



Human Rights Defenders Alert – India

National Coordination Office

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6th August, 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 in detail after the earlier brief complaint sent by email - West Bengal –MASUM: Attempt to intimidate and harass human rights defender and secretary of Banglar Manabadhikar Suraksha Mancha (MASUM), Mr. Kirity Roy and other team members of MASUM by the police personnel of Mekhligunj Police station in Cooch Behar 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.

We are writing to express our grave concern regarding the recent attempts of police officials from Mekhligunj Police station in Cooch Behar district to intimidate and harass Mr. Kirity Roy, secretary of BanglarManabadhikarSuraksha Mancha (MASUM) and other members of his human rights organisation while they were visiting enclave dwellers at Mekhligunjrehabilitation camps in Cooch Behardistrict of West Bengal.

Status of the Human Rights Defender

Mr. Kirity Roy is the secretary of BanglarManabadhikarSuraksha Mancha (MASUM), a human rights organisation working for the promotion and protection of human

rights in West Bengal. It works on torture issue through its district human right monitors in different districts of the state. MASUM 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 in the West Bengal region. MASUM also promotes human rights awareness against all sorts of torture practices in all sections of the society.

The Perpetrators:

1. Mr. Subrata, ASI Mekhligunj police station, Cooch Behar, West Bengal
2. Mr. Sunil Kumar Yadav, IPS SP Superintendent of Police, Cooch Behar
3. Sri. P. Ulaganathan (IAS) District Magistrate and Collector, Cooch Behar

Date of Incident:

August 3 -4, 2016.

Place of Incident:

At Mekhligunj, District Cooch Behar, West Bengal.

Incident detail:

According to sources Mr. Kirity Roy along with other members of MASUM namely Mr. AjijulHaq, Mr. Ajimuddin Sarkar, Ms. Tilak Barman and Mr. Bisweswar Barman were visiting Indian Enclave Rehabilitation and Settlement Camp in Cooch Behar district of West Bengal on August 3, 2016 to meet the erstwhile enclave dwellers. On August 4, 2016 the team had a meeting with the District Magistrate of Cooch Behar. They were meeting enclave dwellers at Mekhligunj Temporary Rehabilitation Camp on August 5, 2016.

At about 2.00 pm, while the team was talking to some of the camp dwellers, an Assistant Sub Inspector of Police from Mekhligunj Police Station, Mr. Subrata and few civic volunteers came at the spot and enquired about the purpose of the meeting apparently in an attempt to harass and intimidate the defenders. After 20-25 minutes, the MASUM team left the place and moved ahead to go to Siliguri town. While on

their way to Siliguri the MASUM team found that a police vehicle with hooter was following their vehicle. Meanwhile the defenders travelling in the vehicle were informed by the residents of the camp that a police party was already present at the camp and enquiring about Mr. Kirity Roy, his movement and his next destination. Mr. Kirity Roy was also informed that the police team were planning to arrest him during his onward journey to Siliguri, from where he was expected to catch a train for Kolkata. It was also informed that a close associate of MASUM, Mr. Kanhu Barman residing in the camp has been asked to appear in the local police station. A case under section 107 CrPC has also been filed against him.

Appeal :

We, therefore urge you to immediately take necessary steps to ensure that a senior experienced Special Rapporteur of the Hon'ble Commission

- Undertake an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of attempts of intimidation and harassment of human rights defender Mr. Kirity Roy and his team member by police personnel of Mekhligunj Police Station of Coochbehar District in a timely manner ;
- Recommend immediate action on the perpetrators, in this case police personnel of Mekhligunj Police Station of Coochbehar District for intimidation and harassment of human rights defender Mr. Kirity Roy and team members from MASUM and using all provisions of law to ensure that the defenders are not harassed, intimidated or implicated in false cases in future;
- Ensure that the District Collector and District Superintendent guarantee in all circumstances the physical and psychological integrity of Mr. Kirity Roy and team members from MASUM who are still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure through interventions with the District Collector and District Superintendent of Police putting an end to all acts of attack and harassment of human rights defenders like Mr. Kirity Roy of MASUM in the State of West

Bengal to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;

- Take steps to ensure that the Government of West Bengal conforms 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 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in West Bengal to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend 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 West Bengal for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of West Bengal in collaboration with the NHRC Focal Point on HRDs and the SHRC West Bengal 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;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of West Bengal in collaboration with the SHRC, West Bengal 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 West Bengal.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary