

Subject: RE: Report of U.S. Embassy Visit to Colette
From: Andrea Smith (ansmith@care4denver.org)
To: scott@cerroazul.biz;
Date: Thursday, December 17, 2015 2:44 PM

Yes, I received this same info from the embassy.

From: Cerro Azul Construction [mailto:scott@cerroazul.biz]
Sent: Thursday, December 17, 2015 11:11 AM
To: Andrea Smith <ansmith@care4denver.org>
Subject: Fwd: Report of U.S. Embassy Visit to Colette

Sent from my iPhone

Begin forwarded message:

From: "Floyd, Gregory A" <FloydGA@state.gov>
Date: December 17, 2015 at 4:35:47 AM MST
To: rosemary nowak <1rosemary.nowak@gmail.com>, "Ansmith@care4denver.org"
<Ansmith@care4denver.org>, "scott@cerroazul.biz" <scott@cerroazul.biz>
Subject: Report of U.S. Embassy Visit to Colette

Colette says hello to each of you. I visited with Colette, as well as jail and medical personnel, for about 3 ½ hours on December 14. Please forgive the several day delay in my report, as I followed my visit with Colette with other visits outside of Delhi and have just returned to office.

I first met with the Superintendent of the jail, along with the jailer in charge of Colette's unit, and the jail medical officials, as follows:

The jail officials reported that Colette is not adapting well to the jail environment.

They said that despite having opportunity to develop friendships with other English language speakers and participate in jail activities, she is focused away from positive activities and substantive aspects of her case. They believe that her focus on health and treatment issues is intended to support her bail requests, but that she is actually hurting her own case by how she is interacting with staff, doctors and the court. They requested my assistance in encouraging Colette to more productively focus her time by better engaging in jail activities and by focusing on her court case.

I insisted that regardless of their personal views of Colette's complaints, she be treated fairly and with respect for her human rights. I specifically asked that her medical concerns be taken seriously and referred to doctors, reminding jail personnel that they are not qualified to make medical judgments. They readily agreed, saying that it was their policy to take every complaint seriously. They said the jail medical officer is strongly encouraged to err on the side of caution for further referrals to AIIMS hospital, which he does often.

They said that of all the inmates, Colette gets the most attention and the most assistance from jail officials. As examples:

- o A water filtration system was installed to ensure her access to purified water.
- o At her request, she has been given more food options, including more Western food. (They also reported she is maintaining weight well as a result, which pleased them.)
- o At Embassy request, she has had unsupervised access to pen and paper, despite policy that writing implements can be used as weapons and are banned except under supervision.
- o At Embassy request, she has had access to makeup and toiletries that would otherwise be banned as a result of glass or other potential dangerous material.
- o At her and Embassy request, She has had more medical attention than any other person in the combined memory of the officials.
- o At her request, the jailer mailed Colette's many letters at personal cost to himself, noting that he has dutifully forwarded mail even that directly criticized him.
- o The jailer, partially at his own expense, has helped develop an English language library stocked with books for Colette to read.

I asked about Colette's access to pen and paper, and said that was a priority for Colette and the family. The Superintendent responded that she would be provided to pen and paper whenever she requested and an attendant was available to supervise, but that the jail would henceforth apply broader jail rules preventing unsupervised access to pen/pencils that could be used as a weapon.

I asked for additional detail about Colette's medical care, and relayed family concerns over her treatment. In response, officials noted that Colette has been transported 10 times to Delhi for medical treatment at AIIMS, the top government hospital in India and one of the top hospitals overall. This is more than any other inmate in their memory. She has seen specialists in dermatology, psychiatry, endocrinology and gynecology. In none of those visits have doctors found any life threatening condition or issue of long term concern. In addition, there have been many other visits to local hospitals, including Jolly Grant Hospital and AIIMS Rishikesh. They said she visited AIIMS New Delhi three times in the past month alone and reported that she is scheduled for her next visits to AIIMS New Delhi in January and February.

I inquired about outcomes of the medical visits, and they let me review her extensive medical records. There was a regular pattern of visits, including detailed review of her health by doctors, and – on the face of the records from the brief, non-expert review allowed – apparent evidence of regular medical care, and no evidence of any life threatening or long term health issue. Nevertheless, I asked jail authorities to provide me with a chance to talk to Colette about her health and get more detail. They agreed that Colette could make any request for additional treatment – in addition to her planned

hospital visits in the coming months – and they would accommodate her.

