



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 04, 2022

To  
Mr. Indrajeet Kumar,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – West Bengal: Illegal detention, arrest and custodial torture of HRDs Ms. Jayeeta Das, Mr. Pratik Bhowmik and Mr. Sheikh Hasibur under fabricated charges by West Bengal Police.***

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 in to express our concern over the illegal detention, arrest and custodial torture of HRDs Ms. Jayeeta Das, Mr. Pratik Bhowmik and Mr. Sheikh Hasibur under fabricated charges by West Bengal Police.

### **About the Human Rights Defender:**

Ms. Jayeeta Das is a senior activist residing in Nadia district of West Bengal. She has participated in many people's movements in the past two decades, including the Nandigram movement against forcible land acquisition and state repression and movements demanding justice for rape and murder victims.

Mr. Pratik Bhowmik and Mr. Hasibur Sk are residents of Murshidabad district and members of Shramik Krishak Aikya Mancha, an organisation that works towards protecting the rights of workers, farmers and other marginalised groups in West Bengal. They have organised several public meetings and demonstrations and were actively involved in addressing the issues of migrant workers during the COVID-19 lockdowns.

### **Source of Information:**

- Communication from HRDA East Regional Co-ordinator
- Communication with other HRDs in the region
- Police records

**The Perpetrators:**

- Mr. Subhashish Bhattacharjee, Assistant Commissioner of Police, Officer in Charge, Special Task Force Police Station, Kolkata Police
- Mr. Atanu Bandopadhyay, Assistant Commissioner of Police, Special Task Force, Kolkata Police
- Mr. Sudipto Biswas, Inspector, Special Task Force Police Station, Kolkata Police
- Personnel attached to Haringhata Police Station, Nadia district
- Personnel attached to Nowda Police Station, Murshidabad district

**Date of Incident:**

March 23-30, 2022

**Place of Incident:**

Murshidabad, Nadia and Kolkata, West Bengal

**Background of the Incident:**

On January 1, 2022, the Special Task Force Police Station, Kolkata Police registered an FIR (1/2022) regarding the discovery of a black backpack, which contained some hand-written pamphlets of the banned CPI(Maoist), a pen drive and a few current affairs magazines. No accused were named in the FIR registered under sections 120B, 121, 121A, 122, 123, 124A of the Indian Penal Code. Inspector Mr. Sudipto Biswas was the Investigating Officer in the case.

**Details of the Incident:**

On March 23, 2022, at around 10.30 PM, Mr. Pratik Bhowmik and Mr. Hasibur Sk were illegally detained by personnel from the Nowda Police Station when they were returning home from a nearby village. They were kept at the Nowda Police Station till the morning of March 25, but not told about any case against them or their arrest.

While in detention, police forced them to sign a seizure memo claiming arms were found on them. Mr. Hasibur Sk was also beaten up by police officials on one occasion.

On March 24, 2022, more than 12 hours after Mr. Bhowmik and Mr. Hasibur's illegal detention and arrest, the Nowda Police Station registered an FIR against the HRDs under Sections 25 and 35 of the Arms Act. However, the police falsely claimed the HRDs were arrested on March 24 at around 3.30 PM. They were produced at the Berhampore court on March 25 and were remanded in police custody for seven days.

On March 29, 2022, around 12 PM, personnel from Haringhata Police Station in Nadia district apprehended Ms. Jayeeta Das from the Boro Jaguli area. They ordered her to get into the police vehicle without providing any reason and took her to an empty house, where she was detained for nearly seven hours.

She was not provided any reason for her detention or allowed to inform her family members or lawyer. At around 7 PM, personnel from the Special Task Force of Kolkata Police reached the spot and informed she was being arrested in FIR no 1/2022. They took her to Kolkata where she underwent a medical examination. On March 30, Ms. Das was produced at the Bankshall Court, and remanded in police custody for 14 days.

On April 2, when Mr. Bhowmik and Mr. Hasibur were produced at the Berhampore court, the Special Task Force prayed for their remand, which was granted. On April 3, an arrest warrant was issued against the duo in connection with FIR no 1/2022 by the Bankshall Court in Kolkata, and they were remanded in police custody.

On April 7, all three HRDs were booked under Sections 17, 18, 20, 38 and 39 of the Unlawful Activities Prevention Act following approval from the City Sessions Judge. They continue to remain in police custody.

Several civil society organisations have condemned the arrests and stressed that they were in continuation with reprisals by the police against HRDs in West Bengal who opposed the policies and decisions of the state government.

The brazen, illegal manner of Ms. Das, Mr. Bhowmik and Mr. Hasibur's arrest and illegal detention is in violation of the DK Basu guidelines. The torture and intimidation of Mr. Hasibur and Mr. Bhowmik in police custody is also against national and international human rights.

These instances amount to a gross abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a violation of their human rights as guaranteed by national and international laws.

Torture is a serious violation of human rights law in national and international law. The Hon'ble Commission itself asked the State to criminalise torture. Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas Article 2 of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *"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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."*

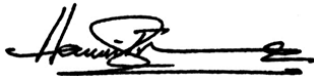
#### **Appeal:**

We appeal to the NHRC to treat this as a case of reprisal against human rights defenders for exercising their constitutionally guaranteed fundamental rights, and urge the NHRC to urgently –

- Direct the investigation wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into the arbitrary detention, illegal arrest, custodial torture of HRDs Ms. Jayeeta Das, Mr. Pratik Bhowmik and Mr. Hasibur Sk under fabricated charges. Towards this, examine:
  - a. Footage from the CCTV cameras at Nowda police station, Murshidabad, to ascertain if the HRDs were tortured.
  - b. Details from the log register at the Nowda (Murshidabad) and Haringhata (Nadia) police stations.
  - c. Details of all records to ascertain compliance to guidelines on arrest.
- Depending on the result of the investigation, recommend legal actions against police officials who misused their powers and provisions of law to arbitrarily detain, illegally arrest and torture the HRDs.
- Consider exercising Section 12 (b) of the Protection of Human Rights Act and intervene in the relevant courts to defend the HRDs.
- Direct the Chief Secretary of West Bengal to create a safe atmosphere conducive to journalists and HRDs in the state.

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 it.

**Henri Tiphagne**  
National Working Secretary