

TO: HEALTH PROFESSIONALS
FROM: AMNESTY INTERNATIONAL

APPEAL FOR ACTION

RE: REPEAL LIFE IMPRISONMENT SENTENCE FOR DOCTOR BINAYAK SEN

Doctor Binayak Sen is a pioneering medical doctor on community health issues and a leading activist working to ensure the rights of Adivasi (indigenous) and other marginalized communities in the conflict-affected central Indian state of Chhattisgarh. On 24 December 2010, he was sentenced to life imprisonment after being convicted of sedition and conspiracy following an unfair trial. He is currently imprisoned in Raipur central prison, Chhattisgarh. Amnesty International believes that the charges against him are politically motivated and aimed at hampering his work on human rights. He is a prisoner of conscience, and should be immediately released.

Dr Sen was first arrested on 14 May 2007 shortly after he had publicly drawn attention to the fact that people shot dead by the Chhattisgarh police in March 2007 were local Adivasis, and not armed Maoists, as the police had claimed. In Chhattisgarh, violent armed conflict between the banned Communist Party of India (Maoist), and the Central Reserve Police Force (CRPF) and a militia group Salwa Judum, which is allegedly supported by the state government, have led to widespread human rights violations and abuses against members of local communities. Dr Sen has been a vocal public critic of the conflict, drawing attention to these abuses and calling for the protection of the rights of local communities.

After his arrest in 2007, Dr Sen was held for seven months before being charged with collaborating with armed Maoists (sedition, conspiracy and waging war against the State of India). The courts repeatedly refused bail until 25 May 2009, when the Supreme Court ordered his release on bail, by which time he had been imprisoned for more than two years.

Dr Sen is an internationally respected medical doctor. He has won several awards for his work on community health, including the 2008 Jonathan Mann Award for Global Health and Human Rights. Not only have human rights organizations, such as Amnesty International, Physicians for Human Rights and Human Rights Watch, spoken out but prominent medical journals (The Lancet and British Medical Journal) have also expressed their outrage concerning the charges and sentencing of Dr Sen. Many others have followed suit. For more information please see the following links:

Amnesty International: <http://tinyurl.com/2daf98u>

Human Rights Watch: <http://tinyurl.com/33unhpg>

The Lancet: <http://tinyurl.com/5upanns>

British Medical Journal: <http://tinyurl.com/4qlere6> (login required)

EU diplomats from several countries attended the court proceedings of his petition seeking release on bail and suspension of the life-term sentence pending an appeal against his conviction.

PLEASE WRITE IMMEDIATELY:

- Explaining that you are a health professional concerned about human rights;

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- Calling for the immediate release of Dr Binayak Sen as charges against him are politically motivated and related to his work on human rights;
- Calling on the authorities to drop all charges against Dr Binayak Sen;
- Urging the Indian government to ensure that Human rights defenders in Chhattisgarh are able to carry out their peaceful human rights work without fear of reprisal;

PLEASE SEND APPEALS BEFORE 01/05/2011 TO:

Dr Raman Singh
Chhattisgarh Chief Minister
Secretariat
Second floor
Mantralaya
Raipur
492 001
Fax: +91 771 2221206
Email: cmcg@nic.in
Salutation: Dear Minister

Shri P Chidambaram
Minister of Home Affairs
North Block,
Central Secretariat,
New Delhi – 110 001
Fax +91 11 23094221, +91 11 23092979
Email hm@nic.in
Salutation Dear Home Minister

IF YOU RECEIVE NO REPLY WITHIN SIX WEEKS OF SENDING YOUR LETTER, PLEASE SEND A FOLLOW-UP LETTER SEEKING A RESPONSE. PLEASE SEND COPIES OF ANY LETTERS YOU RECEIVE TO THE INTERNATIONAL SECRETARIAT, ATTENTION OF THE HEALTH TEAM, 1 EASTON STREET, LONDON WC1X 0DW OR E-MAIL: health@amnesty.org

ADDITIONAL INFORMATION

A paediatrician from Kolkota for over thirty years, Dr Sen has been involved in community health and medicine projects; he lived in Chhattisgarh since 1991. Chhattisgarh is largely rural, one of India's poorest states and has a large population of Adivasis who live mainly in remote rural and forested areas. Dr Sen founded an NGO that, over the years, has come to provide medical care to 20 Adivasi villages through a network of community health workers; he also set up a hospital funded and run by mineworkers and works at his own rural health clinic. Dr Sen, who was once on the Chhattisgarh State Advisory Board for community-based health, has been actively engaged in improving medical care for Adivasis and contract labourers..

Dr Sen is also the vice-president of one of India's leading human rights organizations, the People's Union for Civil Liberties (PUCL), and leads its Chhattisgarh state branch. He has documented and campaigned against human rights violations and abuses in the conflict in Chhattisgarh. He has been a vocal advocate for a peaceful political solution to the violence in the state. Fighting between armed Maoists and state and central government security forces, and militias, as well as the state's response to the violence, have led tens of thousands of civilians to flee their homes, and all parties to the conflict have committed widespread human rights abuses.

Dr Sen has been particularly critical of the role played by the Salwa Judum, which resists the Maoists with violence. This civil militia, set up in 2005, is widely held to be state-sponsored: its name may be translated in local Adivasi dialect either as "Purification Hunt" or as "peace march." Its activities in the state include unlawful killings, looting and burning down of Adivasi homes and forced displacement of Adivasi communities.

Dr Sen also criticised the decision of the state authorities to enact the Chhattisgarh Special Public Security Act 2005 (CSPSA) in response to the conflict in Chhattisgarh. He has said its ambiguous provisions can be used to silence peaceful dissent; the legislation also allows courts to deny bail to those charged under it.

Finally, Dr Sen has opposed the state government's decision to sign business agreements for several corporate-led mining projects in Chhattisgarh – which would take over the traditional lands and habitats of these communities, thereby putting their livelihoods at risk.

Dr Sen has been convicted of sedition (Section 121A of the Indian Penal Code) and conspiracy (Section 124A) and various sections of the Chhattisgarh Special Public Security Act 2005 (CSPSA), and the Unlawful Activities (Prevention) Act, 1967 (UAPA). His trial commenced on 30 April 2008. The prosecution had alleged that Dr Sen had "deep relations" with members of the banned Maoists which believes in armed violence against the state. Dr Sen had made visits, as a doctor, to Narayan Sanyal, an imprisoned Maoist leader, with the permission of the prison authorities; the prosecution had claimed that he had smuggled correspondence from Sanyal to the armed Maoists. Dr Sen said he had also learnt,



that senior police officials have also threatened his patients not to associate with him when he was arrested and this continued after his release on bail.

Senior legal experts, including a former Supreme Court judge, have expressed concern that the state prosecution failed to produce “even a shred of evidence” to justify any of the charges Dr Sen and said on the basis of the paucity of evidence, the court should dismiss the case. During the proceedings, Amnesty International and other human rights organizations had expressed concerns whether the trial was fair.

The vaguely worded provisions of the security legislation used to charge Dr Sen – the CSPA which is only in force in the state of Chhattisgarh and the UAPA – are so broad that they may be abused to restrict and criminalize the peaceful exercise of rights and freedoms, including the freedoms of speech and expression of opinion and freedom of association, which are guaranteed by both international law and the Indian constitution. Human rights organizations have called for this security legislation to be repealed or else amended to bring them into line with international standards and to protect against their potential misuse to arbitrarily restrict human rights.

