

Human Rights Defenders Alert - India

National Coordination Office

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Shri A. K. Parashar

Focal Point - Human Rights Defenders

National Human Rights Commission

Faridkot House

Copernicus Marg

New Delhi-110001

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert-India - Urgent Appeal for Action - Uttar Pradesh/Varanasi: Death Threats and Intimidation to human rights defenders of PVCHR and Women Survivors - Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern over the Threats to human rights defenders of PVCHR and Women Survivors in Varanasi. We are submitting this complaint based on the information received from the Urgent Appeals Desk of the Peoples' Vigilance Committee on Human Rights (PVCHR).

Incident:

Peoples' Vigilance Committee on Human Rights (PVCHR) Secretary General / Executive Director Dr. Lenin Raghuvanshi received a notice from police station of Catt in Varanasi on January 24, 2013 at around 2.30 pm on complain of perpetrator Mr. Sunil Kumar Gupta on 16 January 2013, the day when the news were published after the press conference of survivor Mrs. Sapana

Chaurasiya. But no action on complain on 3 December and 5 December 2012 about violence against woman, threat on December 16 and 20, 2012 by husband of Mrs. Sapana to Shruti Nagvanshi & Lenin Raghuvanshi respectively and again threat on Lenins' mobile on 16 January 2013.

Background Information:

PVCHR office received a 23-year-old woman Sapana Chaurasiya who was in trouble due to the atrocities by her husband. He used to abuse her every now and then, attacked her dignity in public by humiliating her in front of people, sexually assaulted her and made MMS. She suffered all this at the hand of her husband. She was not allowed to talk to any of the relatives, friends or neighbours and was threatened of dire consequences if she would speak to someone.

It is possible that his previous wife too was tortured like this and out of frustration she committed suicide in the house. However he could convince the in-laws and there was no case filed against him therefore he has a high spirit to commit such offences against the woman he marry. He would take names of musclemen while talking and flaunt their names as in close proximity. One the victim tried lodging a complaint with the Khojwa police-out-post but instead of listening to her woes the cops there tried to convince and threaten her to go back.

Once when she was upset with the torture of her husband she escaped to her mother's house. But then he sent her a packet in which there were her clothes that were cut in to tiny pieces. He told her that I have sent your clothes now but if you do not return back soon I will do the same with your children so if she wanted has children to live she should come back. Even then she refused to go back. Then her brother Shyamsunder was lifted by cops and held captive in the police station. He was set free only when she went back.

Testimony of Sapana Chaurasiya:

I am Sapana Chaurasiya age 23 years. My mother is Munni Devi and father late Ramnarayan Chaurasia, a resident of Samne Ghat (Shivaji Nagar Colony) police

station Lanka, Varanasi, Uttar Pradesh. We are a family with two brothers and four sisters, of which I am the youngest sister.

I was sent by my mother along with a neighbourhood woman Kiran, who used to frequent our place often in Shivaji Nagar to get a picture clicked for my marriage. After getting the picture clicked the woman took me to Sandesh restaurant telling she wanted to offer me some sweets. But after some time there came a man called Sunil son of Kanhaiya Gupta, resident of B24/151, Kashmiri Ganj, Ram Mandir, Khojwa, police station Bhelupur along with few other friends. He came with friends Vinod, Dhobi, Banti and Lamboo and a lawyer and asked me to sign a paper. I started crying when they forced me to do so and I said how could I do this how could I marry like this? I told them my mother was not here and I cannot sign but Kiran forced me to sign. This was June 26, 2005.

Four days later I was forced to marry with him at a Shiv temple and he then took me home. As soon as I reached his home he started misbehaving with me in front of his other family members and when I resisted he slapped me in front of them. I was not aware about his family till then. It was after reaching his house that I got to know he had a son and a daughter (who were 17 and 15 years of age by then). I was not aware of all this till then. By the evening I told him that I will not stay any more with him then he convinced me to stay on making an excuse of illness. I thought it to be fait accompli and became ready to stay.

But my husband was a horrible man who abused me every now and then. There was nothing in between us as there is a sweet relationship between husband and wife in common. He never treated me like wife. Whenever I asked to leave for my mother's house he would refuse permission. He made sure I do not talk to anyone in his family, among his relatives or friends. He had asked everyone and threatened them to stay away from me.

He never treated me like a wife is treated by her husband and neither did his family members considered me their daughter-in-law. In fact I never got treated as human in that house. My parents were not allowed to come and see me either.

My husband made MMS of our physical relationships and whenever I refused to make a relationship he threatened me that he would make those MMS public and defame me. He regularly threatened me that he would kill my brother.

His previous wife too had committed suicide probably out of this behavior in the house. However in absence of a legal case he is thinking himself safe.

My husband has been involved in many criminal activities. He takes names of musclemen while talking and flaunt their names as in close proximity. Once I had gone to lodge a complaint with the Khojwa police-out-post but instead of listening to her woes the cops there tried to convince and threaten me to go back.

