



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIATE

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May 10, 2017

To

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Sub: HRD Alert - India – Urgent Appeal for Action – Assam: Handcuffing of activists Soneswar Narah and Pranab Doley of Jeepal Krishak Shramik Sangha before producing at the Bokakhat Court – Reg.

In reference to Case No. 94/3/22/2017

Dear Sir,

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 writing to express our grave concern over the handcuffing of activists Soneswar Narah and Pranab Doley of Jeepal Krishak Shramik Sangha (JKSS) on May 5, 2017 before being produced at the Bokakhat Court for their bail in related to the second case filed by Bokakhat police on April 24, 2017.

Source of Information on the Incident:

- The Coordinator of HRDA for the North East of India
- Communication with the HRDs and their lawyer

The Perpetrators:

Assam police, Golaghat Jail Authority

Date of Incident:

May 5, 2017

Place of Incident:

Bokakhat Court

The detail of the incident

On April 24, 2017, human rights defenders Pranab Doley and Soneswar Narah were arrested by the Bokakhat Police based on a complaint given by Mr. Dharanidhar Bora, DFO, Bokakhat on April 19, 2017, falsely alleging that Pranab Doley and Soneswar Narah along with 50-60 JKSS members forcefully entered the office premise of the Bokakhat DFO, put their banner and disrupted the functioning of government office and also threaten to burn the office. Bokakhat police had registered the case against Pranab Doley and Soneswar Narah on April 19, 2017, with FIR number 82/2017 under sections 147/447/353/506 of Indian Penal Code. They got the bail from this case on May 4, 2017, and on the **same day** Bokakhat Police registered another case against them for obstructing the function of Police on April 24, 2017, while Pranab Doley and Soneswar Narah inquired about the arrest of five innocent boys from the vicinity of Kaziranga National Park. The FIR number of the second case is 86/2017

under sections 147/447/353/506 of Indian Penal Code. HRDA has sent a complaint on the arrest of the HRDs on May 2, 2017, which was registered as **94/3/22/2017**. It is pertinent to note that they were rearrested on May 4, 2017, immediately after being granted bail which violates of Supreme Court judgement in Geetanjali Mohanty v.State of Odisha: In this Supreme Court had granted bail to the accused. Right after his release he was arrested in some new cases. Supreme Court observed: " *The concerned respondent No. 2 is warned sternly for his arbitrary and unreasonable action of registering the case and taking steps belatedly against the petitioner's son with an oblique motive to overreach the orders of this Court passed in his favour in the earlier bail petition proceedings initiated before this Court by the petitioner.*" Further court directed that stern action should be taken against the police officers.

On May 5, 2017, Pranab Doley and Soneswar Narah were brought to Bokakhat Court from Golaghat Jail with armed police and **both of them were handcuffed**. When both the activists protested in the jail for handcuffing them, the escorting police showed a document to them and told that it is an order from their higher authority to bring them to the court with armed police and handcuffs.

Appeal:

HRDA most respectfully appeals that this Hon'ble Commission to immediately take necessary steps to ensure that:

- Order an immediate, thorough, transparent, effective and impartial investigation, into the above-mentioned incident of using handcuffs and also on illegal and arbitrary arrest under fabricated charges on Soneswar Narah and Pranab Doley of Jeepal Krishak Shramik Sangha;

- Take immediate action on the perpetrators, in this case the police personnel of Bokakhat police station and also authorities of Golaghat Jail Authority;
- Urge that this complaint is not transferred to the State Human Rights Commission for disposal or routinely sent to the Commissioner of Police for investigation since this matter involves police officials in position;
- Ensures provision of reparation, compensation, apology to Soneswar Narah and Pranab Doley for the psychological sufferings they are undergoing;
- Take steps to withdraw the cases filed on Soneswar Narah and Pranab Doley;
- Put an end to all acts of attack and harassment against all human rights defenders in Assam especially in Kaziranga area to ensure that in all circumstances they carry out their activities without any hindrances;
- More generally, ensure 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,

Sd/-

Henri Tiphagne

National Working Secretary

Note: The video of the two activists with handcuff is with HRDA and can be shared with the hon'ble commission.