

URGENT APPEAL - THE OBSERVATORY

India: Stop Harassment Against MASUM

Thursday 7 December 2006, by [FIDH](#), [OMCT](#) (Date first published: 6 December 2006).

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INDIA

December 6, 2006

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in *India*.

Brief description of the situation:

The Observatory has been informed by reliable sources about the arbitrary search of the headquarters of Manabadhikar Suraksha Mancha (MASUM), a human rights organisation working in India and South Asia and specialised in denouncing torture cases, in Howrah, West Bengal.

According to the information received, on November 21, 2006, the MASUM headquarters were searched by a police officer from the District Intelligence Branch Department (DIB), seeking for information about the activities of the organisation. In particular, the police officer took the address of Mr. Kirity Roy, MASUM Secretary General and a national executive member of the Indian branch of Amnesty International, and asked for the registration certificate of the organisation.

When Mr. Roy, who was in the office at the time of the search, asked the police officer for a warrant, the latter answered that he was following orders given by Mr. Raj Kanojia, the West Bengal General Inspector of Police (Law and Order). He then left, saying that he would bring the warrant later on that day.

Shortly after, Mr. Kirity Roy received a phone call from the same police officer, summoning him to meet the Deputy Superintendent of Police, at

the DIB office in Howrah. When Mr. Roy asked him to send him a written notice, the police officer hung up.

On November 10, 2006, the headquarters of MASUM had already been arbitrarily searched by this officer. During this search, MASUM was asked about its activities and its registration certificate, as well as the names, addresses and phone numbers of its leaders. The only employee present at the time refused to answer and asked him to come later on.

The Observatory recalls that on December 9, 2005, Mr. Kirity Roy had been arbitrarily arrested in Lal Bazar, Kolkota, West Bengal, along with 21 persons, including Mr. Abhijit Datta, MASUM assistant secretary, Mr. Pradip Mukherjee, MASUM employee, Mr. Nirmal Karmakar, secretary of the Deganga unit of the Association for the Protection of Democratic Rights (APDR), Mr. Phanigopal Battacharjee, secretary of the Indo-Japan Steels Workers Union, and Mr. Dipankar Mitra, a member of the Kolkota section of Actionaid International. They were peacefully protesting in front of the Secretariat of the government of West Bengal, in order to denounce cases of human rights violations committed by police officers.

All these persons were detained at the Lal Bazar police station, before being released three hours later without charges (see 2005 Annual Report of the Observatory).

The Observatory strongly condemns these acts of harassment against MASUM, as they only seem to sanction its human rights activities.

Action requested:

Please write to the Indian authorities and ask them to :

- i. take all necessary measures to guarantee, in all circumstances, the physical and psychological integrity of MASUM members, in particular Mr. Kirity Roy;
- ii. put an immediate end to all forms of harassment against MASUM members and human rights defenders in India, and guarantee in all circumstances that human rights defenders and organisations are able to carry out their work without any hindrance;
- iii. comply with the provisions of the Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular article 1, which states that “everyone has the right, individually or collectively, to promote the protection and fulfilment of human rights and fundamental freedoms at the national and international levels”, as well as article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or 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”;

iv. guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by India.

Addresses:

- Shri Manmohan Singh, Prime Minister of India, Prime Minister’s Office, Room number 152, South Block, New Delhi, Fax: + 91 11 2301 6857

- Shri Shivraj Patil, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India, Fax: +91 11 2309 2979

- Justice Mr. Y.K. Sabharwal, Chief Justice of India, Supreme Court of India, 1 Tilak Marg, New Delhi, Fax: +91 11 233 83792, Email: supremecourt.nic.in

- Justice A.S. Anand, Chairperson, National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: chairnhrc.nic.in

- Mr. Okram Ibobi Singh, Chief Minister of Manipur, Chief Minister’s Secretariat, Babupara, Imphal, Manipur, Fax: +91 385 222 1817, Email: cmmani.hub.nic.in

- Justice W. A. Shishak, Chairperson, Manipur State Human Rights Commission, Courts Complex Lamphelpat, Imphal, Manipur, India, Fax: +91 385 410472.

- H.E. Mr. Swashpawan Singh, Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9 (6ème étage), 1202 Geneva, Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: mission.india.ties.itu.int

- Mr. Dipak Chatterjee, Ambassador, Embassy of India in Brussels, 217 Chaussée de Vleurgat, 1050 Brussels, Belgium, Fax: +32 (0)2 6489638 or +32 (0)2 6451869

Please also write to the diplomatic representations of India in your respective countries.

Geneva - Paris, December 6, 2006

Kindly inform the Observatory of any action undertaken quoting the code number of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of human rights defenders and aims to offer them concrete support in

their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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