

Human Rights Defenders Alert - India

National Coordination Office

*No.6, Vallabhai Road, Chokkikulam, Madurai 625 002, Tamil Nadu,
INDIA*

***Tel: +91-452-2539520 Cell Phone: +91-
9994368540 Email: hrda.india@gmail.com***

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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 - Bardhanpur Village,
Murshidabad District: Intimidation of Human Rights Defender-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 verbal and physical intimidation and threats faced by Mr. Azimuddin Sarkar, a Human Rights Monitor working in Murshidabad District, West Bengal. We

have received this information from Mr. Kirty Roy, Secretary Banglar Manabadhikar Suraksha Mancha (MASUM).

Name of the perpetrators:

1) Local villagers – Mr. Mijarul Seikh, son of Mr. Bakkar Seikh; Mr. Liton Seikh, son of Late Saiyab Seikh; Sattarul Seikh, son of Late Saiyab Nabi Seikh; Mr. Kuddus Seikh, son of Mr. Aziz Seikh; Safikul Islam, son of Mr. Aijit Seikh; and many others, all residents of village Chuapara-Bardhanpur under Raninagar police

2) Local police officers at Raninagar police station, including Mr. Ajoy Pal, Sub Inspector, Raninagar police station; Mr. Sumit Talukdar, Officer in Charge of the Raninagar police station; and the Superintendent of Police, Murshidabad.

3) Unnamed Border Security Force agents

Date and time of incident: Ongoing, since October 14, 2012

Place of incident: Bardhanpur Village, Murshidabad District, West Bengal

About the activists:

Mr. Azimuddin Sarkar is a Human Rights Monitor.

Incident:

According to the information received, the problems began on October 14, 2012. On that evening, Mr. Najibur Rahman, the elder brother Mr. Azimuddin

Sarkar, was at his home in Bardhanpur Village with his daughters and sons – in - law. At about 7.00 p.m., the local villagers mentioned above raided the house with lethal weapons and firearms. The miscreants ransacked the house and looted gold ornaments and other items. Mr. Azimuddin Sarkar was not at the house at that time. The miscreants stated that they would “teach [Mr. Azimuddin Sarkar] a lesson.”

That same day, the police were informed of the incident and a police party came to Mr. Najibur Rahman’s house. The police asked him to make a written complaint to the Raninagar police station. The next day (October 15), Mr. Najibur Rahman and one of his son in laws went to the Raninagar police station to lodge the complaint. The officer on duty at that time was Mr. Ajoy Pal, Sub Inspector, Raninagar police station. However, Mr. Ajoy Pal threw the complaint application and stated that he would frame a counter case against Mr. Najibur Rahman. Later, the officer gave a GDE (General Diary Entry) numbered 910/12 dated 15.10.2012. This shocked Mr. Najibur Rahman and he made a written complaint to the Superintendent of Police, Murshidabad on October 16.

Thereafter, Mr. Azimuddin Sarkar contacted Mr. Jahangir Fakir, a local NGO activist, and requested him to take account of the incident from the police and ask the police to arrest the culprits. When Mr. Fakir contacted Mr. Sumit Talukdar, the Officer in Charge of the Raninagar police station, the Officer asked Mr. Fakir to leave the matter, as it is related to MASUM. The Officer also stated, “MASUM is not the Human Rights Commission, and if any violation has occurred, Bhabani Bhaban (office building of State Human Rights Commission) will take action on that incident. MASUM has no right to pressurize the police.”

On October 17, at about 11.00 pm, a number of local goons (Mijarul Seikh, Liton Seikh, Sattarul Seikh and Kuddus Seikh) assembled in the area

adjoining Mr. Azimuddin Sarkar's residence. They carried lethal weapons and made intimidating remarks, including that they would kill Azimuddin and his family. A number of witnesses confirmed this illegal assembly of miscreants and their threatening calls, including Mr. Atahar Rahaman, son of Mr. Panjatan Sarkar; Mr. Sainul Islam, son of Late Arrejjul Mondal; Mr. Anarul Islam, son of Mr. Rainuddin Sarkar; Mr. Islam Seikh, son of Late Ebadul Seikh; and Mr. Akbar Ali, son of Late Sabdul Mondal.

Scared, Azimuddin made a written complaint to the Officer in Charge of the Raninagar Police Station and the Superintendent of Police, Murshidabad on October 19.

On November 4, at around 4.25 pm, Mr. Gopen Chandra Sharma, another District Human Rights Monitor, called the Officer-in-charge of the Raninagar police station on his mobile phone (973452251). The Officer did not attend the calls and he later switched the phone off. At about 4.36 p.m., the Officer returned the call. Mr. Sharma identified himself and asked about the police action regarding Azimuddin. The Officer stated he had no details about the case and could not even confirm whether a case had been initiated. Thirty minutes later, Mr. Ajoy Pal, the Sub Inspector of Raninagar police station, went to Mr. Najibur Rahman's residence. The Inspector asked Mr. Najibur Rahman to visit the police station the next day. However, since the police had not served any written notice, the family decided not to visit the police station.

Co-villagers of Mr. Azimuddin Sarkar have reported that the officers of the Raninagar police station are sending continuous feelers to both the complainants—Mr. Azimuddin Sarkar and his elder brother—to withdraw the complaints they have lodged.

It is evident that the local criminals, police, and Border Security Force agents are conspiring to intimidate Mr. Azimuddin Sarkar. The officers of Raninagar police station have taken a mischievous and malicious stance to protect the local rowdies and to frustrate Mr. Azimuddin Sarkar's human rights work in that area.

Appeal:

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

- 1.To ensure both physical and psychological safety and integrity to the affected social activist Mr. Azimuddin Sarkar and his relatives.
2. The complaints of Mr. Najibur Rahman and Mr. Azimuddin Sarkar must be taken with all sincerity and an FIR must be registered.
3. The incident must be investigated by an efficient and impartial agency.
4. The involved police personnel of Raninagar police station must be prosecuted for their delinquent acts.
- 5.The false and baseless cases implicated against Mr. Azimuddin Sarkar and his relatives must be withdrawn.
- 6.To take all necessary steps to guarantee the professional and personal freedom of social activist Mr.Azimuddin Sarkar and his relatives.
- 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