

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 – Chhattisgarh: Human Rights Defender subjected to constant harassment by police after being released on bail - 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 constant harassment and arbitrary and unwarranted restrictions on the basic freedoms of Ms. Soni Sori, human rights defender, by the Chhattisgarh Police.

Source of Information on the Incident:

- The Coordinator of HRDA for the East of India
- Media - Countercurrent

The Human Rights Defenders:

Ms. Soni Sori, presently a member of the Aam Admi Party has been a human rights defender who has questioning the arbitrary practices of the state. She is an Adivasi school teacher turned political leader in Sameli village of Dantewada in south Bastar, Chhattisgarh, India. She was arrested by the Delhi Police's Crime Branch for Chhattisgarh Police in 2011 on charges of acting as a conduit for Maoists. During her

imprisonment, she was allegedly tortured and sexually assaulted by Chhattisgarh state police. By April 2013, the Courts had acquitted her in six of the eight cases filed against her due to lack of evidence. After her release from Jail on Bail in 2014, Soni joined Aam Aadmi Party. Since her return to Chhattisgarh, Soni has worked tirelessly for the betterment of the people. She has not shied from questioning the veracity of alleged encounters of the police, surrenders and the casual attitude of the police in the case of human trafficking. Due to this she has been subject to harassment and constant warnings to stop questioning the police and threatened with dire consequences if she continues.

It is pertinent to state that there have been complaints filed in the NHRC about or with reference to Soni Sori in the past and they should be pending as of now.

The Perpetrators:

- The State – the Chhattisgarh Police

Date of Incident:

The 10th of October 2014.

Place of Incident:

The home of the HRD in Geedam in the Dantewada District of the central Indian state of Chhattisgarh

Incident:

According to sources, on 10th October 2014, a crew from a German television channel based out of Delhi, comprising of one German national and four Indians, had come to interview Soni to document her struggles with a special focus on the custodial torture she was subjected to. Soni took them to her village at Palnar where they met the police station in-charge and even had a small conversation with him wherein the members of the team were introduced. After the completion of the interview the team left for Jagdalpur and Soni went to her home in Geedam. During the period of the interview one of her colleagues at the Aam Admi Party kept receiving phone calls from the local police enquiring about the whereabouts of Soni. In the evening around 8:30 PM, one woman and several men in plain clothes barged uninvited into the house of Soni Sori and started grilling her regarding the identity of the video team. It is pertinent to note that Soni's household is an all-woman household along with three of her children the eldest of whom is only 13 and the

youngest is just 8. While Soni did not recognize all of them she did recognize a few of them as members of the local police of Geedam. Some of the members kept questioning Soni, few of the others barged into the other rooms including the bathroom and started searching and looking around. Despite Soni's demands asking them to leave her house they continued with the questioning. Furthermore, these persons refused to answer all questions of Soni regarding their identity, but continued their questions regarding the crew. The team then went on to state that Soni should have immediately informed the police regarding the coming of the team and in future she should inform them about any people visiting her and provide details regarding the purpose of the visit. By the time the team left, Soni's family was quite shaken up, especially her children, as they had thought that the team had come to once again arrest Soni and put her in jail. Previously also Soni was subjected to a barrage of questions when a couple of filmmakers had come to document her election story.

After this incident Soni filed a complaint with the Superintendent of Police regarding the harassment and illegal intrusion by the police into her place of residence at night. The Superintendent assured to take action on the case. However, the very next day to the filing of the complaint, a local newspaper carried a report claiming that 'a foreign national' had come to Bastar to meet the local leaders of the Communist Party of India (Maoist) and went on to imply that Soni Sori had assisted in organizing these meetings. The report also questioned the identity of the German National as a journalist by referring to him as an 'alleged journalist.' All these allegations are completely baseless and a grave violation of the right to freedom of speech and expression enshrined under the Constitution. No one from the team either met any members of the CPI (Maoist) or even intended to meet any Maoist. All the journalists are from 'ARD First German TV' and their names including that of the German National Gabor Halasz are included in the list of journalists accredited by PIB (Press Information Bureau). The journalists including Mr Gabor after completing their interview with Soni Sori left for Raipur and did not meet anyone in the forest. Moreover, at no point did the team evade the local police. In Raipur the team met Additional Director General of Naxal Operations R.K. Vij on 11th October and informed him of the purpose of their meeting with Soni Sori and the reasons for it.

There is no requirement in Soni Sori's bail condition that she has to provide immediate information to the police about any people who come to meet her. Such

demands are arbitrary and in complete violation of her fundamental rights. Furthermore, by hindering the media and placing unreasonable obstructions on the freedoms of the press, which is of extreme importance in a conflict zone, the avenues to seek justice for Human Rights Defenders like Soni Sori become even more limited.

Appeal:

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

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the concerned Policemen to book for their illegal actions;
- Ensure withdrawal of all the false charges against Ms. Sori and the provision of adequate compensation to her for the undue harassment she has faced ;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Ms. Sori and her family members as they continues to be under risk of further harassment from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently, especially because the growing trend of arbitrary and unwarranted restrictions on the basic freedoms supplemented with the impunity of the security forces threatens the very foundations of democracy. The constant threats and restrictions on the fundamental freedoms of Soni Sori have now made her apprehensive for her safety not only for herself but also for her children.
- 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 Chhattisgarh.

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary - HRDA