

## MASUM under Attack

Manabadhikar Suraksha Mancha (MASUM) had organised a People's Tribunal on Torture (PTT) on 9-10 June. The police have started a case against MASUM claiming the tribunal to be illegal. On June 12 a huge police force raided MASUM's office (26 Guitendal Lane, Howrah 711101).

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), has received new information regarding illegal police action.

According to the information received, on June 9 and 10, 2008, MASUM coordinated the People's Tribunal on Torture (PTT) in Moulali, Kolkata, during which 1,200 victims and their families were present and 82 victims deposed before the tribunal. This public hearing formed part of the National Project on Preventing Torture in India (NPPTI), a venture funded, supported, and endorsed by the European Union and the Friedrich Naumann Stiftung. The Project's implementation is overseen by People's Watch, Madurai, but undertaken by local organisations such as MASUM. Invitation letters were issued to all the concerned officials including Police Commissioner of Kolkata on May 23, 2008 and the letters were received by their offices in time.

Yet, on June 7, 2008, the police visited the MASUM office, and refused to accept the written explanation of Mr Kirity Roy, President of MASUM and State Director of the Project, on the legality of the Public Tribunal. However, the Public Tribunal continued in spite of this uncertainty.

At the hearings before the Public Tribunal on June 9 and 10, victims of torture by the police and by the Border Security Forces recounted their stories in panels before an audience of fellow victims and interested members of the public. The panels were overseen by a Jury of human rights activists, jurists, and medical personnel, co-chaired by Mr Justice Malay Sengupta (Former Chief Justice, Sikkim High Court) and Dr Mohini Giri (Former Chairperson, National Commission for Women).

After successful conclusion of the Public Tribunal, on June 10, 2008, a plain-clothed police officer trespassed into the venue and took photographs without permission. On questioning, he revealed that he had come under the instructions of the Detective Department. Commissioner of Police Mr Gautam Mohan Chakrabarty was contacted, and he informed Mr Kirity Roy that a criminal case had been lodged against him at Taltolla police station for organising the Public Tribunal. The Commissioner refused to divulge further information. People's Watch then contacted Taltolla police station for details, but they refused to furnish any information beyond confirming the existence of the charge against Mr Kirity Roy. It is worth noting that Mr Kirity Roy was at no time a panel member of the Public Tribunal.

However, a police case would have been registered at the instance of the Detective Department of Police at Taltolla police station under sections 179 (refusing to answer public servant authorised to question) and 229 (impersonation of juror or assessor) of the Indian Penal Code.

Furthermore, on June 12, 2008, police officers from the Detective Department raided the offices of MASUM. Between ten and twelve officers led

by the Assistant Commissioner of Police searched the MASUM premises, while ten armed officers waited outside. They did so with a warrant issued by the Chief Metropolitan Magistrate, Kolkata, but without indicating the motive for such a warrant.

Though the police acted with a warrant, the sheer number of officers involved, coupled with the timing of the raid, suggests that their motivation was one of repression and intimidation rather than law-enforcement.

The Observatory expresses its deep concern about these acts of harassment against MASUM and the judicial proceedings against Mr Kirity Roy, as it seems to merely sanction their human rights activities, and recalls that on May 29 and 30, 2008, People's Watch had already been subjected to police harassment during the PTT it organised from May 29 to 31, 2008.

The Observatory further recalls that India was elected as a member of the Human Rights Council in 2007 for three years, and has committed, in this regard, to "uphold the highest standards of promotion and protection of human rights".

### **PEOPLE'S WATCH AND BACKGROUND INFORMATION**

In the night of May 29, 2008, Mr Ayyanar, a member of the Ottar community and a victim of torture who had taken part in the afternoon in an hearing before the PTT jury, was arrested by the police without any procedures for arrest being followed. Mr Ayyanar was released a few hours later, following the intervention of Mr G Ganesan, State Human Rights Monitoring Officer of People's Watch in the State of Tamilnadu.

It is worth mentioning that one of the cases heard by the jury in the afternoon concerned acts of torture that were said to be carried out on March 2, 2008 by one Sub-Inspector Mr Vijayan, then serving at the Kamuthi police station. As a result of the intervention undertaken by People's Watch in this case, Mr Vijayan allegedly had been transferred to Kenikarai police station. Notice of the hearing before the PTT had been sent to the Superintendent of Police of Ramnad, as well as the District Collector of Ramnad, with a CD containing the details of this and all other cases pertaining to their district that were to be heard by the PTT Jury.

On May 30, 2008, a police officer was found to be standing outside the premises of the venue of the PTT and some participants were arrested after they had apprehended police officers and brought them over to the PTT jury for a discussion. This resulted in injuries caused by the police. These cases of abuse were registered against policemen, in particular thanks to the help of Mr S Martin, Advocate and Regional Law Officer at People's Watch, based in Trichirapalli, as well as Secretary of the Trichirapalli Bar Association and Secretary General of the Federation of Consumer Organisations of Tamilnadu and Pondicherry, who provided support to two injured participants in lodging a complaint at the Sellur police station. At the same time, the Madurai City police also registered false cases against Mr Henri Tiphagne, the National Director of the NPPTI, Executive Director of People's Watch and the Member of the National Core Group on NGOs of the National Human Rights Commission of India, Mr Martin, Mr Ganesan and Mr Prabakar, District Human Rights Monitor for Madurai District in Tamilnadu of the NPPTI.

The cases filed against Mr Henri Tiphagne and Messrs S Martin, G Ganesan, and Prabakar in Crime No 785/08 are based under sections 147, 342, 366, 323,

332, and 225 of the Indian Penal Code (rioting, wrongful confinement, kidnapping/abducting, voluntarily causing hurt, deterring a public servant from his duty, and resistance/obstruction of lawful apprehension of another person). □□ *[Courtesy : Sanhati]*