

## **FORUM-ASIA condemns the illegal arrest and detention of Mr. Kirity Roy, a human rights defender from Kolkata, India**

9 April 2010

The Asian Forum for Human Rights and Development (FORUM-ASIA) condemns the illegal arrest and harassment of Mr. Kirity Roy, a well known human rights activist in Kolkata on 7 April 2010. Since Mr. Kirity Roy was frivolously charged in connection with his roles in organizing people's Tribunal on Torture, FORUM-ASIA believes that the arrest of Mr. Kirity Roy is a serious violation of the right of human rights defenders to lawfully and peacefully conduct human rights activities.

Mr. Kirity Roy has been very active in the work of combating torture and impunity. He is the Secretary of Banglar Manabdhikar Suraksha Mancha (MASUM), a Kolkata-based human rights organization and the National Convenor of Program Against Custodial Torture and Impunity (PACTI). On 7 April 2010 at 9.45am, he was arrested by policemen of the Anti Terrorist Cell of Kolkata. His arrest was related to the case filed against him in 2008 by the said Anti-Terrorist Cell for holding the People's Tribunal on Torture, a project under the National Project on Preventing Torture in India.<sup>1</sup> During that event, victims narrated to the public acts of torture committed on them before panel members consisting of eminent experts such as the former Chief Justice of the Sikkim High Court and the former Chairperson of the National Commission on Women.



FORUM-ASIA received information that the arrest of Mr. Kirity Roy was not carried out in accordance with law. After the arrest, he was prohibited from contacting his lawyers. He was also detained in the court detention facility and was not produced physically before the court in a hearing on his bail petition. Nevertheless, Mr. Kirity Roy was granted an ad-interim bail and released at 5.00pm of 7 April 2010. The case filed against him was scheduled to be taken up before the Kolkata High Court on 8 April 2010.

FORUM-ASIA believes that the arrest and charges against Mr. Kirity Roy clearly demonstrate the refusal of the Indian police to accept and resolve the issues of custodial torture and impunity of perpetrators coming from their own ranks.

FORUM-ASIA strongly demands for the Indian police to recognize that the actions like the People's Tribunal is a well known practice all over the world which aims to

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<sup>1</sup> The charges filed against him were under Penal Code section 120B (Punishment of Criminal Conspiracy), section 170 (Personating a public servant), and section 229 (Personation of a juror or assessor).

peacefully promote and protect human rights. It is a valid form of exposing human rights violations and advocating the government to address these violations.

It should be noted that the arrest of Mr. Kirity Roy, a clear attempt to harass him for his involvement in the People's Tribunal, goes against the purported attempts of the government of India to develop a law prohibiting torture. Apparently, on 8 April 2010, the Union Cabinet of India discussed the introduction of a domestic law criminalizing torture in the country.

FORUM-ASIA also calls on the government of India to take serious heed of the UN Declaration on Human Rights Defenders. Specifically, Article 12, par. 2 of the Declaration provides 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."

Finally, FORUM-ASIA demands that the charge filed against Mr. Kirity Roy must be dropped immediately and unconditionally. In all circumstances, the physical security and psychological integrity of Mr. Kirity Roy must be guaranteed.

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