

# Memorandum in Support of Banglar Manabadhikar Surakksha Mancha (MASUM)

August 16, 2016  
New Delhi

To,  
Justice (Retd.) H.L. Dattu,  
The Chairperson,  
National Human Rights Commission,  
New Delhi  
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Shri. Srinivasa Kammath  
National Focal Point - Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
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National Human Rights Commission - India  
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**Subject – Human Rights Defenders – MASUM – Urgent need for speedy action for protection to undertake legitimate peaceful work - Regarding**

All of us who are signatories to this memorandum collectively express our deep concern over the violent repression unleashed by the State Government of West Bengal against Banglar Manabadhikar Surakksha Mancha (MASUM), a well-known, reputed human rights organisation working for the protection of human rights in the eastern Indian state of West Bengal.

MASUM is a platform of human rights defenders (HRDs), engaging on the issues of torture and extra-judicial killing, through its district human rights monitors in different districts in West Bengal, particularly in Murshidabad, North 24 Parganas, Cooch Behar and Jalpaiguri districts. MASUM is involved in systematically documenting data and information related to torture and extra-judicial killings based on observation, questionnaires, and interviews with victims' families, eyewitnesses, and relevant officials.

Since its inception, MASUM has been actively engaged in reporting and intervening in human rights cases, particularly concerning the violence committed by law enforcement agencies in West Bengal. Most of these cases exposed atrocities committed by the West Bengal Police and the Border Security Force (BSF) deployed along the Indo-Bangladesh border. MASUM is also working with enclave dwellers, and filed a writ petition before the Supreme Court of India bringing into focus the deplorable situation of enclave dwellers. MASUM so far has conducted more than 3000 fact-finding missions, lodged 3200 complaints before the HRIs, Government offices, United Nations (UN) bodies; provided medical and psychological supports to 8500 victims of torture and their families. Each case reported by MASUM has been well documented and exposed blatant breaches of the law by law enforcement agencies in West Bengal. As a result of its work, MASUM has come under systematic state attack.

Human rights activists associated with MASUM have been facing continuous and systematic harassment, physical intimidation, illegal arrest, detention and persecution due to their human rights work. Such acts by the state police, alleged to be motivated by the state administration, send strong warning messages to

other human rights organisations in the country. Since its inception, MASUM is also closely associated with reputed national, regional and international organisations and platforms— such as the UN Voluntary Fund for Victims of Torture, Human Rights Watch, Redress, World Organization Against Torture [OMCT], Asian Forum for Human Rights and Development (FORUM-ASIA), Asian Human Rights Commission, Frontline Defenders, etc.

Mr. Kirty Roy, present Secretary of MASUM, was arrested by the Anti-Terrorist Cell of Kolkata Police on April 7, 2010 for coordinating a People's Tribunal on Torture on June 9-10, 2008, as part of the National Project on Preventing Torture in India, supported by the European Instrument for Democracy and Human Rights (EIDHR). The police started a case against MASUM claiming the tribunal to be illegal. A police case was registered at the instance of the Detective Department of Police at Taltolla Police Station under sections 170 (Personating a public officer)/179 (refusing to answer public servant authorized to question)/229 (Personation of a juror or assessor)/120B (Criminal Conspiracy) of Indian Penal code against Mr. Kirty Roy and others. The case is pending in the Supreme Court of India, after the Calcutta High Court rejected to quash the case. The National Human Rights Commission of India (NHRC) also had let down MASUM when it approached them with a complaint in this case. The Government of India has also refused to grant Foreign Contribution and Regulation Certification/ License to MASUM which has been challenged and the case is before the High Court of Delhi.

- Mr Ajimuddin Sarkar, District Human Rights Monitor has been implicated in several false and concocted criminal charges by Murshidabad district police. He was behind bars for 70 days. In September 2015, Mr. Ajimuddin Sarkar was implicated in two criminal cases by Islampur Police Station.
- Mr. Kirty Roy is co-accused in two criminal cases initiated by the police in Murshidabad district.
- Mr. Mohor Mondal, District Human Rights Monitor of 24 Parganas (North) was detained at Swarupnagar police station under 24 Parganas (North) district on July 27, 2014. He faced verbal abuses and heckled at the police station by the officer in charge and on duty police personnel. Mr. Mondal was threatened and warned to withdraw himself from human rights activism.
- Mr. Durbadal Majumdar, District Human Rights Monitor for Jalpaiguri district was illegally detained in police custody at New Jalpaiguri police post in August 2015. He was implicated in a false case for helping a woman.
- Mr. Ajijul Haque, District Human Rights Monitor of MASUM for Coochbehar district and other enclave dwellers were brutally beaten by hooligans in the presence of the police at the New Coochbehar station in February 2015.
- Ms. Tilak Barman, District Human Rights Monitor of District Coochbehar was illegally detained and mentally harassed by the police personnel of Mekhliganj Police Station in May 2016. She is working for the deprived erstwhile enclave dwellers of Coochbehar district and three rehabilitation camps.

