

# Human Rights Defenders Alert - India

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The Chairperson,  
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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Maharashtra: The foisting of false charges on social activists including Sudhir Dhawale and the relentless harassment of the ATS on them – 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 foisting of false charges on social activists including Sudhir Dhawale and the relentless harassment of the Anti-Terrorism Squad on them.

## **Source of Information on the Incident:**

- A communication dated 13 October 2014 from Kractivist

## **About the Human Rights Defender under attack:**

Social activists of Republican Panther Jaati Anth Movement, and editor of Vidrohi magazine, writer and journalist, Sudhir Dhawale, Sharad Gaikwad, Shankar Patil, Bhai Ri Pa Corporator Arun Kambale and other activists.

A dalit himself, Sudhir Dhawale has been fighting the caste system in India, and specifically atrocities against dalits since 1995. He campaigned for the effective

implementation of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. In particular he took up the cause of dalits in violent incidents such as the Ramabai Nagar Dalit Hatyakand in Ghatkopar in Mumbai (1997), the Kherlanji massacre, Rohidas Tupe murder, Baban Misal murder, the Manorama Kamble gang rape and murder case in Nagpu and the Sahebrao Jondhale murder. Through his editorial, journalistic and stage work he tried to emphasize the plight of dalits in this day and age as some claim that he had no sympathies, much less showed support for, naxalites. They claim that he was a believer in doctrines of democracy and had therefore pursued the role of an activist rather than taking part in any armed struggle. His funding is also claimed to have come from fellow activists, donations and contributions from various people, including those that he tried to help. His wife was an activist for women's rights before marriage and afterwards took up nursing to support their family while he pursued activism.

He is a founding member of the Republican Panther Jaatiya Antachi Chalwal formed on December 6, 2007, for the elimination of the caste system in India, mostly as a reaction to the state action against 2006 Dalit protests in Maharashtra.

**The Perpetrators:**

- The Officers of Anti-Terrorism Squad (ATS),

**Date and time of Incident:**

1<sup>st</sup> and 28<sup>th</sup> September 2014

**Place of Incident:**

Deonar and Pune in the west Indian state of Maharashtra

**Incident**

According to sources, On 1 September 2014, officials of ATS, Pune arrested two social activists viz. Arun Bhelake and Kanchan Nanavare as suspected naxalites in Pune. They were given third degree treatment and made to issue a statement.

This statement was used by ATS to implicate other progressive social activists in this alleged arrest case. Then the Bharatiya Republican Paksha Bahujan Mahasangha's Govandi Corporator Mr. Arun Kamble, Republican Panther's Jaatiant Movement's State President Sharad Gaikwad, Rahul Seva Mandal's President Shankar Patil,

Kabir Kalamach's Rupali Jadhav from Pune and mass movement's key members from Pune were summoned to the ATS office in Pune for "enquiry".

They were made to sit at the office for the entire day after which their statements were recorded. They were called to the ATS office multiple times for interrogation and the same questions were repeated a number of times. While a person is expected to cooperate with the authorities for an enquiry for a legitimate case, ordering them to come to Pune every now and then, under the pretext of enquiry and making them confess as per incorrect statements under coercion is mental harassment.

These activists were asked to disclose name, address and contact details of other members from the above mentioned organisations. Some are persons whose names are not even remotely connected with this case and do not have any summons been issued or pending against them. This act of ATS is clearly an attempt to intimidate the members of these organisations and members of civil society.

On the 28<sup>th</sup> of September, the police entered Sudhir Dhawale's Govandi residence and conducted a search without any warrant or summons after which they interrogated him. [Earlier on 15 May 2014, after 40 months, Gondia Session Court had acquitted Sudhir Dhawale. He was falsely booked for waging war against the state under section 121 of the Indian Penal Code and charged with sedition (Sec 124) and booked under Sections 17, 20 and 39 of the Unlawful Activities Prevention Act (UAPA). However, the police continue to harass him]. The police bundled him into a van and escorted him to Deonar police station where they confiscated his mobile phone after which Dhawale was made to give a written statement.

It is apparent that the defenders are systematically harassed by the police for adhering to a particular ideology.

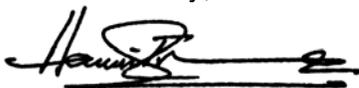
**Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendents of Police for Deonar and Pune

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the concerned Policemen to book

- Ensure the immediate withdrawal of the false charges against all the activists listed above and compensate them adequately for the undue harassment they have faced
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of the defenders and their family members as they continue to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Along with local district officials puts an end to all acts of harassment against all human rights defenders in general 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 Maharashtra.

Looking forward to your immediate action in this regard,  
Yours sincerely,



**Henri Tiphagne**  
Honorary National Working Secretary