

From the President

Mr Gopalkrishna Gandhi
Governor of West Bengal
Raj Bhaban
Kolkata - 62
West Bengal
India



The Law Society

19 November 2008

Dear Governor

The Law Society is the professional body representing more than 138,000 solicitors in England and Wales. It is concerned to see the independence of the legal profession, the rule of law and human rights upheld throughout the world.

The Law Society is concerned for Mr Kirity Roy, the former president of Banglar Manabdhikar Surasksha Mancha (a non-governmental human rights organisation based in Howrah, Kolkata, West Bengal) ("**MASUM**"), and MASUM's staff. On 9 and 10 June 2008, MASUM coordinated the People's Tribunal on Torture in Moulali, Kolkata ("**Tribunal**").

We are informed that on June 9 and 10, 2008, MASUM coordinated the Tribunal in Moulali, Kolkata, during which 1,200 victims and their families were present and 82 victims provided testimonies before the Tribunal. This public hearing formed part of the National Project on Preventing Torture in India (NPPTI), a venture funded, supported, and endorsed by the European Union. We have received credible reports that some of those who deposed at the Tribunal were victims of police torture in West Bengal.

We understand that representatives from the Kolkata police visited MASUM's office before the Tribunal and refused to accept Mr Kirity Roy's explanation of the Tribunal's legality. We have been informed that a criminal case against Mr Kirity Roy was filed by the police at Taltolla Police Station on 9 June 2008 under sections 120[B] (criminal conspiracy), 170 (impersonating a public servant) 179 (refusing to answer a public servant authorised to question) and 229 (impersonation of juror or assessor) of the Indian Penal Code. It is alleged that the case against Mr Roy is based on his involvement with the Tribunal.

We also understand that police officers entered the offices of MASUM on two occasions: on 12 June 2008 when they entered MASUM's offices with a warrant and seized a number of documents; on 27 September 2008 when they entered MASUM's offices, asked to see Mr Roy and served a notice requesting that MASUM's present documents (relating to three people who had sworn affidavits for the People's Tribunal on Torture) to the police department in Lalbazar, Kolkata.

We further understand that on 18 September 2008, MASUM filed a Writ Petition before the High Court of Kolkata challenging the authority of the police, the Commissioner of Police of Kolkata and the State of West Bengal to institute the case against Mr Roy.

We are concerned that Mr Roy, and MASUM, have been targeted as a result of their legitimate work in defence of human rights and their involvement with the Tribunal.

We therefore draw your attention to the provisions of the Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular Article 1, which states that:

"everyone has the right, individually or collectively, to promote the protection and fulfilment of human rights and fundamental freedoms at the national and international levels",

In addition, Article 12.2, which provides that:

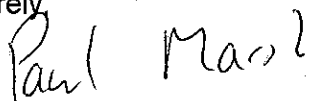
"the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration"

We would also draw your attention to Article 12(1) & (2) of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms:

12. (1) *Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*
- (2) *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 [this] Declaration.*

On behalf of the Law Society, I respectfully urge that, unless there is substantial evidence to show that Mr Roy may have committed a recognisable criminal offence, the proceedings against him should be dropped. I further urge you to ensure the safety of Mr Roy and the staff of MASUM, and to ensure that the rights of Mr Kirity Roy and the staff of MASUM to carry out their legitimate work free from any improper interference are respected.

Yours sincerely



Paul Marsh
President

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