

Human Rights Defenders Alert - India

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The Chairperson
National Human Rights Commission
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Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – West Bengal – 13
Women Human Rights Defenders arrested & assaulted by police - 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 arrest and assault made on 13 women human rights defenders by the Kalighat police, West Bengal brought to our attention by MASUM, a West Bengal based human rights organization.

About the Human Rights Defender under attack:

Ms. Anuradha Kapoor, Ms. Swapna, Ms. Kakoli Bhattacharya, Ms. Anchita Ghatak, Ms. Shyamali Das, Ms. Ratnaboli Roy, Ms. Sharmistha Dutta Gupta, Ms. Shreya Sanghari, Ms. Madhura Chakroborty, Ms. Shreya Chakroborty, Ms. Sudeshna Basu and Ms. Aditi Basu. - 13 women human rights defenders who are members of a Kolkata based women's network Maitree,

The Perpetrators: Police of West Bengal.

Date and Time of Incident: On Thursday, 13 June 2013

Place of Incident: Outside the residence of Chief Minister;

Incident:

On Thursday, 13 June 2013, we received information from MASUM regarding the arbitrary arrest of 13 women human rights defenders in West Bengal. The activists were assembled bearing a few placards in their hands and clarified their intention to the police personnel guarding the residence of the Chief Minister Ms. Mamata Bannerjee, that they wished to submit memoranda on recent incidents of gang rapes on two students at Barasat and Krishnaganj, Nadia in West Bengal. The activists had also tried to hand over the same on 10th of June at Writers Buildings, when the Chief Minister refused to meet the delegation. This time the activists wanted to draw personal attention of the Chief Minister but instead of making the arrangements for the same and receiving the memoranda, the posted police authority arrested the 13 women activists having ample social reputation. The arrestees were Ms. Anuradha Kapoor, Ms. Swapna, Ms. Kakoli Bhattacharya, Ms. Anchita Ghatak, Ms. Shyamali Das, Ms. Ratnaboli Roy, Ms. Sharmistha Dutta Gupta, Ms. Shreya Sanghari, Ms. Madhura Chakroborty, Ms. Shreya Chakroborty, Ms. Sudeshna Basu and Ms. Aditi Basu. All the arrestees were whisked to Lalbazar Central Lock Up.

This act of the police is infringement of article 19 (a) and (b) of Indian Constitution which clearly states - All citizens shall have the right to freedom of speech and expression; and to assemble peaceably and without arms. Also, during the arrest the police violated the mandatory 11 point guidelines on arrest as directed by the honourable Supreme Court in the case of DK Basu vs. State of West Bengal. While arresting, the police did not furnish the arrest memos. Later, the arrestees and other civil society organisations came to know that the police arrested the persons for violating section 151 of Criminal Procedure Code. Section 151 of Cr.P.C. (Arrest to prevent the commission of cognizable offences) clearly states that 'A police officer knowing of a design to commit any cognizable offence may arrest.... whereas here they knew that the activists were not there to commit any cognizable offence.

While MASUM contacted the Lalbazar Central Lock Up at around 11.30 a.m. and asked for information on the arrestees, the attending police officer only said "yes there are few women activists inside the lock up but other relevant information is with Kalighat police station". MASUM contacted the Kalighat police station and the attendant, an ASI, who was the duty officer at that time said the Officer in Charge only could throw light on the arrest and subsequent detention and he had gone to

Arambagh and would be back only after an hour. It was evident that they did not want to disseminate any information.

“Code of Criminal Procedure act, 1973” states –

When police may arrest without warrant

(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person-

- who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; or
- who has in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking; or
- who has been proclaimed as an offender either under this Code or by order of the State Government; or
- In whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

UN Declaration on HRD (2nd December 1998) states –

“Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all these rights and freedoms in practice.”

Appeal

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

1. The 13 Women HRDs are released immediately and unconditionally since their detention is only arbitrary as it only aims at impeding their human rights activities.
2. All necessary measures are taken to guarantee the physical and psychological integrity and security of 13 Women HRDs
3. The errant police are booked under relevant sections of the law and are prosecuted
4. 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 in all circumstances.
5. Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary Working Secretary

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