MASUM works closely with border enclave dwellers and filed a writ petition in the Supreme Court of India on the irregularities in the enumeration of enclave dwellers, their situation related to citizenship, and their basic rights and amenities in settlement camps. Recently in July 2016, police force from Dinhata police station illegally arrested Mr. Kachua Barman, a resident of 'Dinhata Krishi Farm Temporary Settlement Camp' on false charges. The residents of three settlement camps earmarked for erstwhile Indian enclaves have been protesting by putting posters in their camps, depicting their woes and pathos, demanding an early solution of their plights.

MASUM is facing severe threats from the state security agencies. The state is using all repressing measures including intimidation, illegal arrest, detention, fabricated cases, and torture to criminalise the legitimate work of MASUM. MASUM and HRDA have filed several complaints to the NHRC all these past years, from 2008 onwards till date, but not even in one of these cases has the NHRC been able to bring justice to the affected Women Human Rights Defenders (WHRDs) and HRDs.

Taking into consideration the above- mentioned facts and circumstances,

We, the signatories to this memorandum, strongly urge NHRC to

- Take urgent and special notice of MASUM's series of cases and send a special high-level team of NHRC's Special Rapporteurs, along with selected members of the NHRC's National Core Group on NGOs, to West Bengal to meet all the affected women and men HRDs associated with MASUM, and look into all their cases of harassment, ill-treatment, intimidation, illegal detention, abuse of power by police and torture of HRDs associated with MASUM, and present a detailed report to the NHRC;
- Implore the NHRC to hold the perpetrators of the recorded violations against the WHRDs and HRDs accountable;
- Immediately appoint through the West Bengal State Legal Service Authority a few competent senior lawyers practicing on the criminal side in the state and relevant districts to defend the WHRDs and HRDs in all the criminal cases registered against them at state cost, provide effective remedies to MASUM and its WHRDs and HRDs;
- Direct that the State of West Bengal and the BSF is made to provide remedies to MASUM and its WHRDs and HRDs, such as an apology, re-assurance of non-repetition and sufficient compensation to make up for all the loss of reputation and other losses suffered over all these past years;
- In view of the consistent work that MASUM has been engaged in all these years, to direct the Ministry of Home Affairs of the Government of India to reconsider the refusal of the FCRA registration to MASUM.

Looking forward to your immediate action in this regard.

Yours Sincerely,

Signed by -

S. No	Organisations	Names	Designations	Countries
1.	Asian Forum for Human Rights and Development (FORUM-ASIA)	Mukunda Kattel	Director	Bangkok - Thailand
2.	Asian Federation Against Involuntary Disappearances (AFAD)	MARY AILEEN D. BACALSO	Secretary-General	Philippines
3.	All India Secular Forum	Dr.Ram Puniyani	Former Professor IIT Mumbai	Mumbai - India
1.	Asian Forum for Human Rights and Development (FORUM-ASIA)	Mukunda Kattel	Director	Bangkok - Thailand
2.	Asian Federation Against Involuntary Disappearances (AFAD)	MARY AILEEN D. BACALSO	Secretary-General	Philippines
3.	All India Secular Forum	Dr.Ram Puniyani	Former Professor IIT Mumbai	Mumbai - India
4.	Business & Community Foundation	Ms.Amita Joseph	Governing Body Member	New Delhi - India
5.	Bandimukti Committee	Ms. Choton Das	Convener	West Bengal - India
6.	Bose Institute	Mr. Meher Engineer	Executive Director	Kolkata - India
7.	Bytes for All	Shahzad Ahmad	Country Director	Pakistan
8.	Bethune College	Ms. Samata Biswas	Assistant Professor	
9.	The Bharatiya Muslim Mahila Andolan	Zakia Soman	Co-founder	Mumbai - India
10.	Civil Society Forum on Human Rights	Dhirendra Panda	Convener	Odisha - India

