

BARAK HUMAN RIGHTS PROTECTION COMMITTEE



Rongpur Part-iv (Near Uco Bank), Silchar - 9, Cachar (Assam)

A human rights organisation of the nature as is contemplated under Sec 12 (i) of the Protection of Human Rights Act, 1993 and registered under the Societies Registration Act, 1860.

FOR
EQUALITY,
JUSTICE
AND PEACE

সৰ্ব মান-স্ব মুখিত

E-mail: bhrpc.net@gmail.com, FAX- 03842 283592, WebPages: http://bhrpc.wordpress.com

Ref. No. *BHRPC/*

Date:

To

Mrs. Margaret Sekaggya
Special Rapporteur on the Situation of Human Rights Defenders,
Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland

Subject: Cases of Harassment and Intimidation to Human Rights Defenders working in Barak Valley of Assam, India

Dear Madam,

Barak Human Rights Protection Committee (BHRPC) expresses its thankfulness for your visit to India and particularly for holding this regional consultation with Human Rights Defenders working in North East India under great risks in Guwahati today and welcomes you.

BHRPC is a small group of HRDs that endeavours to generate awareness of human rights among all stakeholders, monitors and documents cases of violations and offers legal interventions for remedies and justice on behalf of the victims. Its works mainly focus on the southern part of the state of Assam in India comprised of the districts of Cachar, Karimganj and Hailakandi known as Barak valley.

The valley is inhabited by about four million people, roughly 75% of whom are Bengali speaking. The rest is comprised of Hindi, Manipuri, Bishnupria etc. Geographically the area is separated from the main land Assam by Meghalaya and North Cachar hills. It is a remote and isolated area. There is a sense of double marginalisation among the inhabitants. The valley is marginalised as a part of the North East and due to the isolation from the mainland Assam. The people are educationally, financially and politically very backward. Corruption and nepotism are accepted as a way of life.

The area is relatively peaceful, though it situates in the conflict zone of North East India. But, politicians indirectly nurture small armed groups of anti social elements or maintain nexus with them. It is now not a secret that there is a strong nexus between politicians, bureaucrats and such armed groups. The rule of law is easily trampled upon by this nexus, and thus they run the area as they wish.

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In this backdrop BHRPC is struggling for practical realisation of universally recognised human rights as enshrined in the Universal Declaration of Human Rights, 1948 and other international instruments to which India is a party and the rights enumerated in the Constitution of India by means of peaceful legal and democratic methods. In this endeavour the members of BHRPC and other HRDs working in the valley face risks of life, harassment, intimidation from both the state and non-state forces.

Cases:

1. Waliullah Ahmed Laskar, member of the legal team of BHRPC was detained by Assam police on 4 December 2008 with a view to intimidate him. In the evening at approximately 8:00 pm, he was in an internet cafe in Guwahati when a group of armed police officers from Dispur Police Station, led by the Deputy Superintendent of Police (DSP), entered the café and approached him. The DSP demanded that Waliullah Ahmed Laskar show him what he was downloading, which he did. Waliullah Ahmed Laskar was then held in a police Jeep for 30 minutes while the DSP examined his computer. The DSP and police officers then searched Waliullah Ahmed Laskar's room and confiscated all of his belongings pertaining to the BHRPC which included documents, his brief cases, laptop, USB flash drive and mobile phone.

Waliullah Ahmed Laskar was subsequently taken to Dispur Police Station where he was questioned by a team from the Subsidiary Investigating Bureau and the Intelligence Bureau until approximately 2:00am on 5 December 2008. Waliullah Ahmed Laskar was subsequently kept in detention while the police informed him that "experts" from outside of Assam were checking the items which had been confiscated. At 9:00 pm of the 5 December 2008 his items were returned to him and he was released without charge.

Prior to his arrest and interrogation Waliullah Ahmed Laskar had been assigned by the BHRPC to prepare a draft Project Proposal on "The Right to Freedom from Torture and Violence: Compatibility of Indian Law and Practice with International Human Rights Standards (focusing on the North East Indian situation)". As a member of BHRPC, he also participates in the ongoing policy making deliberations of the organization. For these reasons Waliullah Ahmed Laskar had been using the internet as his primary source of information concerning violence, torture, terrorism, counter terrorism, policing, human rights etc. The Dispur police allegedly informed Waliullah Ahmed Laskar that the basis of his interrogation was his research of information on these topics by internet.

BHRPC informed Front Line-- the International Foundation for the Protection of Human Rights Defenders based Dublin about the incident. Front Line accordingly issued an Urgent Appeal on 10 December, 2008 (**Copy is attached herewith as Annexure-1**).

BHRPC also submitted a complaint to the National Human Rights Commission of India (NHRC) on 26 December, 2008 along with an Affidavit by Waliullah Ahmed Laskar (**Copy of the**

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complaint and Affidavit is attached as Annexure-II A & B). The NHRC registered a case as Case No.158/3/24/08-09/OC and transmitted the complaint to the Director General of Police, Assam on 15 January, 2009 asking him to dispose of the case (**Copy of the letter of NHRC is attached as Annexure-II).**

The complaint was against the Assam Police and the NHRC transmitted it to the same Assam Police for disposal. Naturally they did not take any substantial actions. They submitted a report to the government and the NHRC absolving both Waliullah Ahmed Laskar and themselves without any proper enquiry trying to justify their actions on the ground of public welfare (**Copy of the report is attached as Annexure-III).** No further actions were taken by either the government or the NHRC despite several reminder from the BHRPC. The case is still pending.

