

Prime Minister Manmohan Singh
South Block, Raisana Hill
New Delhi
INDIA

April 2008

Honourable Prime Minister,

Stop Solitary Confinement of Dr. Binayak Sen

We are disheartened to know the recent solitary confinement of Dr. Binayak Sen, General Secretary and National Vice President of the Chhattisgarh People's Union for Civil Liberties (PUCL), since late March 2008 for over 2 weeks. Dr. Sen has been detained for more than 10 months now, yet his arrest is based on the controversial Chhattisgarh Special Public Security Act 2006 (CSPSA) and the Unlawful Activities (Prevention) Act 2004. Many have lamented the charges fail to substantiate.

Dr. Sen's contribution to the Indian nation is unquestionable. Being an awardee of the prestigious R. R. Keithan Gold Medal of the Indian Academy of Social Science, Dr. Sen's contribution exceeds his professional boundary. As a human rights activist, he has helped organize fact-finding campaigns into human rights violations in the state of Chhattisgarh, including custodial deaths, fake encounters, hunger deaths, dysentery epidemics, malnutrition and so on. Prior to his arrest he has worked intensively to expose the large-scale massacre and brutal aggression in the state of Chhattisgarh under the so-called Salwa Judum in Dantewara District of Chhattisgarh. A man of his caliber should be paid a high honor for his accomplishments and not put aside in solitary confinement. Indeed, solitary confinement has been compared to torture internationally since such confinement carries the risk of serious mental and physical harm that can amount to inhumane and degrading treatment.

We respect India for signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as taking steps to prevent acts of torture. It is encouraging to find sections 73 & 74 of the Indian Penal Code set out limitation for solitary confinement for convicted persons. While these prove the nations' determination to carry out its obligation outlined in Article 2 of CAT which states "state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction", it is ridiculed that a non-convicted person like Dr. Sen is solitarily confined for over 2 weeks time. It runs directly against Section 74 of Indian Penal Code which states "confinement shall in no case exceed fourteen days at a time". Moreover, India, as an elected member in the UN Human Right Council, has promised to "uphold the highest standards of promotion and protection of human rights."

Hence we kindly request that:

- Dr. Sen be removed from solitary confinement immediately;
- All charges against Dr. Sen be dropped and that he should be released immediately;
- Concrete actions are taken to repeal the Chhattisgarh Special Public Security Act 2006 and the Unlawful Activities (Prevention) Act.

Thank you for your kind attention and we look forward to your favourable attention to the matter.

Yours faithfully,

[PLEASE REFER TO THE ATTACHMENT FOR THE SIGNATORIES OF THIS LETTER]

Dr. Raman Singh
Chief Minister – Chhattisgarh
Mantralaya, Raipur- 492 001
Chhattisgarh
INDIA

April 2008

Dr. Raman Singh,

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Honourable Shri Justice Rajeev Gupta
Chief Justice
Chhattisgarh High Court
Bilaspur, (C.G.) 495001
INDIA

April 2008

Honourable Chief Justice,

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To Prime Minister Manmohan Singh
Dr. Raman Singh, Chief Minister - Chhattisgarh
Honourable Shri Justice Rajeev Gupta, Chief Justice, Chhattisgarh High Court

Cc Dr. Binayak Sen
Justice S. Rajendra Babu, Chairperson, National Human Rights Commission
Diplomatic representatives of India in Hong Kong