

Human Rights Defenders Alert - India

National Coordination Office
23, West Park Street, 1st Floor,
Shenoy Nagar, Near Post Office, Chennai – 600 030 Tamil Nadu, INDIA
Tel: +91-9994368540 Email : hrda.india@gmail.com

March 1, 2013

**Special Rapporteur on the situation of human rights defenders,
Ms. Margaret Sekaggya**

c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland

Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert - India - Urgent Appeal for Action – Noida, Delhi: Illegal detention of a labor rights activist and two union members –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 regarding the allegations of illegal detention of a labor rights activists and two union members in Noida, Delhi.

Name of the perpetrators: Police Officials in Noida, Delhi

Date and time of incident: February 27th, 2013 – Present

Place of incident: Noida, Delhi

Incident:

On Wednesday, February 27th, ten to twelve officers from the Noida Police Station illegally detained Naveen Prakash – who runs a DTP centre in Ghaziabad and is an active member in his workers' union – and his employee Raju. They provided no reasoning or justification for this detainment. While in custody, officials made Naveen

call Tapish Maindola, an activist of the Bigul Mazdoor Dasta for assistance. As soon as Maindola arrived, police also detained him. None of the three were allowed to contact anyone as their telephones were seized and switched off. Their whereabouts were unknown for 24 hours until colleagues and associates were informed that they were being held in the sector 58 Police Station in Noida. According to a press release submitted by the Bigul Mazdoor Dasta, officials had physically and mentally harassed the three men for the entire night.

The police did not file an FIR and never officially charged Naveen, Raju or Maindola with an offense. They claimed that the three were responsible for instigating violence among workers against factory owners and could therefore be booked under the National Security Act.

About the activists and the Bigul Mazdoor Dasta:

Prior to this incident, the Bigul Mazdoor Dasta, a workers movement in Delhi led by activists like Maindola, had been conducting informal meetings and distributing pamphlets regarding the sporadic violence promulgated by various laborers during a recent two-day strike. The primary purpose of these activities was to reflect on the deep-set anger and frustration of workers, who are systematically denied rights, but also to assert that anarchistic violence is not the solution to the problems they face. They argued that workers need to organize themselves into revolutionary unions and social movements in order to take on the capitalist exploitation they are facing.

Considering that the movement had no role in inducing or promote recent violent skirmishes, the erring police officials detained the three under false pretenses. It should be further noted that Naveen and Raju were only socially associated with Maindola. They were detained, according to the Bigul Mazdoor Dasta's press release, for helping Maindola attain a SIM card.

The Bigul Mazdoor Dasta further accused the officials of working on behalf of factory owners in Noida, rather than serving their constituents. Furthermore they noted that factory-owners have recently used their power and influence to induced law enforcement to target agitators under the NSA.

Appeal:

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

1. To ensure the release of the three detainees without further delay
2. To ensure both physical and psychological safety to the detainees proceeding their release;
3. To provide proper and adequate medical treatment, if needed, and legal representation to the victims;
4. To take all necessary steps to guarantee the professional and personal freedom of Maindola, Naveen, and Raju as well as other activists within the Bigul Mazdoor Dasta labor movement;
5. To conduct an immediate, transparent and impartial investigation into this incident;
6. To punish erring officers, if found guilty, under the appropriate measures of the law.
7. To ensure in all circumstances, respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.
8. To guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary

Human Rights Defenders Alert - India