

A right to a fair trial, a right to life

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Editorial

Since May 15, 2007, Binayak Sen, a distinguished Indian paediatrician and a tireless human rights activist has been imprisoned in a Raipur jail in the state of Chhattisgarh, India. He has been convicted of no crime but is being held under draconian state laws for his alleged association with the Naxalites—an outlawed Indian communist movement, deemed to be a threat to national security. To date, there is no proof of his involvement in extremist activities but he remains incarcerated for supplementary charges indefinitely.

Sen and his wife, Ilina, have devoted their entire working lives to improve the health and welfare of the Adivasis, a marginalised and poverty-stricken tribal population. Violent conflict has prevailed in the region and Sen's relentless exposure of the state's human rights violations of this community are widely believed to be the real reason for his imprisonment: to set an example to others who would dare to expose state brutality and defend civil liberties. A troubling fallout of his incarceration is that much of his good work is slowly being eroded. His clinic, which provided essential health services, is on the verge of collapse, and many patients with both acute and chronic illnesses have gone untreated. The worldwide condemnation of his arrest and calls for his release continue to fall on deaf ears.

Of grave concern now are reports that Sen's health is deteriorating and that access to necessary medical care is being delayed. The right to life is a basic human right under the constitution of India. Every state functionary is obliged to protect the life of a detainee in custody and ensure proper medical treatment for him or her as and when required.

It is outrageous that Sen has now been in prison for almost 2 years in a prolonged trial that keeps shifting charges which are unclear and possibly politically motivated. Faith in the Indian justice system needs to be restored. The Indian Government must intervene and make sure justice is done, so that Sen and his family can return to a normal life and resume serving the poorest communities in the state.

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