



## Human Rights Defenders Alert - India

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**November 22, 2015**

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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**Dear Sir,**

***Sub: HRD Alert - India – 3<sup>rd</sup> Appeal for Action – West Bengal: Seeking Hon'ble National Human Rights Commission's intervention in respect of Illegal detention and continuing harassment under a fabricated charges of Mr. Ajimuddin Sarkar, a renowned human rights defender of Murshidabad district and District Human Rights Monitor of Banglar Manabadhikar Surakksha Mancha (MASUM) by the local police of Islampur Police Station in Murshidabad district of West Bengal –Regarding***

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

On behalf of HRDA, we express our grave concern regarding the latest development in the case of illegal detention and harassment under fabricated charges of Mr. Ajimuddin Sarkar by the local police of Islampur Police Station in Murshidabad district of West Bengal. Mr. Ajimuddin Sarkar was forcibly picked up by the local police on 22 September, 2015 and since then he is in police detention. The local police have been trying to implicate him in a false rape case now. On 21 November

2015 Mr. Ajimuddin Sarkar was produced before ACJM Lalbagh court in West Bengal. The local police have registered a false case against him under section 376 (rape) of Indian Penal Code.

Mr. Ajimuddin Sarkar is the District Human Rights Monitor associated with Banglar Manbadhikar Suraksha Mancha (Bengal Human Rights Protection Platform) known as MASUM which is a West Bengal based human rights organization. He is a resident of village – Bardhanpur under Raninagar police station of Murshidabad district, West Bengal. As human rights monitor Mr. Ajimuddin Sarkar has been involved in campaigns against the use of torture by the state police and the paramilitary forces mainly the Border Security Force (BSF) deployed at the international border of the region. He has been facing threats from police, BSF and local civil administration as he has been instrumental in exposing several cases of human rights violations in the district. Last year on 21st November 2014, he was forcefully picked up and brought to Raninagar Police Station by the Sub-Inspector of Raninagar police station Mr. Sarajit Thakur with a group of 8 to 9 other police personnel and detained over night at the police station. He was severely beaten and tortured in police custody.

### **Background Information**

Mr Ajimuddin Sarkar has been harassed, intimidated and defamed by the local police and repeatedly been threatened for extending legal assistance to the family of a victim of custodial torture leading to death way back in 2012. The incidents of harassment and intimidation of Mr. Ajimuddin Sarkar by the local police are listed below in a chronological order:

- 1) First attack was reported on 14th of October 2012 at about 6.00 pm at Mr. Najibur Rahman house, the elder brother of Mr. Ajimuddin Sarkar. Police of Raninagar Police Station barged into his house with fire arms and lethal weapon, ransacked his house and decamped with gold ornaments. Mr. Ajimuddin was not present at the time of incident.

2) Second incident was reported on 24th May, 2013 at the midnight with a posse of 8 police persons; all in civil attire, not in their uniforms raided his house, ransacked, looted all house hold items and broke open all the doors of his house, while he was not present at his house. Police burgled into cash which was kept at victim's almirah.

3) Third incident was report on 21<sup>st</sup> November 2014 at the dead of night when Sub-Inspector of Raninagar police station Mr. Sarajit Thakur with a posse of 8 to 9 police persons raided his house again. The family was shocked by a sudden police raid at their house with their door breaking noises. Mr. Ajimuddin Sarkar was forcefully awakened from sleep. He was forcibly picked up and taken to Raninagar Police Station. He was mercilessly beaten in police custody before being produced before the court with false case on 22<sup>nd</sup> November 2014. The magistrate released Mr. Ajimuddin Sarkar on bail and ordered his medical examination. Mr. Ajimuddin Sarkar was admitted in a hospital and given medical treatment for injuries in his ribs and back and had to undergo physiotherapy.

As a human rights defender Mr. Ajimuddin Sarkar has taken up hundreds of cases of human rights violations done by security forces and sought justice for torture victims and especially cases of women who have been victims of sexual abuse and violence. HRDA- India has issued urgent appeals in his case on 27<sup>th</sup> November 2014 and 8<sup>th</sup> September 2015. This is the third appeal in his case requesting necessary actions in respect of protecting human rights defender, Mr. Ajimuddin Sarkar. Therefore, in the light of above mentioned facts, HRDA most respectfully appeals that this Hon'ble Commission to urgently:

- Intervene in the matter referred above, against human rights defenders Mr. Ajimuddin Sarkar under section 12(b) of the Protection of Human Rights Act (1993) which empowers the NHRC to intervene in any proceedings involving any allegation of violation of human rights pending before a court, with the approval of such court;
- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of illegal detention and

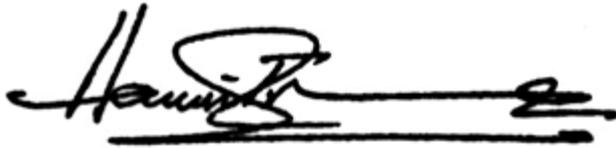
custodial harassment of Mr. Ajimuddin Sarkar led by the investigation wing of the NHRC;

- Immediate action on the perpetrators, in this case police officers of district Murshidabad, West Bengal for the illegal arrest, detention and harassment of the human rights defender and using all provisions of law to ensure that the defender is immediately released on bail and not harassed, ill-treated and falsely implicated by the police in future;
- The immediate appointment of a competent senior lawyer practicing on the criminal side in Murshidabad District of West Bengal to defend the HRD in all the criminal cases registered against him at state cost with the counsel so appointed reporting to this Hon'ble Commission in periodic intervals as determined by the Hon'ble Commission on the development in the case;
- Guaranteeing in all circumstances the physical and psychological integrity of Mr. Ajimuddin Sarkar who is under serious risk of further reprisals from the perpetrators;
- At this juncture, we most humbly would like to recall to the hon'ble commission about the recommendation by the previous UN Special Rapporteur on HRDs, Ms. Margaret Sekaggya after her visit to India in 2011. Specific to the functioning of NHRC and its responsibility to protect HRDs she recommended that –
  - (153) The supportive role of the Commissions for human rights defenders should be strengthened by inter alia, conducting regular regional visits; meeting human rights defenders in difficulty or at risk; undertaking trial observations of cases of human rights defenders wherever appropriate; denouncing publicly on a regular basis violations against defenders and impunity. The defenders focal point should play a leading role in that regard. This focal point should be a member of the Commission, and have a human rights defender background to fully understand the challenges faced by

defenders. A fast-track procedure for defenders within the National Human Rights Commission and State Human Rights Commissions should be considered.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line drawn underneath it.

***(Henri Tiphagne)***

Honorary National Working Secretary