



## Human Rights Defenders Alert - India

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**April 4<sup>th</sup> 2015**

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

ManavAdhikarBhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Maharashtra: Tribal villagers and social activists harassed and ill-treated / denied of their rights to freedom of assembly in Gadchiroli – Regarding***

Greetings from Human Rights Defenders Alert - India!

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

We are writing to express our grave concern regarding the intimidation, harassment, inhuman and cruel treatment of tribal villagers and human rights defenders of *Bharat Jan Andolan* and *Akhil Bharatiya Adiwasi Mahasabha* in Gadchiroli in Maharashtra and violation of their rights to freedom of assembly and of association for organizing/participating in a national conference to show solidarity to all people's struggles across India and particularly struggles for water, forest and land rights of tribals living in Maharashtra on the 22<sup>nd</sup> and 23<sup>rd</sup> of March, 2015.

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

- The Regional Coordinator of HRDA for the South of India
- The Regional Coordinator of HRDA for the North of India

- Ms. Kamayani Mahabal, HRDA - Maharashtra , [www.kractivism.org](http://www.kractivism.org)
- Mr. Mahesh Raut of *Bharat Jan Andolan* organization in Gadchiroli, Maharashtra
- Media reports

### **The Human Rights Defenders:**

*Bharat Jan Andolan* was formed in 1990 as a joint forum of people working for the rights of tribals and farmers. The organization works for rights of indigenous tribals. The current area of focus of the forum is Panchayat Extension to Scheduled Areas which was enacted in 1996 through the 73<sup>rd</sup> constitutional amendment. The objective is to empower Gram Sabhas (Village Panchayats) to strengthen grassroots democracy.

*Akhil Bharatiya Adiwasi Mahasabha* has been working in tribal areas of Chhattisgarh since 1957. In 2009 the organizational structure of the Mahasabha was formalized. *Akhil Bharatiya Adiwasi Mahasabha* is based in the Bhilai and Sukma towns of Chhattisgarh. The Mahasabha is working on issues of the tribal in Chhattisgarh and in some parts of Maharashtra. Its main activities are to conserve the culture and traditions of tribals, establishing people's right on their natural resources and displacement due to mining and infrastructure projects in Chhattisgarh and Maharashtra.

### **The Perpetrators:**

- Personnel of the Police Department in Gadchiroli, Maharashtra

### **Date of Incident:**

The 22<sup>nd</sup> and 23<sup>rd</sup> of March, 2015

### **Place of Incident:**

Gadchiroli Town in the Gadchiroli District of the Western Indian State of Maharashtra

### **Incident detail:**

According to the sources, a two day "National Conference on People's Struggles" was jointly organized at Gadchiroli town in Gadchiroli district of Maharashtra on the 22<sup>nd</sup> and 23<sup>rd</sup> of March 2015 by two prominent civil society organizations of Maharashtra, the *Bharat Jan Andolan* and the *Akhil Bharatiya Adiwasi Mahasabha*.

The objective of the conference was to put up a united front of resistance of all progressive forces to show solidarity to all people's struggles across India and particularly struggles for water, forest and land rights of tribals living in Maharashtra. Around 250 representatives and social activists from 12 Indian states took part in this national conference. Students and teachers from 10 Indian universities and human rights organizations also participated in the peaceful and democratic event. A rally was also taken out on the 23<sup>rd</sup> of March from the Press Club to the main ground in Gadchiroli to register protest of the people against repressive policies of the current regime in rule in India.

According to sources, all relevant documents required for organizing a peaceful democratic assembly of people were submitted and permission from Gadchiroli district police authorities had been obtained for this event. It was a peaceful, non-violent democratic event. But soon after the declaration of the event the Maharashtra police administration began to unleash a reign of terror by harassing and intimidating social activists, local citizens and tribal villagers. Police immediately launched awareness campaign on 22 and 23 March 2015 in various police stations and especially in Dhanora tehsil and started threatening social workers and activists of the organizations, asking them not to join the said conference and forcing people to join their awareness campaign against their wishes. Police also started seizing their personal two-wheelers, tractor trolleys and other vehicles. Police also ordered to stop plying public transport vehicles on 22 and 23 March 2015 in order to prevent the movement of social activists. From 21 March onwards, police erected check posts in various places of Gadchiroli districts and deployed armed security personnel and commandos of state police called C 60 (Commando 60) which was formed to combat Maoists or Naxals in the region. Police officials in all police stations were served strict orders to prevent people from participating in the conference. The organizers got calls on 22 March from various social activists informing them that their two wheelers and other vehicles carrying activists were being forcibly stopped and people were being detained at various check posts and Tribal villagers were being harassed and threatened. The vehicle which was sent to bring the cultural troupe was forcibly kept in Yerkad police station. Activists coming from Chhattisgarh state were detained at Maharashtra-Chhattisgarh borders. Social activists were forcibly asked to go back and were subjected to inhuman and cruel treatment at the

hands of police. People were warned not to step out of their homes. In places like Yerkad, Murumgaon and Pendri people were prevented from using and boarding public transport buses. A large number of people, mainly human rights defenders numbering around 15,000 were prevented from participating in the conference and denied their right to freedom of assembly and of association.

According to sources, after the conference summons are being sent to around 10000 participants to report to their local police stations on the pretext of completing some administrative formalities. Verbal enquiries are being made and innocent tribal villagers are being harassed and tortured. A few days ago, in the Besiwada village of Etapalli block of district Gadchiroli, police commandos demolished the huts of tribal villagers and their bicycles and the rice that they had stored was thrown in to the adjoining river. Around 30 to 40 innocent tribal villagers were badly beaten by the commandos. These tribals work in the bamboo forest and do bamboo cutting work.

**Appeal :**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Gadchiroli District

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the targeting of the human rights defenders and causing obstructions in holding a peaceful assembly.
- That this effort to summon a large section of 10,000 persons and asking them to report to the local police station is immediately dropped since this is clearly aimed at creating a sense of threat perception in and among ordinary people who were to turn up in large numbers to the convention.
- Take immediate action on the perpetrators for the denial of the freedom of assembly of all the human rights defenders who participated and intended to participate in the conference, especially those from the *Bharat Jan Andolan* and the *Akhil Bharatiya Adiwasi Mahasabha* and that their safety is ensured.
- Guarantee in all circumstances at the cost of the state, the physical and psychological integrity of the defenders from the *Bharat Jan Andolan, Akhil*

*Bharatiya Adiwasi Mahasabha and the participants of the conference, who are still under risk of further attacks from the perpetrators.*

- Ensure provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the harassment and ill - treatment and provide a re-assurance of not engaging in such acts against HRDs such as the defenders from the *Bharat Jan Andolan* and the *Akhil Bharatiya Adiwasi Mahasabha and the others who participated / intended to participate in the conference*;
- Put an end to all acts of harassment against all human rights defenders in the State of Maharashtra to ensure that in all circumstances they carry out their activities as writers / activists without any hindrances;
- Takes steps to conform to 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”;
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Maharashtra to also take necessary steps to establish a state focal point for HRDs in order that HRDs in the have a new protection mechanism in their own state.
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Maharashtra to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability,

children etc] to ensure that a co-ordinated strategy is developed within the State of Maharashtra for the protection of the rights of human rights defenders.

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the and the SHRC Maharashtra to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1 of the Declaration on Human Rights Defenders).
- More generally, ensures 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.

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.

(Henri Tiphagne)

Honorary National Working Secretary