- I asked about Colette's medical bail hearing. They reported that during the hearing, the judge confirmed that Colette was in overall good health, receiving adequate medical care, and without need for bail. They said the judge classified Colette as a "serial complainer" whose complaints could not be confirmed by medical professionals, suggesting that she was fabricating some of her issues to make them appear worse for the purpose of getting bail, and expressing concern about her drug use if unsupervised.

- I asked for more information about that allegation. They said that while at AIIMS, the doctor reported that against instruction and despite giving her large quantities of water, she repeatedly refused to provide a urine sample, instead expelling directly into the toilet and attempting to provide a tainted, old sample from her urine bag. They said the doctor concluded she was attempting to manipulate the test to create the impression of illness. They showed me medical records documenting the failed attempt to obtain a sample and her lack of cooperation. They also expressed concern that during her previous medical bail, she took large amounts of diazepam and xanax in excess of the amounts prescribed, noting that they were drugs related to mood alteration.

- I asked about the outcome of allegations of wrongdoing against the jail, and they responded that following her complaints, the jail requested and was thereafter subject to an audit by the National Human Rights Commission of India (NHRC). They say the result was a report concluding no wrongdoing whatsoever by the jail. (Note: They said a copy of the report wasn't yet available, but appeared confident and believable when they reported the favorable outcome.)

I followed this with a visit to Colette:

- Colette walked easily into the meeting, accompanied by a female guard who was present for the duration of the visit. There were no external signs of any health issues, and she did not appear to be in pain. She was wearing makeup, dressed in clean, Western-style clothing, of approximately the same weight as in previous visits. She spoke easily, clearly intelligent and expressive. I greeted her warmly, explained that our previous officer (Dan Walker) had transferred to another unit, and asked if she remembered me from our first visit together. I said we'd brought letters from family, and asked how she was doing.

- She replied to me that she was going to die in jail, and complained that she was unable to walk, and needed to have her pen and personal papers back from the jailer. She said that she was the only English speaker in the jail, and had nothing to do all day. She said she wanted bail, and blamed a corrupt Indian government for refusing her bail request. She expressed a desire to appeal her bail petition to the Indian Supreme Court.

- I told her the jail's policy on unsupervised access to pens, and relayed the offer to provide pen and paper any time that an attendant was available. I then left briefly to ask the jailer about her personal papers. He showed me his file with her papers, which included all the letters she had written and the court order putting her in judicial custody. He said he would welcome her personally keeping all her court documents, copies of evidence or other items related to her case, but that there was none of that he had. He only kept the copies of the letters he forwarded, with the justification that he wanted proof that he'd forwarded all of letters and had made all of the copies for his own records. He asked me again if Colette had any medical concerns.

- I returned to Colette and asked her if she was having any medical problems requiring treatment, and told her that jail officials were willing to meet any requests she had. I told her of the coming appointments with the specialists at AIIMS, and asked if she needed anything else to ensure her health. She responded that she did not have any immediate

medical needs, and requested nothing from the jail regarding her medical situation at this time. She said she didn't want to attend the scheduled AIIMS appointments and asked me whether refusal would have negative repercussions.

I responded with a reminder that refusal to attend past medical appointments appears to have worked against her application for medical bail or permission to see a private doctor. I relayed the jail official's readout of her bail hearing. I recommended that she follow medical advice, and said that if she was having any medical concerns that she see the doctors. Even if she disagrees with those doctors, I reminded her that the opinion of the government physicians at AIIMS would likely be compelling to the court. I told her that if she had any doubts, she should work with legal counsel for advice.

She reiterated that she wanted to appeal the medical bail hearing, and asked for my thoughts and for a recommendation of a good Supreme Court attorney in Delhi. I responded that she should check with her attorney and together with him come up with a plan, and I offered to provide any family member who requested with a copy of our attorney's list if she wanted a new attorney. I noted that appeals address questions of law, not questions of fact, and that it appeared that the factual findings related to her bail request were not favorable. I asked if she had considered whether focus on the substantive aspects of her case might not be more productive. Again, I advised that working with an attorney would best get the answers she needed to these questions.

She complained that her bladder infection had not been effectively treated. I asked whether that was consistent with her earlier statement she was feeling fine and didn't need additional medical help. She repeated that she didn't want to see a doctor. I relayed concerns from the doctor at AIIMS that she would not cooperate with urine testing and explained that apparent evidence of her manipulating the test had become a great concern for the jail, doctors and possibly the court. She didn't respond, instead immediately changing the subject and said that her psychiatric issues justify medical bail, reiterating that she thinks she is depressed.

