

# FREE DR. BINAYAK SEN



**JOIN THE GLOBAL DAY OF  
PROTEST**

**Jan 29 2011 4PM**

**Outside Armory Building,  
University of Maryland, College  
Park Campus**

**Contact: [somukumar@gmail.com](mailto:somukumar@gmail.com)  
703-728-8987**

**On December 24, 2010**, the renowned doctor and human rights activist Dr. Binayak Sen was sentenced to life in prison by a trial court in the Indian state of Chhattisgarh. He was accused of carrying 3 letters from an alleged Maoist ideologue Narayan Sanyal to Piyush Guha, a businessman from Kolkata. Dr Sen has been convicted of 'sedition and conspiracy against the state,' among other charges. Of the more than 80 witnesses produced by the prosecution, no one could withstand the cross-examination and give credible testimony. The prosecution evidence presented in the court had all the hallmarks of a mischief. Prominent journalists and defenders of civil liberties have decried this injustice while Amnesty International has termed the verdict a mockery of justice. Dr. Sen has been challenging human rights abuses by all sides of the conflict including the state-sponsored vigilante group - Salwa Judum. He was arrested in 2007 and granted bail after two years in 2009, and is now again in prison.

## **STAND UP FOR JUSTICE LET'S PROTECT OUR RIGHTS**

For more information: [www.binayaksen.net/faq](http://www.binayaksen.net/faq)

Sign the petition to the President of India: <http://www.petitiononline.com/sen2010/>

A Video Summary of the Case against Dr. Binayak Sen: <http://tinyurl.com/drbinayaksenvideo>

### **OUR DEMANDS**

Release Dr. Binayak Sen, other human rights activists, and journalists

Repeal the Unlawful Activities Prevention Act (UAPA), the Chhattisgarh Special Public Security Act (CSPSA), Sedition laws, and other draconian legislation such as the Armed Forces (Special Powers) Act (AFSPA)

Disband private militias like "*Ma Danteshwari Swabhiman Manch*" and "*Salwa Judum*"

### **Who is Dr. Binayak Sen?**

After graduating in medicine and pediatrics from the prestigious Christian Medical College in Vellore, India, in the 1970's, Dr. Sen devoted his life to community health, providing medical care to the poor in rural and remote parts of India. Dr Sen's work in the area of community health and human rights has been nationally and internationally recognized. He was awarded the Paul Harrison Award by CMC Vellore in 2004, the RR Keithan Gold medal by the Indian Academy of Social Sciences in 2007, and the Jonathan Mann award for Health and Human rights by the US-based Global Health Council in 2008.

As part of his human rights work, Dr Sen was instrumental in exposing the atrocities committed against the adivasis by the state police and the state-sponsored *Salwa Judum*, a private militia. His work invited the wrath of the police and the state government, who then foisted false charges under draconian laws.

## TWO OF THE MANY FALSE CLAIMS OF THE PROSECUTION

Claim	Rebuttal
<p>The 3 letters Dr. Sen is accused of carrying from Mr. Sanyal to Mr. Guha were found when Piyush Guha was arrested. A witness Anil Singh was produced to testify.</p>	<p>Piyush Guha testified that the letters were planted on him by the police. Seizure witness Anil Singh did not accompany the police when they came to apprehend Guha, but was supposedly a passerby, who was stopped by the police when Guha was already in their custody. Anil Singh testified that he only overheard the conversation about the seizure of letters. The judge has put the onus of proving innocence on Mr. Guha by saying that Guha's statements do not prove that the letters were not seized from him.</p> <p><u>Contradiction in police's claim of the place where Guha was arrested:</u> A police affidavit filed in the Supreme Court said that Guha had been arrested at the Mahindra Hotel (also claimed by Guha in his testimony). In the sessions court the police claimed that Guha was arrested from Station Road where the police supposedly seized the letters in the presence of seizure witness Anil Singh. Police's argument for the discrepancy: a typographical error in the affidavit filed before the Supreme Court.</p>
<p>An unsigned letter, supposedly written by the Central Committee of CPI (Maoist) to Dr. Binayak Sen, was claimed by the police to have been seized from Sen's house as evidence.</p>	<p>The letter does not bear the signatures of Dr Sen and the officer executing the search warrant, as required by law; when a copy of the charge-sheet was received by Dr Sen, the letter was not mentioned in the "seizure list" as one of the items seized by the police. The judge has accepted the explanation provided by investigating officers that the letter was probably stuck to another article and hence unsigned.</p> <p>A video of the search, taped with due permission, shows that the seized items were taken by the police in an open bag, violating legal norms that mandate the sealing of the bag to prevent tampering. Although the videographer testified to the carrying of items in an open bag, the judge refused to admit the video evidence and asked the defense team to produce a "printout of the video"</p>

Dr Sen, who is considered a prisoner of conscience by Amnesty International, was convicted under laws that are impermissibly vague and fall well short of international standards for criminal prosecution. State and federal authorities in India should immediately drop these politically motivated charges against Dr Sen and release him.

*Sam Zarifi, Asia-Pacific Director, Amnesty International*

Dr. Binayak Sen never resorted to violence against any other person, never incited anyone else to resort to violence, never entered into any conspiracy against the Constitutional order of the country, and never entered into regular service of any organization that was involved in any such conspiracy, for furthering its cause. On the contrary, as a doctor he served the people with devotion and helped to save many lives; as a human rights activist he stood up in defense of the rights of the downtrodden.

*Statement by 82 well-known academics from across the world*

Such signals from our courts are directly aimed at human rights defenders who tirelessly expose state terror, rights violations by counter terrorism forces like Salwa Judum, and the central and state paramilitary, while espousing the path of non-violence. Such a verdict ignores the fundamental rights and civil liberties of the people while privileging the brute force of the state machinery.

*Statement by Citizens for Justice and Peace, Mumbai*

To turn the dedicated service of someone who drops everything to serve the cause of neglected people into a story of the seditious use of something — in this case, it appears to be the passing of a letter, when sedition usually takes the form of inciting people to violence or actually committing some violence and asking others to follow, none of which had happened — the whole thing seems a ridiculous use of the laws of democratic India.

*Statement by Professor Amartya Sen*