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India: Government of West Bengal must drop false charges against activists campaigning against torture

The Government of West Bengal must drop false charges against Kirty Roy and other human rights defenders and hold the State police accountable for harassment and intimidation, Amnesty International said today.

Kirty Roy, Secretary of the Banglar Manabdhikar Suraksha Mancha (Masum) – a human rights organization in West Bengal – was arrested by the Kolkata police on 7 April 2010. This was in pursuance of a complaint filed by the police in June 2008 relating to his involvement in organising an event in Kolkata, titled the ‘People’s Tribunal on Torture’.

This event was organised by Masum as part of a nationwide project on preventing torture in India. The police complaint of June 2008 charged Mr. Roy and six other Masum employees for offences including impersonating a public official (Section 170, Indian Penal Code), impersonation of a juror (Section 229) and criminal conspiracy (Section 120B).

Public or people’s tribunals are commonly held globally and in India, as a way of highlighting human rights violations and seeking accountability. There was no attempt by the organisers of the ‘People’s Tribunal on Torture’ to impersonate public officials or jurors. Not only were the West Bengal police informed of this event, but senior officials including Kolkata city police commissioner were also invited to attend.

At the event in Kolkata, a panel consisting of former judges and human rights defenders heard detailed testimonies from 82 victims who alleged police torture. In most of the cases presented, previous complaints by the victims to higher authorities had not led to any investigations or prosecution. The police charges of impersonation against Mr. Roy and others appear to be an attempt to silence the victims of police torture by criminalizing a legitimate form of protest by human rights defenders.

Mr. Roy’s arrest on 7 April 2010 took place a day before the High Court was due to hear a petition seeking the quashing of charges against him and six other Masum employees. Although Mr. Roy has now been released on bail, the police have added further charges of forgery of documents (Sections 467), forgery for the purpose of cheating (Section 468) and cheating (Section 420) against all the seven persons previously charged. Another key organizer of the event, Henri Tiphagne of People’s Watch, Madurai, has also been named in the charge-sheet filed by the police in a local court.

Amnesty International is concerned that Kirty Roy’s arrest and the filing of charges against him and seven others appear to be politically motivated, as a result of their work as defenders of human rights raising issues of torture and impunity.

Amnesty International calls on the West Bengal government to drop false charges against Mr. Roy and other human rights defenders in this case. Instead the Government should hold the State police accountable such for harassment and intimidation. The authorities should also create an enabling environment and ensure respect for the rights of individuals in West Bengal engaged in the peaceful promotion of respect for human rights, including the right to meet and assemble peacefully, to seek obtain, receive and hold information about respect for human rights, and to discuss and form opinions about and draw the public's attention to the observance of human rights.