2. Sadique Mohammed Laskar, member of BHRPC, Shahidul Hoque Laskar, Secretary of Kishan Bikash Samity (KBS), a voluntary community organisation based at Banskandi in Cachar district and its other members were implicated in a false case, their houses were raided and local people of Banskandi were harassed in June 2008.

Kishan Bikash Samity works to expose corrupt officials using the Right to Information Act, 2005. On 4 June 2008 members of the public and students demonstrated front of the office of the Block Development Officer (BDO) of Banskandi to protest against corrupt practices of the officials regarding implementation of the Government welfare schemes exposed by the KBS. Police registered a false case against the demonstrators under section 143, 447, 341, 353, 383, 379 and 487 of the Indian Penal Code, 1860 vide Lakhipur Police Station Case No. 148/08 including 5 members of KBS and 30 other unidentified persons of the locality. Police started wholesale raiding and harassing of the local people. When Sadique Mohammed Laskar on behalf BHRPC started documenting the rights violations of people during the raids, police threaten him and even raided his house, despite absence of his name in the First Information Report (FIR).

There was preparation to arrest Shahidul Hoque Laskar in order to prevent him to appear as a petitioner before the State Information Commission, Assam (SIC) in an appeal case against the BDO, Banskandi. Sahidul Haque Laskar applied for pre-arrest bail in the Gauhati High Court apprehending arrest though he was not named in the FIR. High Court granted him pre-arrest bail vide B A No. 2447 of 2008. The High Court accepted that the ground for apprehension of arrest is the date of hearing on 17 July 2008 before the SIC and mentioned in the bail order that bail should be granted so as he can appear before the SIC on that day (**A copy of the bail order is attached herewith as Annexure-IV).**

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The false case is still pending with the police. No report was submitted to the court. No investigation was conducted to unearth the conspiracy to harass and intimidate the HRDs and to bring the perpetrators to justice.

3. Human Rights Defenders Mr Choudhury Charan Gorh and Mr Shyama Prasad Kurmi were subjected to physical assault on 30 June 2009 in Hailakandi, Assam. Mr Choudhury Charan Gorh is the secretary of NGO HELP, a grass-roots organisation which monitors corruption in the local self-government (the Panchayati Raj) and works for the practical realisation of rural development. Mr Shyama Prasad Kurmi is also a member of NGO HELP.

On 30 June 2009, NGO HELP convened a public meeting to discuss the scale of corruption in the implementation of rural development schemes by the local government in Assam, in conjunction with the Mazuri Shramik Union, a local labour organisation which raises awareness concerning the development schemes of the Union government of India and the State Government of Assam. At approximately 3.00 pm, a group of armed men, carrying daggers, sticks and swords, broke up the meeting and assaulted the attendees indiscriminately. Choudhury Charan Gorh and Shyama Prasad Kurmi sustained severe injuries and were admitted to hospital. The identity of the armed men who assaulted them is known to the human rights defenders; they are believed to be connected to the president of Aenakhhal Gaon Panchayat, the village level unit of the institution of Pachayati Raj.

The organisers of the public meeting had previously informed the District Magistrate and Superintendent of Police of Hailakandi and Officer-in-Charge of Lala police station of the forthcoming meeting. They had also requested a police security presence for the meeting, fearing a potential disruption from those involved in corruption in local development schemes. No response to this security request was received. Following the attack, the organisers of the meeting filed a complaint with the Lala Police Station. As yet, no visible action has been taken by the police to investigate the case or bring the perpetrators to justice.

BHRPC informed Front Line regarding the incident with in turn issued an Urgent Appeal on 13 July 2009 (**A copy is attached as Annexure-V**). BHRPC also wrote to the Prime Minister of India and Prime Ministers's Office forwarded the complaint to the Chief Secretary of Assam for taking actions. But no actions were taken despite several reminders.

4. BHRPC normally confines its focus on Barak valley but when grave cases of violations come to its view from beyond the valley it takes actions.

When information about assault and threat to Ms Hasina Kharbhih, leader of Impulse NGO Network received by BHRPC it wrote to the authorities. BHRPC also sent the information to the Fron Line, which issued an Urgent Appeal on 4 June 2009 (**A copy is attached as Annexure-VI**).

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We request you to ensure that the authorities in India:

1. Investigate impartially and thoroughly the complaints regarding: (I) detention and intimidation of Waliullah Ahmed Laskar, (II) physical assault on Choudhury Charan Gorh and Shyama Prasad Kurmi, (III) conspiracy to implicate in false charges and harassment of Shahidul Hoque Laskar and members of KBS and Sadique Mohammed Laskar of BHRPC and (IV) assault and threat to Hasina Kharbih of Impulse NGO Network.
2. Guarantee the protection of HRDs working Barak Valley.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sadique Mohammed Laskar

Joint Secretary

Barak Human Rights Protection Committee

14 January 2011

The Regional Consultation with HRDs
Guwahati