Once when I was upset with the torture and escaped to her mother's house he had sent me a packet in which there were clothes that was cut in to tiny pieces. He told me that I have sent your clothes now but if you do not return back soon I will do the same with your children so if I wanted children to live I should come back. Even then I refused to go back. Then my brother Shyamsunder was lifted by cops and held captive in the police station. He was set free only when I went back.

Sunil used to inject me medicines meant for mentally challenged person to make me mentally weak. My face went dry and I could not even take care of my little son who is 5 years old. When I became very ill due to the adverse impact of the medicines I was admitted to Banaras Hindu University (BHU) under a famous psychiatrist. There at the hospital the counselor asked me why I was not willing to live with my husband but out of fear I could not tell them the exact situation. Sunil has already fed the doctors and staff that his wife was not willing to live with him neither did she wanted to go anywhere with him.

Sunil used to change his behavior in front of others and acted as if he loved me a lot. His acting could have confused anyone. Sunil continuously tried to make me mentally weak and often said if I die he would get enormous money. He had got my life insurance done.

Once when I was under serious impact of the medicine he gave me a horrible hair cut and then called up everyone to show me and said see she has gone mad and done such a haircut. I was unable to understand anything then and thought what was going on with me. Even today thinking of those days gives me chill.

If I go back my husband will kill me. I love my son a lot and want to live for him. To all I plead that if they want me to live I shall not be sent back to my husband's house as I cannot live with him in any condition. I shall be given divorce and my son should be saved.

Additional Information:

On 5th December, 2012 PVCHR sent letter to Director General of Police, National Women Commission, National Human Rights Commission, Hon'ble Chief Minister of Uttar Pradesh, Home Secretary, Central Home Secretary, Senior Superintendent of Police and Shri Rahul Gandhi.

DGP complaint cell took cognizance and NHRC issued notice to Senior Superintendent of Police in case no. 42218/24/72/2012/UC dated 15 December, 2012 <http://www.pvchr.net/2012/12/heard-to-unheard.html>. In spite of taking action police is giving threat to Sapana Chaurasiya's brother Shyam Sunder and due to fear he ranged to Sapana and said that she had to produce in Bhelupur police station for making statement.

Sunil Gupta along with one person came to PVCHR office on 16th December, 2012 at 8:30 pm when Lenin Raghuvanshi was in Mumbai. He talked with Ms. Shruti Nagvanshi, Managing Trustee of PVCHR for more than 45 minutes and continuously making pressure and willingness to meet his wife. Again Sunil Gupta came nearly 8.30 AM of 20th December, 2012 to office and threaten to Dr. Lenin. Lenin received treat call on his mobile +91-9935599333 from mobile number +91-9452302585 on 11:52 AM of 16th January 2013 and Lenin immediately filed complain to NHRC and SSP, Varanasi by registered letter and email. <http://www.petition-nhrc.blogspot.in/2013/01/fwd-0.html>

After all interventions and no action or negative action by Varanasi police, Survivor Sapana organized press conference on 23 January 2013 and media published in very sensitive way.

<http://www.scribd.com/doc/121959479/News-related-cases-of-Sapana-Chaurasiya>

On 24 January 24, 2013 Lenin received notice from police on complain of perpetrator Mr. Sunil Kumar Gupta on 16 January 2013 to superintendent of police (City).SP (City) Varanasi immediately issued letter to Circle office of Cantt area in Varanasi to inquiry against letter by letter number S.T./Nagar-05/13 Dated 16 January 2013. It is a threat to the security of Sapana and the activists of PVCHR. Immediately again Lenin petitioned to NHRC, Home Secretaries at central and state, Governor of UP, Chief Minister, DGP, IG,SSP and SP City. http://www.pvchr.net/2013/01/blog-post_24.html

Testimony Of Lenin Raghuvanshi:

The victim Sunita Chaurasia had conducted a press conference on January 23, 2013 and the related news items got published the next day. On January 24, 2013 the day when the news were published a constable from the Cantonment police station reached my place at around 2.30 pm and gave a notice.

The notice read that on the basis of the complaint filed by perpetrator Mr Sunil Kumar Gupta on January 16, 2013 a probe is being conducted by the SP (city) Varanasi.

It may be mentioned that on December 20, 2012 Sunil Kumar Gupta had come to my office and threatened me and after that I had filed a complaint letter with the senior superintendent of police, Varanasi through registered post (Registry Number: EU13130760IN dated December 21, 2012).

But there has been no action on my letter. In the letter I had written that Sunil Kumar Gupta has threatened to get the organization trapped viciously. Not only this the women cell of the Varanasi police has been threatening and pressurizing after the victim Sapna Chaurasia wrote a letter on December 03, 2012 and the letter sent by me on December 05, 2012. After this the victim Sapana again sent a letter on January 19, 2013 against misbehave of women cell of district police and myself on January 22, 2013 to the senior superintendent of police about mal-treatment by patriarchal women cell of police in Varanasi.

