



Human Rights Defenders Alert – India

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31st July, 2016

To

Shri Srinivasa Kammath

National 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 – Assam: Brutal physical assault on the members of the Central Assam Raha-Chaparmukh AIIMS Demanding Committee, Nowgaon resulting into killing of one person and injuring several others by the personnel of Assam police and CRPF in Raha in Nowgaon district of Assam/ denial of their right to peaceful assembly and protest - 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.

We are writing to express our grave concern over the brutal lathi charge and firing on the protesting members of the Central Assam Raha-Chaparmukh AIIMS Demanding Committee, Nowgaon killing one and injuring several others by the personnel of Assam police and CRPF on July 15, 2016. The members of the committee were protesting at RahaNatunChariali in the 37 National Highway against the Central Government's decision to shift the proposed site of All India Institute of Medical Sciences (IIMS) from Raha in Nowgaon district to Changsari, near Guwahati.

Source of Information on the Incident:

Media Reports

The Perpetrators:

Personnel of Assam police and CRPF

Date of Incident:

July 15, 2016

Place of Incident:

RahaNatunChariali, 37 National Highway, Nowgaon district, Assam

Details of the Incident:

According to sources on July 15, 2016 at 11.30 AM around 2000 protesters under the banner of Central Assam Raha-Chaparmukh AIIMS Demanding Committee, Nowgaon gathered at the RahaNatunChariali, Nowgaon district of Assam to stage their protest against the shifting of the proposed site of All India Institute of Medical Sciences (AIIMS) from Raha in Nowgaon district to Changsari, near Guwahati. They blocked the 37 National Highway. The local administration and the police did not take any steps to hold a discussion with the protesters regarding a peaceful solution to their demands. Instead the administration termed the peaceful democratic protest by the members of the committee as illegal and asked them to clear the street. But the protesters were firm and continued with their protest. Several hundreds of vehicles were jammed in both sides of the street. At 3 pm police asked the protesters to clear the street in 15 minutes. After that the Police and CRPF started using force to evict the protesters. They lathi charged the protesters and beat them brutally and indiscriminately. They fired tear gas cells as well as fired bullets. A 22 year old protester Mr. MintuDeuri was hit by a bullet and died on the spot. Another protester JitumoniKonwar got bullet injury on his head. 20 other protesters suffered severe body injuries as a result of brutal beating in the lathi charge. Even nearby shop keepers, innocent people were beaten up and camera of a journalist was also snatched by CRPF personnel.

Background Information

For the past one year people of the Raha region have been protesting peacefully over their demand to establish AIIMS at Raha, Nowgaon district of Assam. Raha was

selected as one of the proposed sites for establishing AIIMS by the previous government. The Union Minister of State for Railways and also the local MP from Nowgaon gave assurances to the people of Raha for establishing AIIMS there, which will be easily accessible for medical services to the people of other parts of Assam and neighboring states. The local authorities showed 650 bighas of land to the expert central team formed for the purpose of finalizing the site for setting up AIIMS in Assam. The committee was satisfied and found the land suitable for setting up the AIIMS project. Now, the government has decided to change the proposed site to setup the AIIMS at Changsari in North Guwahati, which was not part of the sites proposed earlier. People belonging to Raha area were staging protest against the Government's decision on setting up of AIIMS at Changsari. The CM gave assurance to the protesters to solve the issue democratically within 10 days before people decided to go for fast until death and also assured them that the Health Minister of Assam will visit them to discuss the issue. But the government of Assam did not take the protest seriously and just sent two officials to discuss the issue with them.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal assault on the activists and human rights defenders of the Central Assam Raha-Chaparmukh AIIMS Demanding Committee, Nowgaon by police and the CRPF personnel and denying them their rights to free assembly and protest;
- Order a judicial enquiry into the killing of 22 year old protester Mr. MintuDeuri who was hit by a bullet fired by the police personnel and died on the spot;
- Takes immediate legal action on the perpetrators in this case security personal of Assam police and the CRPF personnel for the brutal assault, killing and denial of the right to assemble and associate freely and protest of the activists and human rights defenders of the Central Assam Raha-

Chaparmukh AIIMS Demanding Committee, Nowgaon who participated in the peaceful assembly and protest and using all provisions of law to ensure that the defenders are not harassed or attacked in future and give this assurance to the NHRC of India in writing immediately and urgently;

- Guarantees in all circumstances at the cost of the state, the physical and psychological integrity of the defenders from the Central Assam Raha-Chaparmukh AIIMS Demanding Committee, Nowgaon who are still under risk of further attacks from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensures provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the harassment and ill-treatment and provide a re-assurance of not engaging in such acts against HRDs such as the defenders from the Central Assam Raha-Chaparmukh AIIMS Demanding Committee, Nowgaon;
- Puts an end to all acts of harassment and attacks against all human rights defenders in general in the state of Assam to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Guarantees under all circumstances the constitutional rights provided under Article 19 (1) (b) of the Constitution of India which accords all citizens the right to assemble peaceably and without arms;
- Takes steps to ensure the provisions contained in the Code of Conduct for Police in India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms;

- Takes steps to conform to 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 realization 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”;
- Recommends urgently and speedily during the pendency of this complaint, the SHRC in Assam to also take necessary steps to establish a focal point for HRDs in Assam in order to ensure that HRDs have a new protection mechanism for them;
- Recommends urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within the State of Assam for the protection of the rights of human rights defenders;
- Recommends urgently and speedily during the pendency of this complaint, the Government of Assam in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations

entities, NGOs and other partners;

- Recommends urgently and speedily during the pendency of this complaint, the Government of Assam to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, "individually and in association with others...promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels" (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms 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 Assam.

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 underneath.

(Henri Tiphagne)

Honorary National Working Secretary