that they were assaulted by NCB agents, which demonstrated the normal activities under which NCB has operated. [See the bail application of Reddy](#)

10) The magistrate did not ask me if my next of kin was notified, even though they are required to do so.

11) NCB forced me to go to the hospital. At the hospital NCB IO did not allow me to speak to the doctor in private. I asked so many times to speak to the doctor alone, but NCB would not allow this, because they were hiding something. NCB instructed the doctor on how to complete the necessary documents. NCB threatened the doctors to hurry up and fill out the documents without discussing any of my medical conditions with me.



12) Zonal Director and Superintendent both refused to allow me to call my advocate or my next of kin, which is a violation of my civil rights.

13) On a letter to NDPS judge on 15/01/2015, NCB IO on a hand written request, asked the judge to order me to PCR. This request asked the judge to order me to PCR and stated that, "some recovery is possible". This is an outright lie. NCB had already searched all my luggage and did not find one gram or milligram of any illegal substance. I have never been found with any illegal substance. Not to mention, this case is over 2 years old. The explicit lie to the NDPS judge is a direct insult on the judge's intellect. NCB investigators continued to conduct a botched investigation, while they lie, deceive, and cover their mistakes to HIDE the fact they broke the law; they illegally arrested, illegally detained, and assaulted me as previously outlined. The incident in Manipur was closed and no evidence of any illegal transaction was found. NCB re-opened a closed case and fabricated charges on individuals by collaborating with IPS Chawla. NCB has abused their power and have chosen to be the "mafia police" to settle a financial dispute.

14) I believe that NCB IO's feel that they are above the law because they are with the Union Ministry and that important Laws don't apply to them, evidenced by their response to my complaints.

15) Rampant corruption- Vivek Pandey asked me to pay 40 lac through a police guard to get rid of the charges.

16) I complained to the NDPS judge incessantly about the IO Vivek Pandey, LovKumar and Rana's behavior. They harassed me, mentally tortured me, harassed my family and friends, stole papers from me, stalked me, threatened me, and attempted to extort money. The NDPS Judge eventually wrote an order that the IO had to stay away from me and to stop stalking me.

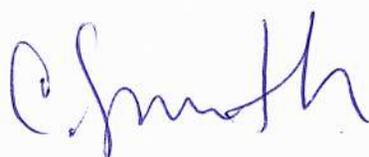
17) Corruption- PP has changed 3 x due to corruption.

18) False allegations- All of the allegations against me are false and I pray that this will become evident during my trial.

19) Harassment- wiretapping, following me, stalking me, harassing me at court, my house, my office. Despite that wiretapping is a direct violation of the Supreme Court the activities of this agency are not deterred by the Supreme Court.

Lies that NCB, through its Intelligent Officer, have stated under OATH

1. It is submitted that the accused will try to intimidate the seizing officer and other witnesses of the case. She may also try to destroy all the evidences. She is a criminal minded lady with huge affluence. She has been mocking at Indian law and its reach.



2. The affidavit in support of her bail application cannot be trusted. Her permanent residence has been shown to be of USA. If granted bail she would try to escape out of India violating the conditions of bail.

3. Accused has contended to have worked in rural sectors of Uttarakhand and approached various rural ladies for educating them about female issues which is not possible without the knowledge of Hindi or the local language. It is pertinent to mention the accused denied giving thumb impression on medical documents at the time of her periodical medical tests despite being requested by the doctors. She also denied putting her signature on the court documents on each and every date of her attendance on remand dates. She shrewdly denied any knowledge of Hindi before the prosecuting agency, the judiciary and the jail authority. This clearly shows the ambiguous behavior displayed by the accused and her intention to cooperate with various government authorities.

4. Accused cannot be restricted from absconding once she gets bail. She had tried to escape out of India when she was detained. She frequently changed the address of her organization Bella Health Care.

5. The organization was opened just to invite foreign funds in the name shake of social work for personal gains.

6. It is also submitted that the accused Colette Smith was on a tourist visa and defying the terms of the visa, she got engaged in business activities such as getting absorbed in the directorship of Daffohils.

7. She had several illegal associates in India for helping in her surreptitious objectives.

8. Even though she is granted bail with her passport surrendered, she may hide somewhere in India and it would be tough for the agencies to locate her further.

9. Accused scuffled with one of the police personnel accompanying her during the remand duty and tried to abscond. The whole incident took place in front of the prosecuting agency at the stairs of the court. When she failed her attempted she started making false allegations on the police personnel of mis handling. Feared of her actions, the in charge of the police team had given an application before the special court to continue her remand through video conferencing from jail. Not only this, she has been making baseless complaints against the prosecuting agency, the Judge and Jail authorities, which has nothing to do with her, except her custody.

10. Once she is permitted to leave India, she will not come for the hearing of her case.



11. If she is not permitted to leave India, she cannot do any business as per the condition of her tourist visa and in that situation, her source of income for stay in India, is also unknown, in such circumstances there is every possibility that she will again indulge in similar illicit activities.

12. The investigation in case against the member of her syndicate in illicit business of pseudo is still on progress. The accused will try with all intents to destroy the evidences against them and herself.

13. She may also try to influence and intimidate the witnesses of the case.

14. She was running all of the illicit narcotics business on behalf of Dr. Agarwal who is the prime suspect in the case. She was regularly reporting to him about the controlled substances to him and was also working according to his directions.

15. No biased consideration should be given on the basis of her gender and nationality as her crime are heinous in nature and has been committed deliberately against the society.

16. Apart from this she has been booked in another case by police in Ambala of fraud.

17. Such a resolute criminal lady has only shelter in jail. Every possible facility demanded was provided to her on humanitarian basis by the prosecuting agency and jail facility.

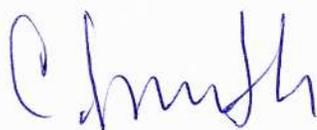
18. She has never been discriminated on her nationality and gender. Despite these efforts, she has been harassing officers.

19. In her voluntary statement, she has disclosed that she has already been to several countries during the period in which the diversion of controlled substance took place, however she was not out of India for the complete period.

20. The source of her funding for visit and purpose of her visit is suspicious. Actually it is doubted that she was siphoning money from the illicit trade of pseudo to her foreign associates during these tours. It is also possible that she was clandestinely carrying narcotic drugs to these countries.

21. She has stated her brother died of overdose of heroine.

This has been a long but necessary letter to point out the glaring inaccuracies and human rights violations that surrounded NCB's investigation and subsequent cover-up. I hope that you will identify the specific instances of human rights violations embedded in my outline and help to prevent the NCB officials from further harm and suffering of innocent individuals. NCB 10 has continued to harass me at court and has attempted to extort 40 LAC rupees from me. Again, the officials of NCB have caused me psychological torture, physically assaulted me, and forced me



to sign a statement while I was fearing torture. The officials from NCB have framed these charges against me, have been inadequate during their investigation, and have delayed my court proceedings, which consequently delayed the start of my trial. The NCB officials have participated in a travesty of human rights violations. Please help me to correct those human rights violations. I am presently on a medical release bail which is set to terminate on the 24th of September 2015, at which time I may be mandated to return to the Dehradun Prison. Until that time I am available at the contact numbers below and look forward to speaking with you. Thank you again.



Colette Nicole Smith, MPH

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Dehradun