

Human Rights Defenders Alert - India

National Coordination Office

6, Vallabai Road, Chokkikulam, Madurai 625 002.

Tamil Nadu, INDIA

Tel: +91-9994368540 Email: hrda.india@gmail.com

06 Jun 2014

Shri A. K. Parashar
Focal Point - Human Rights Defenders
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – West Bengal: Acts of harassment and ill-treatment against the nephew of HRD – 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 acts of harassment and ill-treatment against the nephew of Mr. Ajimuddin Sarkar, District Human Rights Monitor of MASUM in Murshidabad district, West Bengal, India, in retaliation against his uncle's human rights activities.

Source of Information on the Incident:

- Media Reports
- Communications from MASUM (Banglar Manabadhikar Suraksha Manch), a human rights organization based in West Bengal, India and the Observatory for Human Rights Defenders, a joint programme of OMCT.

About the Human Rights Defender under attack:

Ajimuddin Sarkar worked in the capacity of a District Human Rights Monitor of MASUM in Murshidabad district, West Bengal, India. His nephew Ripon Seikh is being targeted

The Perpetrators:

Biplab Karmakar, Goutam Dutta and Sirajul Sahehin, respectively Officer-in-Charge, Sub-Inspector and Sub-Inspector of Raninagar police station, along with ten or twelve other police officers

Date of Incident:

April 14, 2014, at about 11.00 pm

Place of Incident:

The sawmill where the victim was working in Murshidabad, West Bengal

Incident

According to the information received, on April 14, 2014, at about 11 pm, Messrs. Biplab Karmakar, Goutam Dutta and Sirajul Sahehin, respectively Officer-in-Charge, Sub-Inspector and Sub-Inspector of Raninagar police station, along with ten or twelve other police officers, came to the sawmill where Mr. Ripon Seikh, the nephew of Mr. Ajimuddin Sarkar, was on duty at the time. The policemen then started to chase him from their cars, without disclosing any reason and shouting that they were to kill him. Seeing the police personnel, Mr. Seikh panicked and tried to take shelter in a hut. But the police surrounded the hut and arrested him.

The police then started to beat him black and blue and dragged him near the police vehicles. The police personnel reportedly threatened to break his legs and hands with the intention to permanently disable him physically. They also verbally abused him with filthy languages and said that they would teach him a lesson as his uncle Mr. Ajimuddin Sarkar denounced the alleged police atrocities in the district and they would illegally detain him for indefinite period. Accordingly, the police personnel continuously threatened him that they would teach everybody who would try to raise their voice against the police and they would now show the power of police to his uncle Mr. Ajimuddin Sarkar. The police personnel later put Mr. Ripon Seikh into their car while continuing to subject him to acts of ill-treatment and verbal abuses.

When Mr. Ripon Sheikh's brother and father subsequently went to Raninagar police station, the Officer-in-Charge did not allow them to meet with him. As they asked him to disclose reasons for this refusal, the Officer replied that they could meet him if Mr. Ajimuddin Sarkar would come to the police station and request them to release Mr. Ripon Sheikh. He also threatened them that he would be implicated falsely with severe criminal charges "to teach a lesson to Mr. Ajimuddin Sarkar".

On April 14, 2014, at about 11.45 pm, MASUM fact-finding team called Mr. Biplab Karmakar and asked him whether the police had arrested Mr. Ripon Sheikh. The Officer confirmed his arrest, adding that Mr. Ajimuddin Sarkar made a mistake by raising his voice against the police and that he would face dire consequences. He also said that the police had enough power to eliminate the name of MASUM from Murshidabad district and would torture all those persons who are attached with MASUM. He allegedly said that they would permanently disable Mr. Ripon Sheikh by breaking his legs and hands and that MASUM could not do anything if they were to kill him.

On the same day, the police also arrested Mr. Safikul Islam, a neighbour of Mr. Ripon Sheikh, in order to obtain a false statement over the incident of a bomb attack upon the house of Mr. Ajimuddin Sarkar's elder brother in October 2012, in which the police wanted Mr. Islam to negate the actual happenings of the attack. After Mr. Safikul Islam refused to deliver this false statement, the police brutally assaulted him. The next day, Mr. Islam was brought to the court where he was suddenly shown as co accused with Mr. Ripon Sheikh in the same fabricated case (see below).

While in custody, Mr. Ripon Sheikh and Mr. Safikul Islam were repeatedly tortured by the police personnel during the whole night. They were not provided with any medical assistance while they were undergoing with severe pain and the police personnel did not provide any water or food to them while in detention.

On April 15, 2014, Mr. Ripon Sheikh and Mr. Safikul Islam were charged under Sections 3/4/5/6 of the Explosive Substances Act, the police alleging that both men were apprehended with two plastic bags containing 1,200 grams of explosive substances. They were then produced in handcuffing before the Additional Chief Judicial Magistrate Court, Lalbagh. Mr. Sheikh's lawyer then filed a

written application in the court denouncing that he was subjected to custodial torture in the police station. The Court observed several hematomas and bruises over the body of both Mr. Ripon Seikh and Mr. Safikul Islam and passed order upon Lalbagh Sub-Correctional Home to provide proper treatment but rejected their bail application. On May 8, 2014, the Additional Chief Judicial Magistrate Court of Lalbagh finally granted them bail, and the two men were subsequently released from Lalbagh Sub-Correctional Home.

On April 15 and 16, 2014, Mr. Ripon Seikh's father and Mr. Ajimuddin Sarkar respectively lodged written complaints before the Superintendent of Police of Murshidabad, informing the whole incident of police torture, false implication and illegal detention of Mr. Ripon Seikh. Yet as of today no action has been taken in response to the said complaints.

HRDA is greatly concerned by the acts of torture and ill-treatments of Mr. Ripon Seikh while in police custody and by his ongoing prosecution, which seems to merely aim at sanctioning the human rights activities of his uncle, Mr. Ajimuddin Sarkar. Mr. Ajimuddin Sarkar has on several occasions denounced human rights abuses committed by the police. In addition, he was already subjected to various acts of harassment in the past because of his activities.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the concerned authorities

- Guarantee in all circumstances the physical and psychological integrity of Mr. Ripon Seikh and Mr. Safikul Islam, all relatives of Mr. Ajimuddin Sarkar, as well as of all MASUM members and human rights defenders in India;
- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events, including the acts of torture and ill-treatments against Mr. Ripon Seikh and Mr. Safikul Islam, in order to identify all those responsible, bring them before an independent tribunal, and apply them the sanctions provided by the law;
- Provide adequate reparation and compensation to Mr. Ripon Seikh and Mr. Safikul Islam

- Put an end to all acts of harassment - including at the judicial level - against Mr. Ripon Seikh and Mr. Safikul Islam, all relatives of Mr. Ajimuddin Sarkar, as well as all MASUM members, and more generally against all human rights defenders in India to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - 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”
 - Article 12.2, which provides 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”;

More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary