

Condemn the unfair trial and conviction Dr. Binayak Sen and others

Let us strongly protest against the conviction order of the Sessions Court at Raipur sentencing Dr. Binayak Sen, Piyush Guha and Narayan Sanyal to life imprisonment, because the conviction of all three in this case is based on flimsy, unsubstantiated and fabricated evidence and is a serious miscarriage of justice and a blow to democracy.

The reason for the institution of this case by the Chhattisgarh police was to prevent the growing opposition to the government policy of creating and arming of the Salwa Judum, an opposition that the PUCL, Chhattisgarh was leading. The PUCL and its General Secretary, Dr. Binayak Sen organised fact-finding missions and brought to light the untold misery being caused to the tribal people by the Salwa Judum mobs through hitherto unrecorded murders, rapes, arson and looting that led to the total evacuation of around 700 villages. Such efforts were not to be taken kindly by the police and civil administration and Dr. Sen had been threatened that he would be booked. Being the conscientious civil liberties activist, Dr. Sen continued in his work unmindful of the threats. That such were the designs of the Chhattisgarh government is made amply clear through the demolition of the Vanvasi Chetna Ashram and hounding of the noted Gandhian, Himanshu Kumar, till he was forced to flee.

The charge made out by the prosecution against Dr. Binayak Sen was that he was responsible for passing letters from Narayan Sanyal lodged in jail to Piyush Guha. During the trial, not a single witness testified to this. The charge was wholly demolished. Hence a number of additional flimsy charges were made against Dr. Sen. These include receiving a letter from Narayan Sanyal duly stamped by jail authorities, visiting Narayan Sanyal in jail to assist in his medical treatment, receiving a letter from another jail inmate regarding appalling conditions of jail inmates, helping to organise a fact-finding in Nagpur into the attacks on dalits at Khairlanji, among others. While each of these is a legitimate activity taken up by every civil rights organisation in the country, a sinister colour was sought to be given to it by the prosecution. All of these charges were found utterly baseless during the course of the trial.

Lies were resorted to at various levels. First of these concerns the arrest. Piyush Guha's arrest was shown many days after he had been arrested. His return ticket to Kolkata and the reservation chart with the Indian Railways shows this amply. Thus he was already in police custody and had been tortured for many days before he was shown to have been arrested with the letters ostensibly given to him by Dr. Sen. Lies were submitted on record by the prosecution to the highest courts in the case of

Dr. Sen's arrest. Dr. Sen was in Kolkata when the Chhattisgarh police started making insinuating statements against him. Dr. Sen publicly criticized these statements and proceeded to Bilaspur and went straight to the police to confront them. He was told that he was under arrest at the police station. Police has however stated that Dr. Sen was nabbed by the police, implying that he was evading arrest. The courts consistently failed to see through this web of lies and Dr. Sen was denied bail for two whole years.

Most recently, during the final stages of the trial, a letter was brought before the court and was attributed to having been seized from Dr. Sen's house. All articles seized from his house were signed by him at the time of the seizure. This one did not bear his signature, but the judge allowed it to be taken on record. During the final arguments, he was sought to be linked through emails to the Pakistan ISI by the prosecution, a charge that turned out to be comic since the ISI turned out to be the Indian Social Institute at Delhi. The judge did not deem it fit to even chastise such glaring mal-prosecution.

Far from being rejected by the court and the prosecution reprimanded, the huge number of such blatantly false accusations have finally paid off for the prosecution. This has been made possible by charges being made under the UAPA, the CSPA and the provision relating to sedition in the IPC. All of these laws define politics as a crime. And in doing so, these laws enable the state to choose and target the politics, the organisation and the individual and to hit them with legislated violence. It is for this reason that human rights organisations across the globe have opposed such laws.

In another case Asit Sengupta, editor and publisher of a communist magazine, A World to Win was convicted for his work and sentenced to eight years imprisonment. His conviction is also based on charges under the CSPA and UAPA, based solely on possession of literature of banned organisation. This conviction is a direct attack on the freedom of the press and the freedom to inform our self and read literature.

Let us protest against the verdict of the Sessions Court at Raipur. Let us demand that the judiciary take *suo moto* notice of this grave miscarriage of justice and take measures to undo the misdeed that this verdict involves. Let us also demand that governments stop taking recourse the use of sedition and special laws for silencing dissent and criminalising human rights activity to cover up their own crimes.

Repeal the draconian legislations UAPA, CSPA !

Stop using sedition to criminalise dissent!

People's Union for Democratic Rights, Delhi

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