

Human Rights Defenders Alert - India

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29 July 2014

Shri A. K. Parashar

Focal Point - Human Rights Defenders & Joint Registrar
National Human Rights Commission
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: Illegal detention and threatening of HRD by the 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 over an incident of intimidation of Mohar Ali Mondal a human rights defender associated with MASUM by police personnel of Swarupnagar Police Station in 24 Parganas (North) District of West Bengal yesterday.

Source of Information on the Incident:

- MASUM, (*Banglar Manabadhikar Suraksha Manch*), a human rights organization based in West Bengal, India

About the Human Rights Defenders under attack:

Mr. Mohar Ali Mondal is the son of Late Shahar Ali Mondal, a resident of Village and Post Office- Gobindapur, Police Station- Swarupnagar, District- 24 Parganas (North) in West Bengal. He has been working as the District Human Rights Monitor for MASUM.

The Perpetrators:

Mr. Bajlur Rahman, Sub Inspector of Police, Swarup Nagar Police Station.

Date and time of Incident:

27 July, 2014, 11.50 PM

Place of Incident:

Swarup Nagar Police Station, 24 Parganas (North) District in the East Indian state of West Bengal

Incident

According to the information received, on 27th July 2014 at around 8.00 pm, few villagers of Gobindapur under Swarupnagar Police Station, District- 24 Parganas (North) informed the MASUM District Human Rights Monitor Mr. Mohar Ali Mondal that the cross-border cattle smugglers had attacked and severely beat one Mr. Kabirul Mondal, son of Late Afsar Mondal of the same village. According to the source, those smugglers operate with support of the police and BSF. The villagers requested Mr. Mohar to assist them in lodging a formal complaint against the cattle smugglers at the police station.

At around 11.00 pm, Mr. Kabirul's uncle, one Mr. Siddik Mondal, son of Late Ahad Ali formally made the complaint at the Swarupnagar police station. The then on-duty officer of the police station read the complaint as well enquired about the incident. Then he asked the complainant along with the human rights defender from MASUM to wait in the courtyard of police station for Mr. Bajlur Rahman, the Sub Inspector (SI) of that police station. Mr. Rahman came at the police station at about 10.00 pm forcing the villagers and the human rights defender to wait for one and half hours. Mr. Rahman also read the complaint and apparently narrated the whole complaint over his mobile phone to some higher-ups and also informed the complainant that the Officer in Charge was not at the police station at that moment.

When the complainant and Mr. Mohar Ali were about to leave the police station at around 11.50 pm, Mr. Rahman, the SI, called them again to the room where the Duty Officer was sitting. All of a sudden; Mr. Bajlur Rahman SI of Police caught hold of Mohar Ali's collar and started threatening him saying, "You have to face the consequences of your involvement with human rights work" and "You will pay for

your activities against the police and BSF". Mr. Mohar Ali and Mr. Siddik Mondal were literally prevented from any sort of movement and made to stand for 40 minutes while the other villagers were asked to vacate the police station. Later the said police personnel obtained signatures on "arrest cum inspection" memo and released them.

This is not an isolated incident; rather the police and Border Security Force administrations are trying to throttle the voices of protest against their incessant acts of torture. A similar incident happened to another human rights defender of MASUM at Murshidabad district earlier on.

This incident is also a blatant attack on initiatives to check the atrocious acts of the police and BSF personnel at the Indo-Bangladesh border areas of West Bengal and against the internationally accepted ethos and guidelines to protect the human rights defenders. The incident also reveals that the smugglers and the police and BSF share a hand in glove relationship.

On 28th July 2014 (today) Mr. Mohar Mondal made written complaints to the District Magistrate and Superintendent of Police, 24 Parganas (North) asking legal action against the erring officers and security for self.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for 24 Parganas (North) District

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the perpetrator to book;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr. Mohar Ali Mondal as he continues be under risk of further attacks by the perpetrator and give this assurance to the NHRC of India in writing immediately and urgently;
- Along with local district officials puts an end to all acts of harassment 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 is strictly adhered to in the state of West Bengal.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary