

Human Rights Defenders Alert - India

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Shri A. K. Parashar

Focal Point - Human Rights Defenders & Joint Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Madhya Pradesh: Illegal arrest and detention of Greenpeace activists in Mahan, Singrauli District – 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 over the illegal arrest and detention of activists of Greenpeace in the Mahan region of Singrauli District in Madhya Pradesh on the 29th of July, 2014.

About the Human Rights Defenders under attack:

Mr. Akshay Gupta and Mr. Rahul Gupta, two activists associated with Greenpeace Greenpeace is an International environmental organisation of repute, which has been active in India for more than a decade. As part of their climate and energy campaign they have been working to protect the forests and the rights of forest

dependent communities in Singrauli district of Madhya Pradesh, which is under threat from indiscriminate coal mining.

They have been specifically working in the Mahan forests where more than 54 villages stand to be affected by the Mahan Coal Mine which a joint venture between Essar and Hindalco.

The Perpetrators:

The Police / The State

Date and time of Incident:

Late at night on the 29th of July 2014

Place of Incident:

Waidhan, Singrauli, Madhya Pradesh

Incident

Greenpeace has been working in the Mahan forests where more than 54 villages stand to be affected by the Mahan Coal Mine which a joint venture between the Essar and Hindalco Companies. According to the information received, less than a week ago, the District Collector M. Selvendran promised the Mahan people that he would ensure “a free and fair Gram Sabha in Amelia” and the people and Greenpeace should keep communication lines open with the administration. Ironically in a week’s time, and in stark contrast to the proposal to allow the people of Mahan a right to meet, talk and communicate with each other and the local authorities, the state administration went out of its way instead to intimidate, and isolate the people of Mahan.

In a shocking case of intimidation, policemen seized all communication equipment and solar panels from the home of a community member in Amelia village. This was needed to keep the community and Greenpeace’s team in Amelia connected to each other and the outside world, the solar panels were to ensure light in the evenings for the community as there is absolutely no guaranteed power to these villages. Later that night, the police entered Greenpeace’s Waidhan guesthouse on the wee hours of 29th night without any search or arrest warrant and took Akshay Gupta and Rahul Gupta, two Greenpeace activists into custody at this unearthly hour.

We have reason to believe that the sections under which they are being detained are section 353 (Assault or criminal force to deter public servant from discharge of his duty), Section 294 (b) (sings, recites or utters any obscene song, ballad or words, in or near any public place), Section 506 (Punishment for criminal intimidation) and Section 186 (Obstructing public servant in discharge of public functions). All of these are false and trumped up charges and the activists are being detained under these pretexts. It is also apprehended that the state will further increase such acts of intimidation against members of the community in the run up to the Gram Sabha in Amelia to be held anytime between the 16th and 22nd of August. We also believe that they will restrict the movement of members of Greenpeace as well as community members fighting for their rights in Mahan in the coming days.

The manner in which the local administration in Singrauli is cracking down on voices demanding the implementation of the rights of tribal and forest dwelling communities enshrined in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) is highly condemnable.

The two activists were granted bail yesterday evening. (31st of July, 2014)

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for Singrauli

- Orders an immediate, thorough, transparent, effective and impartial criminal investigation into the above-mentioned events and brings the perpetrators and the erring police to book by another independent senior police officer;
- That once the version of this urgent appeal is confirmed through an independent investigation, the NHRC/ SHRC immediately recommends both the National and Legal Services Authority to immediately ensure that these two activists and the members of the local community are provided the most competent senior criminal lawyers at the expenses of the state to ensure that they are able to challenge all those responsible for their false accusations, false arrest [even if the false criminal cases against them are not withdrawn] and be able to ensure further that they are ready to intervene and protect in court and elsewhere totally free of cost whenever these human rights defenders are in distress. Further when it is established that the rights of the

forest communities are at risk then special steps should once again be initiated by the National and Legal Services Authority to immediately protect the rights of the communities by initiating public interest litigations this time by and on behalf of the NHRC.

- The Petitioner therefore also prays that in the event of a reply from the opposite party, this petition is not closed and this is utilised by the NHRC / SHRC to ensure that this process is used as a continuous monitoring opportunity to effectively protect the rights of the forest dependent communities and the human rights defenders so that the economic social and cultural rights of the peoples of this area are protected and the standards of business and human rights exhibited by Essar and Hindalco are closely monitored.
- Based on the said speedy investigation, recommend withdrawal of all the cases based on false charges against Akshay Gupta and Rahul Gupta with immediate effect;
- Along with local district officials guarantee in all circumstances the physical and psychological integrity of Akshay Gupta and Rahul Gupta and other Greenpeace activists and the local community – who are all human rights defenders as defined under the UN Declaration on human rights defenders fighting for their rights as they continue to be under risk of further attacks by the perpetrators and give this assurance to the NHRC / SHRC of India in writing immediately and urgently;
- That in particular the NHRC / SHRC is able to get an assurance from the serving District Collector of Singrauli district of Madhya Pradesh that the rights of forest dependent communities living in more than 54 villages of the Mahan forests are protected from the Mahan Coal Mine which a joint venture between Essar and Hindalco. which are engaged in indiscriminate coal mining.
- Along with local district officials puts an end to all acts of harassment against all human rights defenders in India to ensure that in all circumstances they carry out their activities without any hindrances;

- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - 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”
 - 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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Madhya Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

Henri Tiphagne

Honorary National Working Secretary