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## Sentence first, verdict afterwards

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India's anti-Maoist laws become an international embarrassment.

HOTEL MAHENDRA, in the capital of the Indian state of Chhattisgarh, seems an unlikely spot from which to hatch a plot against the government. It is a humdrum hotel overlooking the city's jail. But, according to state prosecutors, it is one of the places where Binayak Sen, a celebrated doctor and human-rights activist, conspired with Chhattisgarh's Maoist insurgents. The doctor, whose trial began in April, has now spent over a year detained on the other side of the prison wall.

Dr Sen worked in the remote reaches of Chhattisgarh, one of several places where India's Maoists (known as Naxalites) hold sway, raiding police stations, sabotaging telecom towers and intimidating villagers. He helped set up a hospital for miners and trained community health-workers. He is also an official of the People's Union for Civil Liberties (PUCL), which campaigns against human-rights abuses. He became a vocal critic of the government's strategy of arming and mobilising villagers against the Naxalites, thereby relying on vigilantes to quell an insurgency which the state itself has failed to end.

Dr Sen was charged under both the national penal code and a sweeping state law. The Chhattisgarh Special Public Security Act criminalises a broad array of dealings with unlawful organisations, including the Communist Party of India (Maoist), the main Naxalite party.

Dr Sen's alleged crime was to pass on letters from an imprisoned Naxalite leader, whom he treated in the city jail. According to PUCL, the law has also been used against two cloth merchants for providing "camouflage" uniforms, two journalists, and a doctor whose prescription was found on a Maoist. The union describes the measure as a draconian law that relies on guilt by association. PUCL is disputing the law's constitutionality in the Indian Supreme Court. It filed its petition on May 14th, the anniversary of Dr Sen's arrest last year.

The state may well struggle to prove its case against the doctor. His meetings with Naxalite inmates were supervised and approved by the prison authorities. The manager of the Hotel Mahendra, called as a prosecution witness, turned hostile on the stand. But perhaps the state does not really need to convict Dr Sen. He has now spent more than a year imprisoned without bail. The next hearing is not scheduled until late June. The authorities have shown all too clearly that they can punish people under their "special" law without having to prove their case in court.

But if the act was intended to keep Chhattisgarh's troubles out of the media, it has backfired spectacularly. Dr Sen's case is becoming a cause célèbre, championed by 22 Nobel prizewinners, who signed a letter to the prime minister in May calling for his release. In April Dr Sen won the Jonathan Mann award for global health and human rights. The prize-giving ceremony will take place in a luxury hotel in Washington. Meanwhile, Dr Sen will remain in his wretched cell, in the shadow of Hotel Mahendra.

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