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India : Police harassment against the workers of human rights defenders raising AIDS awareness

Four human rights defenders, arrested solely for their lawful AIDS prevention activities, should be immediately and unconditionally released and the action of the Uttar Pradesh Police should be promptly and impartially investigated, Amnesty International said today.

"These activists appear to have been targeted by the police solely for their work with the homosexual community," the organization said, adding that it considers them to be prisoners of conscience because they have been arrested solely for their activity to promote the prevention of AIDS and the right to health.

The organization sent a letter to the Chief Minister of Uttar Pradesh concerning the reportedly arbitrary interference of Uttar Pradesh Police officers with the lawful activities of two organizations raising AIDS/HIV awareness among male homosexuals in Lucknow. In particular, Amnesty International is concerned by reports that police have arrested four members of those organizations.

On 7 July police arrested Bharosa Trust Program Manager Parmeshwar Nair, a worker of the same organization Mohhamad Shahid, the Naz Foundation International (NFI) director, Arif Jafar, and another office worker of the same organisation, Sudhees Kumar, charging them with "Punishment of criminal conspiracy" and "Unnatural offences" under Articles 120 B and 377 of the Indian Penal Code._

On the same day police raided the offices of the two organizations and seized materials they considered as pornographic, but the activists said these were used to raise safer sex awareness. While in police custody

the four men were reportedly severely beaten with batons. They are presently in judicial custody in Lucknow District Jail; their application for release on bail was turned down by the judge without giving specific grounds for his decision. They are now appealing to the Uttar Pradesh High Court.

The lawyer defending the four detainees was reportedly threatened with arrest by the police on 9 July during the search of the office of Bharosa Trust which was taking place without the required search warrant from the court. He was also told not to discuss this case with other human rights activists in India or abroad.

The Government of India has recently publicly acknowledged, at the United Nations General Assembly Special Session on HIV/AIDS (UNGASS), that lesbians and gay men constitute a marginalised community and that they are particularly vulnerable to HIV infection.

"The Indian authorities should now go one step further and ensure that subordinate state bodies act in accordance with the government's international stands and national plans of action," Amnesty International said.

Background

NFI and Bharosa Trust work within the framework of the National Project Implementation Plan set out by the National AIDS Control Organisation (NACO), which identifies male homosexuals as a priority target for AIDS prevention. Bharosa Trust is also a registered body recognized by Uttar Pradesh State Aids Control Society, UPSACS. The work of these organizations appears to be completely in coherence with the positions taken by Government of India at national and international level.

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