



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 15, 2017

To,

Mr. 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: Intimidation, death threat and false case against lawyer and human rights defender Mr. Sishir Dey in Assam for his comment in Facebook – Regarding

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 intimidation, death threats and criminal case against lawyer and human rights defender Mr. Sishir Dey in Assam for his comments on Facebook where he denounced violence in the name of religion.

Date of Incident:

December 8, 2017 onwards

Place of Incident:

Karimganj, Cachar, Assam

The Perpetrators:

Mr. Debdulal Das and Mr. Pankaj Das, both identifying themselves as the President and Vice-President of Bharatiya Janata Party Yuba Morcha, North Karimganj Block Mondal, the youth wing of the Bharatiya Janata Party, police and other members of right-wing Hindu groups.

Source of Information on the Incident:

- The Coordinator of HRDA for the North East of India
- Communication with a member of Barak Human Rights Protection Committee
- Communication with Mr. Sishir Dey

Status of Human Rights Defender:

Mr Sishir Dey is a lawyer practising at the Karimganj district courts. He is a member of various human rights organisations and platforms such as Barak Human Rights Protection

Committee where he has documented and made legal intervention in cases of human rights violations in Karimganj district. He is the honorary secretary of the district committee of Assam Mojuri Sramik Union working towards protection of labour rights. He also works against religious violence through a platform called Forum for Social Harmony in Assam.

Background Details:

Mohammad Afrazul was brutally lynched and killed in Rajasthan's Rajsamand district on December 6, 2017. Afrazul, 48 years old, hailed from West Bengal's Malda district and was a migrant worker in Rajsamand. Shambhu Lal Regar, 36 years old, hacked Afrazul to death using an axe before setting Afrazul's body on fire. Regar used his minor nephew to video record this violent hate mongering episode. It is evident through Regar's acts and commentary in the video that this heinous act was communally motivated and testified to the larger narrative, indoctrination of hate propagated by the Rashtriya Swayamsevak Sangh (RSS) and fringe elements of this ideological stance. Following the killing, Regar uploaded the video on various social media platforms on December 6, 2017 and stated that he has acted against "Love Jihad". The progressive, humanitarian and human rights defender groups condemned this brutal act and denounced the political and religious groups that support and encourage violence in the name of religion, religious identity and religious sentiments. However, some other people also tried to rationalise and justify this kind of violence and killings on social media platforms and applauded Regar by putting his picture as their profile picture.

Details of the Incident:

It is in the above mentioned context that Mr. Dey had posted a public 'status' on his Facebook wall on December 8, 2017 in Bengali. Its English translation is "*Down with the Ram devotee apes, their Sanghi brutal ideas and Hindu-terrorism*". Following his post on Facebook, abusive and threatening comments started to pour in the comment section of his post. Abuses and threats were also posted by some people in their own Facebook page. They accused him of hurting their religious sentiments and threatened him to be hanged, murdered and to burn his house etc. On December 10, 2017, a complaint was filed against him in the Karimganj Police Station by Mr. Debdulal Das and Mr. Pankaj Das, both identifying themselves as the President and Vice-President of Bharatiya Janata Party Yuva Morcha (youth wing of the Bharatiya Janata Party), North Karimhanj Block Mondal. The police registered the case at Karimganj PS case No. 1117/2017 under sections 295 A (insulting religious feelings) of the Indian Penal Code, 67 & 67 A (publishing obscene material in electronic form) of the Information Technology Act against Mr. Dey based on their complaint.

On December 15, 2017, the court granted Mr. Dey interim anticipatory Bail for Rs. 20,000 with one surety till the final hearing. Mr. Dey is at risk of getting physically assaulted and even killed by the fundamentalists who have issued threats to him. He is now living under constant fear for his wife, son and his own physical and mental safety.

Additional Information:

Since the Bharatiya Janata Party (BJP) formed governments both at union in 2014 and in the state of Assam in 2016, Assam has been witnessing a rise of religious fundamentalism and politically motivated violence. Several Muslims are intimidated, threatened and killed in the name of cow protection, and protection of women from alleged "love-jihad" and other religiously-motivated incidents. HRDA in the recent past has submitted before the NHRC similar online intimidation, threats and risks to life faced by other human rights defenders in Assam. South Assam, also known as Barak Valley, is a relatively peaceful area in the state. However, it is increasingly evident now that to gain political advantage a group of people are deliberately trying to flare up communal violence in the valley.

Recently, a relatively new Kolkata based outfit known as Hindu Samhati called a conference on December 2, 2017 at Silchar, the main town in Barak valley. At the said conference, some of their leaders delivered communally provocative speeches and tried to polarise people in the

name of religion. One of their guest speakers Mr. Debatanu Bashu openly asked his followers to go for mass killing of the Muslim people in the valley. A First Information Report (FIR) was registered by police in this incident but no further actions were taken.

It is in this background, it appears that the abuse, threats and complaint against Mr. Dey were an effort to create an environment of fear among the human rights defenders and the progressive and secular people in Assam.

Appeal:

We therefore urgently appeal to you to:

- Undertake an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of intimidation, threat to life and registration of false cases against Mr. Sishir Dey.
- Following the independent investigation, intervene in the court through a senior criminal lawyer using the powers granted through Section 12 (b) of the Protection of Human Rights Act 1993.
- Take appropriate actions to ensure the safety and protection of Mr. Sishir Dey, in this if required and expressed by Mr. Sishir Dey regarding his relocation or providing security.
- Given that this is a case of a human rights defender requiring urgent attention and immediate intervention, not to transfer the case to the Assam State Human Rights Commission.
- Put an end to all acts of attack and harassment against all human rights defenders in Assam to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution.

Looking forward to your immediate action in this regard,

Yours Sincerely,



Henri Tiphagne
National Working Secretary

Copies to:

Michel Forst

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