11.	The Civil Society and Human Rights Network (CSHRN)	Faiz	Senior Human Rights Researcher	Afghanistan
12.	Center For Development Alternatives	Dr. Indira Hirway	Director and Professor of Economics	Ahmedabad - India
13.	CIVICUS	Mandeep Tiwana	Head of Policy and Research	Johannesburg, South Africa
14.	Centre for Human Rights and Development	Urantsooj Gombosuren	Chairperson	Mongolia
15.	The Cambodian League for the Promotion and Defence of Human Rights (LICADHO)	THAV Kimsan	Director	Cambodia
16.	Defend Job Philippines	All members	Team	Philippines
17.	Dynamic Action Group	All members	Team	Lucknow - India
18.	Dalit Camera	All members	Team	
19.	Disha - an environmental organisation	Mr. Sasanka Sekhar Dev	President	West Bengal India
20.	ELSAM (Institute for Policy Research and Advocacy)	Andi Muttaqien	Executive Director	Indonesia
21.	Forum Justice	All members	Team	
22.	Front Line Defenders	Sayed Ahmad	Protection Coordinator for Asia and the Pacific	Bangladesh
23.	Grassroots Human Rights for Education and Development	Tun Thit Soe	Volunteer Coordinator	Thailand
24.	Global Human Rights Communication (GHRC)	Dr.Subash Mohapatra	Executive Director	Odisha – India
25.	Hazards Center	Mr.Dunu Roy	Director	New Delhi - India
26.	Human Rights Law Network (HRLN)	Kamal Krishna Roy	Director / Human Rights Advocate	Allahabad - Utter Pradesh
27.	Human Rights Working Group (HRWG)   UN OIC Advocacy	Muhammad Hafiz	Executive Director	Indonesia
28.	Indonesian Human Rights Monitor (IMPARSIAL)	Ardi Manto	Human Rights Advocate	Indonesia
29.	Indian Social Institute	Denzil	Professor	New Delhi
30.	International Federation for Human Rights	FIDH Members	Team	Geneva – Switzerland
31.	Institute of Development Studies	Mr. Gorky Chakraborty	Professor	Kolkata – India
32.	Institut Titian Perdamaian (Peacebuilding Institute)	Mr.Junaidi Simun	Director	Indonesia
33.	Indonesia Legal Aid Foundation (YLBHI)	Moch Ainul Yaqin	Secretary	Indonesia
34.	Indian Academy of Social Science	Prof.Arun Kumar	Vice President	New Delhi - India
35.	International Services for Human Rights (ISHR)	Pooja Patel	Programme manager	Geneva – Switzerland
36.	Informal Sector Service Centre (INSEC)	Subodh Raj Pyakurel	Chairperson	Nepal
37.	Independent Lawyer	Bobby Kunhu	Lawyer/Researcher	New Delhi - India
38.	Judicial System Monitoring Programme (JSMP)	Jose Pereira	Legal Researcher	Timor-Leste
39.	Justice and Peace Netherlands	Radboud Reijn	Advocacy	Netherlands