I encouraged her to continue to raise her concerns with medical officials, particularly with the psychiatric consult at AIIMS scheduled for the beginning of January. I reassured her that focus on the substantive aspects of her case may improve her outlook, and encouraged her to work with attorneys on her case to provide a positive outlet for her energy and intelligence. (I later reported to the jailer her concerns over her psychiatric health, and asked that she be monitored to be sure she doesn't do harm to herself.)

I asked her whether she was happy with the legal counsel she has been receiving. I expressed concern that many of the questions that the Embassy has been asked by her and family over time have been issues that need to be addressed with legal counsel. I asked how often she sees her lawyers. She responded that she only sees them every couple of months, and that isn't enough, and that she would like to see them more, but she didn't have any specific complaints about the attorneys. I asked if she felt there was any conflict of interest in the attorneys being selected by and potentially paid for by someone who is also target in the same case, noting that a potential tactic could be to blame other persons involved in the company. I said I was providing no legal advice, and had no opinion about her attorneys. I said I was instead encouraging her to continue to focus her thoughts on her defense, and focusing most strongly on putting the best defense forward through the best attorneys she could find.

I then provided the letters from family, including student loan deferment forms. We had a difficulty with printout of the two most recent letters sent (one from Rosemary and one from Jacqueline) before the visit, so I asked Colette's permission to read those (we don't read the other letters before delivery.) She agreed and I read those out loud from my email. I told Colette of Andrea's hope to visit after Christmas once she is able to get time from work. Colette signed loan forms and wrote a brief letter to Rosemary (which I'll separately send to her.)

I apologize that some of this report may be upsetting, I wanted you to get a complete report of all that was said. I strongly recommend focusing efforts on Colette's legal defense through the best counsel you can find. If happy with current counsel, that is great news. If not, we have a list of attorneys we can provide upon request. If you have continued concerns with the human rights situation for Colette, please feel free to let us know. We recommend also lodging concerns with the National Human Rights Commission at <http://nhrc.nic.in/>. I also recommend helping Colette to be as positive as possible despite the difficulty in doing that – she can use all the positive support she can get.

We are already preparing our next request for permission to visit, which we will plan for January after Colette's next appointments at AIIMS. We will again provide a readout of our meeting to you afterward. In the meantime, if you have any letters for us to deliver next month, please feel free to forward to ACSND@state.gov. Please also use that address for any general correspondence, as I travel frequently, and that gives my staff access to better respond.

Best Regards,

Greg



Gregory Floyd • Consul – U.S. Citizens Services Chief • U.S. Embassy New Delhi • U.S. Department of State

Shantipath, Chanikypuri, New Delhi, India | t: 91-11-2419-8000 | *: FloydGA@state.gov

Website: <http://newdelhi.usembassy.gov/> | Facebook: <https://www.facebook.com/India.usembassy>

Email addresses ending in denverhospice.org or care4denver.org will reach the intended recipient.

This e-mail message and any attachments may contain confidential information which is privileged and protected from disclosure by federal and state laws. If you are not the intended recipient, you are notified that the dissemination, distribution, copying or other use of this message is strictly prohibited. If you have received this communication in error, please delete the e-mail and attachments from your computer and contact the sender at (303)394-8940.

Attachments

- image001.png (1.63KB)

You received this message from the embassy.

From: Casey And Construction [mailto:scott@carroll.biz]

Sent: Thursday, December 17, 2015 11:11 AM

To: Andrew Smith <asmith@caroldeaver.org>

Subject: Park Report of U.S. Embassy Visit to Colette

Hi Andrew!

Begin forwarded message:

From: "Philip Gregory A." <GregGA@caroldeaver.org>

Date: December 17, 2015 at 4:30:47 AM MST

To: "Casey And Construction" <scott@carroll.biz>, "Carroll Deaver" <carroll@caroldeaver.org>

<carroll@caroldeaver.org>, "Scott A. Carroll" <scott@carroll.biz>

Subject: Report of U.S. Embassy Visit to Colette

Colette says hello to each of you. I visited with Colette, as well as jail and medical officials, for about 3-4 hours on December 16. Please forgive the several day delay in my report, as I followed my visit with Colette with other visits outside of Dallas and have not returned to office.

I sat down with the Superintendent of the jail, along with the officer in charge of Colette's unit, and the jail medical officials, as follows:

The jail officials reported that Colette is now accepting food in the jail environment.