

Human Rights Defenders Alert - India

National Coordination Office

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Shri A. K. Parashar

Focal Point - Human Rights Defenders

National Human Rights Commission

Faridkot House

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New Delhi-110001

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Maharashtra: Human Right Defender Arun Ferreira should be released immediately and unconditionally-Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the implication of false charges illegal detention and physical abuses of Mr.Arun Ferreira a human rights defender in from Maharashtra.

Incident

Name of the perpetrators: - State and the Police

Place of incident: - Nagpur – Maharashtra

Date & time of incident: - 27th September 2011

Arun Ferreira, influenced by liberation theology when he was a student of St Xavier's College in the early 1990s, but expressing a clear preference for liberation over theology, adopted radical politics as a course of action, was arrested under the

Unlawful Activities (Prevention) Act, 2004 (UAPA) in Nagpur on May 8 last year, falsely implicated in a host of cases, tortured and forced to undergo narco-analysis, and he was on a hunger strike along with his comrades in Nagpur jail.

Arun Ferreira, in his late 30s, was arrested at Dikshabhoomi in Nagpur on May 8 last year along with Murli (Ashok Satya Reddy), Dhanendra Sriram Bhurule and Naresh Babulal Bansode under the UAPA. Arun, Bhurule (a freelance journalist, recognised for his writings on extrajudicial killings and rape of tribal women by the police) and Bansode (an activist of the Rationalist Association) had gone to meet Murli, an associate of the rebel caravan from Warangal since his student days, and an activist among the coal miners of Singareni, who was on a visit to Nagpur. The police were tracking Murli's movements. He has been subjected to some of the worst forms of torture that is meted out to political prisoners who are deemed to be "left-wing extremists" — at a remote police station in Gondia district in Vidarbha, 30 ml of petrol was pumped into his anus. The police have, through association, put Arun in the same political category as Murli, implicating him in a host of cases, subjecting him to torture, though not as brutal as the ill-treatment of Murli, and to narco-analysis tests. After his arrest, the police raided both Arun's and his wife Jenifer's residences, in Bandra and Thane respectively, subjecting Jenifer's mother and Arun's parents to trauma.

Arun comes from a socially conscious family. His mother's brother, the late Father Raymond D'Silva, was a liberation theologian, for a while, associated with the All-India Catholic University Students' Association (AICUF, without the S). He helped sensitise a generation of Catholic youth about the impoverishment of millions of human beings as a situation of "social sinfulness" that permanently violates human dignity. If one were to abstract from the biblical and mystical trappings of this theology, Father Raymond can be said to have interpreted the doctrine as a body of ethical theory that poses such questions as: Why is there widespread poverty and misery when the Indian resource base is so abundant? Why is there such an unequal distribution of resources and why are the rich who own and control these resources so irresponsible as to, in effect, render millions of people without sufficient food and shelter, and deny them the right to a proper livelihood? The aspirations of liberation

theology, equality and justice, were deeply ingrained in Arun right from his youth. As a student of St Xavier's College, he played an active role in the social service centre, visiting the Cheshire Home (a home for paraplegics), teaching and reading to blind children and orphans in Don Bosco's shelter, and so on, always in the forefront when it came to such activity among the student body. But, as things would have it, Marx's last thesis on Feuerbach was to ultimately prove decisive: "The philosophers have only interpreted the world, in various ways; the point, however, is to change it".

After graduating in 1993, Arun worked in the right-to-housing struggles of Mumbai's slum-dwellers as a member of the Nivara Hakk Suraksha Samiti — among other things, he was closely involved in the slum rehabilitation at Dindoshi, which entailed the relocation of slum-dwellers from Colaba to Goregaon. He also continued his involvement with students in the Vidyarthi Pragati Sanghatana (VPS), a student organisation formed in 1977, notable for the active participation of its members in the decision-making process of the organisation, fighting for the democratization of student councils in the various colleges, cultivating student-worker and student-peasant solidarity, the latter, buttressed by its "go-to-the-village" campaigns.

More recently, Arun was horrified at the brutal killings of four members of a dalit family on September 29, 2006 in Khairlanji village (Bhandara district), the police department's attempt at a cover-up, the hospital administration trying to conceal facts, the government striving to ensure that the incident be quietly forgotten, the so-called dalit leaders' endeavour not to rock the boat of the ruling alliance, and the violent repression of the dalit masses who came out into the streets to protest against the casteism that pervaded all of the above and to demand justice. Indeed, the police, apart from violating the right to freedom of speech and assembly, had dealt with the dalit protests in a blatantly casteist manner. And, the home minister had threatened to treat the protestors in the same manner as the ruthless handling of the Naxalites. Arun was active in the post-Khairlanji protests — the rebels' endeavour was to hasten the emergence of an uncompromising leadership among the dalits, and to find support for the dalit cause among the underprivileged kunbis, marathas and "other backward classes". He was also organising students in

Chandrapur, some of whom (of the Deshbakth Yuva Sanghatan) have since been persecuted by the police.

While he was in jail in Nagpur, he completed long distance a post-graduate diploma course from the Indian Institute of Human Rights (IIHR), Delhi, with flying colours.

The IIHR director Rahul Rai, "Arun has done brilliantly in the exam. He has also submitted four project reports in keeping with the demands of the course, which were very maturely written considering the lack of resources available to an undertrial."

Arun and his fellow political prisoners helped other prisoners file petitions and fight their cases in the court. Only last month, the Nagpur bench of the Maharashtra High Court ruled in favor of one such prisoner and awarded him compensation for wrongful confinement. The trial court had acquitted the prisoner and ordered his release, but the police failed to release him. The judgement is available in the below link.

On 27/09/2011, Ferreira had been released along with Bandu Meshram after being acquitted in a case by the session's court in Chandrapur. Meshram was allowed to go, but Ferreira detained again. The dramatic arrest of Arun Ferreira by Gadchiroli police from outside the main gate of Nagpur Central Jail on Tuesday afternoon triggered off a spate of controversies, including allegations that Supreme Court norms were violated in the arrest. In the last few years, there have been more than 10 such incidents of arrest inside the premises of the jail.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

- ☐ An immediate and unconditional release of Mr. Arun Ferreira.
- ☐ An independent inquiry into the circumstances leading to the detention of Mr. Arun Ferreira on false charges and fabricated evidence and that responsible official is held accountable.
- ☐ Ensure democratic space for peaceful dissent in the State.

- ☐ Immediate intervention of the police administration, necessary legal action be taken and perpetrators be brought to book;
- ☐ Carry out an immediate, thorough and impartial investigation into the incident with a view to bring those responsible to justice in accordance with international standards;
- ☐ Take all necessary measures to guarantee the physical and psychological security and integrity of Mr. Arun Ferreira and other human rights defenders so that he can carry his livelihood peacefully;
- ☐ Ensure protection and security be provided to Human Rights Defender Mr. Arun Ferreira and other human rights defenders in Maharashtra.

Looking forward to your immediate

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary

Human Rights Defenders Alert – India

Useful Links:

☐ http://articles.timesofindia.indiatimes.com/2011-09-29/nagpur/30217394_1_deshbhakti-yuva-manch-arrest-naxal

☐ <http://www.freebinayaksen.org/wp-content/2011/09/Nagpur-CompensationforWrongfulConfinement.pdf>

☐ Know about Mr. Arun Ferrari [here](#).

☐ http://www.dnaindia.com/mumbai/report_naxal-suspect-arun-ferreira-acquires-human-rights-degree-in-jail_1475194