

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

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Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action - India-Jharkand-Anti-mining activist nun Valsa John hacked to death- 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 murder of Sister Valsa John - a rights activist who had worked for the rights of tribal people.

Incident

Name of the Perpetrators: Group of 50 armed assailants

Place of incident: Pachwara village of Pakur district in Jharkhand

Date and time of incident: At 11.00 pm on 15th November 2011 (Tuesday)

According to the information received, Sister Valsa John (53 years) Catholic nun from Kochi belonging to the Sisters of Charity of Jesus and Mary. She had been working among the tribals in Jharkhand for the last 20 years. She was beaten to death on the night of November 15, 2011 (Tuesday) by a group of 50 armed assailants who stormed into her home at Pachwara

village of Pakur district in Jharkhand around 11 pm. She was staying in a house near the school and the dispensary she had built for the tribal people, some 15 km from her convent. The area is also home to large coal mines.

The attackers left Maoist pamphlets at the site of crime. Father Tom, a priest who rushed to the spot on hearing of the tragedy from a nearby village. According to him it could not be immediately confirmed whether the crime was committed by Maoists or some other criminal elements.

Background of the incident:

The murdered nun, Sister Valsa John, was instrumental in forging a historical agreement with Panem Coal Mines, a company promoted by the Punjab State Electricity Board at Pachwara in Jharkhand, to share coal mine profits with local tribal people.

Valsa John was jailed in 2007 for protesting against the forced acquisition of adivasi lands for Panem Coal Mines, a coal mine project jointly operated by the Punjab state-owned Electricity Board and Eastern Mineral Trading Agency.

After being released on bail in late 2007, she reached an agreement with Panem paving the way for their acquisition of adivasi lands, in exchange for alternate land, employment, a health centre and free education for the children of the displaced families. Local media reported that some adivasis were dissatisfied with the agreement. The agreement denied Maoists a chance to collect levy (forced contribution) from the company, like they do with other coal mines.

Mr. Shaji M. Joseph, a New Delhi journalist who knew the nun and her work among the tribals, stated that the Naxalites were not happy with the situation and they had a grouse against Sister Valsa. The agreement was even hailed by the Supreme Court as a historical one. It was the first of its kind where a mining company agreed to share its profits with local people. Subsequent to the agreement, the general manager of Panem, Mr. Dinanath Sharan, was shot dead allegedly by Naxalites in 2009. It was after a long struggle that Sister Valsa and others managed the agreement. She was held in high esteem by the tribals following this. But the Naxalites were angry as their clout among the tribals went down.

According to the family of Valsa John, she had been receiving death threats by the mining mafia in Jharkhand. They believe that these threats may have come from criminal gangs involved in illegal coal mining in Jharkhand.

The Jharkhand Chief Minister Arjun Munda has ordered an inquiry into the death of the nun.

Valsa John is the fourth social activist to have been killed in unexplained circumstances in India this year. Valsa John protested against the acquisition of adivasi land for mining and has been murdered in connection with her human rights work

Three other social activists have been killed this year after fighting on behalf of victims of human rights violations and marginalized communities, or using India's Right to Information legislation to expose human rights violations and government corruption.

Earlier this month, Nadeem Sayed, a Gujarat-based activist, was stabbed to death after he testified on behalf of the victims of the Naroda Patiya massacre case in which 95 persons had been killed during the 2002 Gujarat anti-Muslim riots.

In August, environmental activist Shehla Masood, 35, was shot dead in Bhopal city in August after trying to expose environmental violations of urban infrastructure projects and challenging mining plans in Madhya Pradesh.

In March, Jharkhand social activist Niyamat Ansari was abducted and killed after he used the Right to Information legislation to expose local contractors and officials who had embezzled funds earmarked for the rural poor. Suspicions centre on armed Maoists because Ansari's exposes threatened their share of the embezzled funds in return for protecting the corrupt contractors and officials.

India's human rights organizations have been demanding new legislation to protect activists who received threats after filing petitions demanding crucial information affecting the livelihoods of local communities.

Appeal

We, therefore, urge you to immediately take necessary steps to

1. Ensure a thorough investigation into the killing of nun Valsa John, who had worked for the rights of adivasi indigenous communities, the result of which must be made public and to ensure that those responsible for this gruesome killing are brought to justice;

2. The authorities must take all necessary measures to guarantee that human rights defenders and other social activists are able to carry out their legitimate and peaceful activities without fear of harassment and intimidation.
3. Put an end to acts of harassment and threats faced by all rights activists and human rights defenders in India and the Indian federal and state authorities have to ensure that human rights activists throughout the country are protected;
4. Conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
 - Its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
 - and its Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.
5. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary,
Human Rights Defenders Alert - India