Not only this, the National Human Rights Commission(NHRC) has directed the SSP, Varanasi through its letter on December 15, 2012 to probe the matter and sent back a report in 4 weeks (case number 42218/24/72/2012/UC). Apart from this the Varanasi police has hushed up the matter of unnatural death by hanging of Soni

Gupta the first wife of Sunil Kumar Gupta in 2002 (post mortem report number 1280/2002). This indicates the connection and power of Sunil Kumar Gupta and the role of Varanasi police.

If the statement of Sapna Chaurasia in affidavit given before the SSP, Varanasi is read and her video statement is viewed <http://vimeo.com/55757055>, then it is clear that Sapna Chaurasia has named Sunil Kumar Gupta to be involved in several illegal actions and she has also said that he used to name mafiaso. I have also got calls from several white collar people in the city to get myself away from this case.

I fully understand that the police-mafia nexus might make attempt to kill me or my family members or try to get me trapped in bogus case. I have been threatened so on December 20, 2012 and January 16, 2013.

Therefore, I request that I, my family, Sapna Chaurasia and her family be protected and a probe should be conducted at high level by the CBCID or CBI due to involvement of corrupts in all sectors such as media, police, NGOs, lawyers, relatives etc, because I received many calls and advises from them to withdrawal my petition and support. First time in my life, I am feeling that my death is so near. I believe in life before death like Jesus, so I am going to fight up to my death against corrupt and patriarchal elements. If I will be died, please support to people of PVCHR and provide care to my son. It is my testimony on the birthday of my son Kabeer karunik on 24 January 2013.

More information:

It has been 65 years since India – the largest democracy in the world – attained independence.

Yet, justice for all is still a far cry in the country where the caste system continues to determine political, social, and economic lives of a billion people. Money and muscle power, together with political string-pulling, often result in denial of justice for the hapless 'have-nots', especially the Dalits (untouchables), ravaged by poverty and illiteracy.

Atrocities and extortion on the Dalits, fake encounters, refusal to register complaints against the well-heeled, arbitrary arrests on false charges, illegal detention and custodial deaths are in commonplace.

In the absence of a modern social audit system, the keepers of the law often unleash a 'police raj', especially in rural India. A crippled National Human Rights Commission and its state subsidiaries with limited recommendatory control and a dysfunctional Legal Aid System depict a gloomy picture indeed.

In a unique way, Lenin Raghuvanshi, a veteran human rights activist, fighting the case-studies primarily drawn from Uttar Pradesh, registering the highest rate of crime against the Dalits, chronicles how with implicit support from the administration, the Dalits are tortured and subjected to humiliation by the higher castes, like being garlanded with shoes, their faces blackened or being forced to ride an ass; yet, in most of the cases, violence, deaths or custodial tortures that are committed against the marginalised and deprived castes go unrecorded.

Ironically, even after having shed the colonial yoke, its legacy continues in the administrative framework of our independent India marked with widespread corruption which has rendered many government-sponsored schemes in rural India a failure.

Lenin Raghuvanshi, an Ayurvedic physician by profession, has been working for the rights of bonded and child labourers and other marginalised people in Varanasi and eastern part of Uttar Pradesh, India. In 1996, he and his wife Shruti founded People's Vigilance Committee on Human Right (PVCHR), a community-based organisation, to break the closed, feudal hierarchies of conservative slums and villages by building up local institutions and supporting them with a high profile and active human rights network.

He has become the symbol of nonviolent resistance among millions of Dalits fighting for dignity. For his commitment in favour of marginalized people, he has periodically suffered death threats.

Already an Ashoka Fellow, Lenin was the President, United Nations' Youth Organisation (UNYO),Uttar Pradesh (India) Chapter. Lenin's work has been recognised with Gwangju Human Rights Award for 2007. In 2009, in collaboration with the Rehabilitation and Research Centre for Torture Victim (RCT), Denmark, Lenin developed Testimonial Models for torture survivors in India. City Council of Weimar in Germany selected Lenin Raghuvanshi for the International Human Rights Award for 2010.

Appeal

We, therefore, urge you to immediately take necessary steps to

1. Guarantee in all circumstances the physical and psychological integrity of Dr. Lenin Raghuvanshi as well as all human rights defenders in India;
2. Order an immediate, thorough, effective, transparent and impartial investigation into the issue of death threats against Dr. Lenin, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
3. Put an end to acts of harassment and threats against Dr. Lenin more generally, against all human rights defenders in India;
4. Ensure that protection and security be provided to Human Rights Defender Dr. Lenin Raghuvanshi;
5. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
 - its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the

protection and realisation of human rights and fundamental freedoms at the national and international levels”;

- its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;

- and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

6. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary,

Human Rights Defenders Alert - India

Useful Links:

Testimony of Sapana Chaurasiya in Video: <http://vimeo.com/55757055>

Urgent appeal by PVCHR in Hindi: <http://www.pvchr.net/2012/12/heard-to-unheard.html>

Testimony in Hindi: <http://myselfsuffering.blogspot.in/2012/12/blog-post.html>