



India

8 October 2010

Arbitrary arrest and subsequent release of members of the Science and Environment movement - IND 005 / 1010 / OBS 121

The Observatory has been informed by reliable sources about the arrest and subsequent release of members of the Science and Environment movement, a network of different organisations and individuals working against pollution of air, water and land.

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) requests your urgent intervention in the following situation in India.

On October 6, 2010 at around 9.30 am, Mr. **Bankim Dutta**, member of Gana Biggyan Samanway Kendra; Mr. **Mihir Bhonsle**, member of Gana Biggyan; Msrs. **Bidhan Chandra Dey**, **Swapan Mallick**, and **Subimal Chatterjee**, members of DISHA, a voluntary organisation working for socio-economic development of urban and rural communities, Mr. **Achintya Pramanik**, member of Haripur Paramanu Biddyt Prakolpo Pratirodh Andolon; Mr. **Nirbhik Mukherjee**, member of Gana Uddyog; Mr. **Debashis Shyamal**, member of Haripur Paramanu Biddyt Prakolpo Pratirodh Andolon as well as two individual members of the Science and Environment movement, Mr. **Kaushik Haldar** and Mr. **Prasun Das** [\[1\]](#) were arrested by the police in front of the Saha Institute for Nuclear Physics while peacefully protesting against the building of a nuclear power plant at Haripur. The arrests occurred while the above mentioned activists were distributing leaflets in relation to their opposition to the project on the eve of the scheduled visit of Dr. Srikumar Banerjee, Chairman of Atomic Energy Commission of India.

They were transferred to the Bidhan Nagar (North) police station without being provided any reason for their arrest. They were not provided with a lawyer and were released later the same day without charges.

The Observatory denounces these arbitrary arrests, which seem to merely aim at sanctioning the human rights activities of the above mentioned human rights defenders, in particular their work on the protection of the environment.

Actions requested:

Please write to the authorities of India, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of the above mentioned defenders as well as of all human rights defenders in India;

ii. Carry out an immediate, thorough, independent and impartial investigation into the above-mentioned events, the result of which must be made public, in order to bring all those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;

iii. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with:

- Article 1, which provides that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels",
- Article 5 a) which states that "for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels to meet or assemble peacefully";
- Article 6 b) which provides that "Everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- Article 8 which states that "Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms;
- Article 12.2 which states that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration".

iv. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by India.

Addresses

· Shri Manmohan Singh, Prime Minister of India, Prime Minister's Office, Room number 152, South Block, New Delhi, Fax: + 91 11 2301 6857 · Shri Shivraj Patil, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India, Fax: +91 11 2309 2979. · Justice K. G. Balkrishnan, Chief Justice of India, Supreme Court, Tilak Marg, New Delhi -1, Fax: +91 11 233 83792, Email: supremecourt@nic.in · Chairperson, National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: chairnhrc@nic.in · Mr. T. Theethan, IAS, The Joint Secretary, National Commission for SC, 5th Floor, 'B' Wing, Lok Nayak Bhavan, Khan Market, New Delhi 110103, India. Email: jointsecretary-ncsc@nic.in · Justice N K Jain, Faridkot House, Rajasthan State Human Rights Commission, Jaipur 102, 120 - A, S. S. O. Building, Secretariat, Jaipur. Email: rshrc@raj.nic.in · Mr. Ashok Gehlot, Chief Minister, Rajasthan, 8, Civil Lines, Jaipur - 302 006. Phone No: 2227351 (O), 2228712, 2228713 (R), 2227687 (Fax) · Mr. Hariprasad Sharma, Superintendent of Police, Ajmer, Ph: 0145-2629910 (O) 2625431 (R), Email: sp-ajm-raj@nic.in, sp-ajmer@yahoo.com · Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9, 1202 Geneva, Switzerland. Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: mission.india@ties.itu.int · Embassy of India in Brussels, 217 Chaussée de Vleurgat, 1050 Brussels, Belgium, Fax: +32 (0)2 6489638 or +32 (0)2 6451869

Please also write to the diplomatic representations of India in your respective countries.

[1] All these persons and organisations are part of the Science and Environment movement.

<http://www.fidh.org/Arbitrary-arrest-and-subsequent-release-of>