			Coordinator	
40.	Jadavpur University	Rimple Mehta	Faculty Member - School of Women studies	Kolkata – India
41.	Lobbyist - Dalit Human Rights	M. Lourdu Savio	Advocate	West Bengal – India
42.	Little Magazine Movement Activist	Mr. Premanshu Dasgupta	Editor / Activist	Kolkata – India
43.	Nepal National Dalit Social Welfare Organization (NNSWO)	Bhakta Bishwakarma	National Chairperson	Kathmandu - Nepal
44.	Odhikar	Adilur Rahman Khan	Secretary	Bangladesh
45.	Observatory for the Protection of Human Rights Defenders World Organisation Against Torture (OMCT)	Chiara Cosentino	Human Rights Officer	Brussels - Belgium
46.	People's Action For Rural Awakening	Thomas Pallithanam	Director	Andhra Pradesh India
47.	Pratichi Trust	Mr. Sangram Mukherjee	Research Associate	Kolkata - India
48.	Potohar Organization for Development Advocacy (PODA)	Sameena Nazir	Executive Director	Pakistan
49.	Penn Thozhilalargal Sangam	Mrs.Sujata Mody	Executive Director	Chennai - India
50.	PUCL, Maharashtra	Dr. Ramesh Awasthi	President	Pune (Maharashtra)
51.	Philippine Alliance of Human Rights Advocates (PAHRA)	Max M. de Mesa	Chairperson	Philippines
52.	People's Vigilance Committee on Human Rights (PVCHR)	Mr.Lenin Raghuvanshi	CEO & Founder	Varanasi - Uttar Pradesh - India
53.	Police Reforms Watch	Dolphy D'souza	Convenor	Maharashtra- India
54.	Publisher of Peoples Movements	Amra Ek Sacetan Prayas	Team	Kolkata - India
55.	Poschimbonga Kkhet Majur Samity	Mr.Anuradha Talwar	Founder / CEO	West Bengal - India
56.	People's Union for Civil Liberties (PUCL)	Ms.Jaya Vindhyala	President	Andhra Pradesh - India
57.	Resource Integration Centre	Abdul Haseeb Khan	Director	Bangladesh
58.	Rights of Dalit	Ajay	Executive Director	Trivandrum - India
59.	Rights now-collective for democracy	R.M.Prabodha Chinthaka	Attorney-at-Law	Sri Lanka
60.	SUARAM	Sevan Doraisamy	Executive Director	Malaysia
61.	Skikkim High Court	Mr. Malay Sengupta	Ex-Chief justice, S	Sikkim - India
62.	South Asia Forum for Human Rights	Tapan Bose	General Secretary	Kathmandu - Nepal
63.	SICHREM	Mathews Philip	Executive Director	Bangalore - India
64.	Saheli Women's Resource Centre	Deepti Priya	CEO / Executive Director	New Delhi - India
65.	SAMIN (Secretariat for Indonesian Independence Children)	Bagus Wicaksono	Human Rights Activist	Indonesia
66.	Saheli Collective - Delhi	Ashima Roy Chowdhury	Activist	Hyderabad - India
67.	TEDS Trust	Cynthia Stephen	Independent Writer and Researcher	Bangalore - India

68.	TEA- Togetherness for Equality and Action	Dao & Chumaporn TK	Senior Researcher	LBTI group in Thailand
69.	TISS – Jeevika	Dr.Shewli Kumar	Associate Professor	Mumbai - India
70.	Tamil Nadu Women's Forum	Vimala	Honorary Secretary	Tamilnadu India
71.	Young Tamil Nadu Movement	Mr.Senthil	Coordinator	Tamilnadu India
72.	Women in Governance (WinG)- India and Purva Bharati Educational Trust	Bondita Acharya	Convenor	Assam - India
73.	Individual	Mr.Ashok Agrwaal	Advocate	India
74.	Individual	Bhuvi Gupta		New Delhi, India
75.	Individual	Mr. Bipul Chakraborty	Poet, Singer, Human Rights Activist	India
76.	Individual	Mr. Giasuddin	Columnist, Human Rights Activist	India
77.	Individual	Ibrahim Ismail	Educationist	India
78.	Individual	Mr. Mohit Ranadip	Mental Health activist	India
79.	Individual	Mrs.Nandini Rao	Legal Activist	New Delhi - India
80.	Individual	Poonkuzhali	Writer	Tamilnadu - India
81.	Individual	Persis Ginwalla	Freelance Researcher	Ahmedabad, Gujarat - India
82.	Individual	Partho Sarothi Ray	Scientist and human rights defender	Kolkata -India
83.	Individual	Dr. Punyabrata Gun	Public health Activist	West Bengal – India
84.	Individual	Mr.Sujato Bhadra	Human Rights Activist	West Bengal – India
85.	Individual	Dr. Sumit Das	Psychiatrist	West Bengal – India
86.	Individual	Mr. Soumitra Ghosh Dastidar	Documentary Film Maker	West Bengal – India
87.	Individual	Dr. Supriyo Bhattacharjee	Interior & Art Coordinator	Jamshedpur - India
88.	Human Rights Defenders Alert - India	Mr. Henri Tiphagne	National Working Secretary	Madurai – India
89.	Human Rights Defenders Alert - India	Mr. Mathew Jacob	National Coordinator	New Delhi – India
90.	Human Rights Defenders Alert - India	Mr. Sunil Kuksal	National Advocacy Officer	New Delhi – India
91.	Human Rights Defenders Alert - India	Mr. Chandranath Dani	Regional Coordinator – East	Bhubaneshwar - India
92.	Human Rights Defenders Alert – India	Mr. Manohar Raghuvanshi	Regional Coordinator – South	Bangalore – India
93.	Human Rights Defenders Alert – India	Ms. Vaishali Sonavane	Regional Coordinator – West	Rajasthan – India
94.	Human Rights Defenders Alert – India	Ms.Bondita Acharya	Regional Coordinator – Northeast	Assam – India

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