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TX: 20.02.03 DEAF AID WORKER CALLS ON FOREIGN OFFICE TO IMPROVE THE HELP IT GIVES DISABLED PEOPLE ARRESTED OVERSEAS

PRESENTERS: LIZ BARCLAY AND DIANA MADILL

BARCLAY

A deaf aid worker who was wrongly sentenced to 10 years in jail for drug offences in India is calling for the Foreign Office to improve the help it gives disabled people arrested overseas. Ian Stillman, who is now back in the UK, spent more than two years in an Indian prison before being released on health grounds in December. Ian and his family are angry that the Foreign Office did nothing to ensure that he had a sign language interpreter during his trial. Ian, with the help of an interpreter, told me about the ordeal he's been through and what it's like to be back in this country.

IAN STILLMAN THROUGH INTERPRETER

It's still quite surprising when I go into Romsey or Southampton, I walk along the street and someone bumps into me, recognises me from the newspaper and TV, and says hello to me, welcome back, well done, well done.

BARCLAY

Tell me about being in the Indian prison.

IAN STILLMAN

There were two main difficulties, one was sleeping problems, the other one was because of my disability. In the prison I was in it was very crowded with up to 33 people sleeping on the floor in a space 22 feet by 12½ feet. I've seen reports of other prisoners in other prisons who've had to stand up overnight because there was no place for them to lie down and sleep during the night. Because of my deafness and amputation there were many difficulties. Deafness is invisible and being an amputee isn't always immediately apparent to many people and there were many difficulties regarding communication.

BARCLAY

Eventually your case came to court. In what ways did the court discriminate against you?

IAN STILLMAN

I couldn't follow what was going on in court, I might as well have been a cardboard cut out at the back, I had no idea what was going on. There wasn't any point me being in court because it didn't involve me. I had the feeling that people didn't believe that I was really deaf and I sometimes wonder if that's because there are many impostors in India - people pretend to be deaf. But then if they had doubts that I was deaf they should have sent me for a medical check up to find out for sure.

BARCLAY

In that case then why did you not have an interpreter in court?

IAN STILLMAN

They didn't want to accept that I was really deaf, I was refused the help of an interpreter.

BARCLAY

Why did the Foreign Office not step in at that point and help?

IAN STILLMAN

I think they should have done but I think the point is that they only jump in after the whole legal process is finished.

BARCLAY

How did you feel about their lack of support?

IAN STILLMAN

At the beginning I don't think the lawyers and other people took me seriously because they thought it was such a straightforward case and that I would be acquitted, so I didn't go into great detail about my difficulties with communication - they didn't want to hear my side of the story. There were so many loopholes they were so sure that when it came to the trial I'd be acquitted. Generally people took that view, so when I was convicted at the trial court it was a shock for everyone.

BARCLAY

When you meet Jack Straw, as you're hoping to do in the next few months, what will you be saying to him about this?

IAN STILLMAN

Obviously I want to describe the experience of what happened to me over the past two years, an objective would be to try and ensure that the same thing doesn't happen again to anyone else.

BARCLAY

Do you hope that one day you will be able to go back to India?

IAN STILLMAN

I hope so.

BARCLAY

You don't feel bitter?

IAN STILLMAN

I think feeling bitter is an unhelpful emotion, a negative emotion, so I try not to be bitter but I think positively how to overcome the problem. I think there are many like me who are trying to prevent the same thing happening again.

BARCLAY

Ian Stillman. Ian's sister Elspeth Dugdale helped to fight for his freedom, she found the response from the Foreign Office hugely disappointing. I asked her what they did that was actually helpful.

ELSPETH DUGDALE

They do say they will deal with the health and welfare and yet it was just so frustrating sometimes. Ian needed a wheelchair, for example, because his artificial leg didn't work, and so eventually, after a long time, a wheelchair was provided. And if you look at the information they say well a wheelchair was provided at our intervention and you know it was but I mean you'd almost laugh or cry if you saw the amount of time it took. And then when the wheelchair came one wheel fell off, it was too large to go in and out of the room, so he couldn't move around on it. But I think the initial contact

from the British High Commission was fraught with difficulty, it wasn't realised that he was profoundly deaf, messages that went back to Delhi were not correctly reported and therefore were not correctly reported to the Foreign Office and we were, on occasions, told to kind of quieten down and to not make such a fuss. And unfortunately they would sort of remind us, almost by emotional blackmail, we have thousands of other people to deal with.

BARCLAY

Elsbeth Dugdale.

MADILL

Well the Foreign Office refused our request for an interview but issued this statement. They said:

Our consular staff in New Delhi and London have done all they can to help Mr Stillman and his family. It's not for the Foreign Office to provide interpretation for anyone, we can't interfere in the legal process of any country, it's up to the detainees lawyers to ensure that the person receives a trial according to the law of the country concerned, including that proper translation facilities are provided. If the judge refused the F.O. would have raised the matter with the local authorities but we have no record that Mr Stillman's lawyer raised the problem of interpretation or asked us to intervene.

Well joining us now is Steven Jacobi, director of the charity Fair Trials Abroad. The Foreign Office is very clear about how far it goes in cases like that but why should it get involved personally anymore when the other person has got a lawyer who can stand up and represent them and fight their case?

JACOBI

Well it's well known that lawyers are very variable in third world countries and particularly in India and all sorts of things can go wrong. And where this one went wrong, very plainly, was anybody who heard that exert of Ian speaking would realise there was a problem. It's impossible to disregard the problem and if the problem is deafness then the Foreign Office should have been aware the guy was deaf and sent somebody up to watch what was going on. It was not done.

MADILL

Who should have told the Foreign Office in the first place?

JACOBI

Their own people in India. The first person to visit Ian must have realised he was deaf, it's impossible to disregard it. And then they would have watched it somewhat. The second thing is, of course, that, as I said, local lawyers are very variable and the Foreign Office has a policy that when there's been a serious miscarriage of justice they will go in and make representations early. This was manifest very early on, they never followed through, they never did that.

MADILL

But it's not the responsibility of the Foreign Office to ensure that a British national has a good lawyer abroad is it?

JACOBI

It should be because it's the responsibility of the Foreign Office, and they accept it, that people's human rights should be observed and nobody will observe their own citizens human rights and that's a very basic one except for the Foreign Office. So they've really got to implement their policy. We have a case, a silly case, of a guy who's got a very bad heart, lots of medical attention and the rest of that, he's in India, he got convicted of a drugs offence, he's been waiting for his appeal eight years, so his daughter goes along to the local MP and says ...

MADILL

In this country.

JACOBI

...Ian Stillman - in this country - why isn't my dad out, why is nobody doing anything? Oh but Ian was medical. But you've had all our medical records, she says to the Foreign Office, who reply - well we trashed them, we destroyed the files sometime ago. Well I do hope the MP gets to the bottom of it. His name's Jack Straw, some people would probably have heard of him.

MADILL

One would expect that he would have his finger on that computer button if he needed to I suppose. But looking at this how much do you think the Foreign Office has to change its approach, where should it start, because I'm sure it's a bit piecemeal - that it's good in some countries and bad in others?

JACOBI

It starts by getting its policy right, which it's got, and we'd accept that and by getting it implemented, which is much more difficult. Two, three years ago they were doing that, now the situation's changed, they've got to get back on track.

MADILL

Steven Jacobi thank you very much indeed.