



Human Rights Defenders Alert - India

National Coordination Office

6, Vallabai Road, Chokkikulam, Madurai 625

002. Tamil Nadu, INDIA

Tel: +91-9994368540 Email: hrda.india@gmail.com

July 14th, 2015

Shri A. K. Parashar

National 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 - Appeal for Action – Uttar Pradesh: illegal arrest, detention under fabricated charges and ill treatment of women human rights defenders Ms. Roma Mallik, General Secretary of All India Union of Forest Working People (AIUFWP) and Ms. Sukalo Gond, Adivasi leader of AIUFWP by the Sonbhadra district police of Uttar Pradesh- reg*

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 now writing to express our grave concern regarding the illegal arrest, detention under fabricated charges and harassment and ill treatment of women human rights defenders Ms. Roma Mallik, General Secretary of All India Union of Forest Working People (AIUFWP) and Ms. Sukalo Gond, Adivasi leader of AIUFWP by the Sonbhadra district police of Uttar Pradesh. Ms. Roma Mallik and Ms. Sukalo Gond have been mobilizing local farmers, adivasis and dalits to collectively and non-

violently protest against the construction of a dam at Kanhar in Sonbhadra district and forcible land acquisition in their region in Uttar Pradesh.

Source of Information on the Incident:

The Regional Coordinator of HRDA for North of India

Communication with the New Trade Union Initiative

Media Reports

Status of the Human Rights Defenders:

Ms. Roma Mallik is General Secretary of All India Union of Forest Working People (AIUFWP) based in Robertsganj, district Sonbhadra, Uttar Pradesh. AIUFWP is a forum of people from the forest community belonging to various states of India. As a forest rights movement it fights and defends non violently the rights of the forest working community and works towards ensuring livelihood, social and political security for forest working people. Roma Mallik is also one of the National Secretaries of The New Trade Union Initiative (NTUI) which a forum for the major left and democratic trade union federations from India and across the world working on issues vital to the trade union movement, and to working class politics. She is a social activist and has been working for the land and forest rights of tribals and Dalits in Sonbhadra region for the last more than 10 years. In 2007 Roma was also arrested under draconian National Security Act (NSA) for defending Dalit and Adivasi rights for using the name of B. R. Ambedkar.

Ms. Sukalo Gond is the national committee member of All India Union of Forest Working People (AIUFWP). She comes from Gond tribe and belongs to Majauli village of Sonbhadra district. She is a veteran Adivasi leader of the region.

The Perpetrators:

- 1- Mr. Shiv Shankar Yadav, Superintendent of Police, Sonbhadra district, UP
- 2- Mr. Kapil Dev Yadav, SHO, Robertsganj Police Station, District Sonbhadra, UP

Date of Incident:

30th June, 2015 around 6.10 AM.

Place of Incident:

Tagore Nagar, Robertsganj, District Sonbhadra, Uttar Pradesh

Incident detail:

On June 30, 2015 around 20 armed police officers of district Sonbhadra, Uttar Pradesh police forcibly entered the house of Ms. Roma Mallik in Tagore Nagar, Robertsganj, district Sonbhadra at around 6. 10 AM early in the morning. The police team had Mr. Kapildev Yadav, SHO of Robertsganj police station. There were 4 to 5 people mostly women in the house including Ms. Sukalo Gond who is a senior respected tribal leader of the region. Women members were sleeping at the time at policed raid. The police kept the women police outside the door and harassed women activists even when they repeatedly objected to the use of force against them. Police men were shouting and using foul language in the presence of other senior women human rights defenders of the region. They were looking for Roma Mallik. The police men were threatening everyone present in the house and beat up a tribal woman activist Ms. Kamla. The police men also misbehaved and ill treated Ms. Roma Mallik. Four defenders including Ms. Roma Mallik and Ms. Sukalo Gond were straight away taken to the office of Superintendent of Police, Sonbhadra district in two police vehicles. Ms. Roma and Ms. Sukalo were taken to other rooms whereas others were asked to sit outside. The police men asked various questions to other activists about their organization and activities. After 30 minutes police men detained both Ms. Roma and Ms. Sukalo and they were taken to Robertsganj police station. Police men were instructed not to set them free. The other activists were allowed to go.

Women human rights defenders Roma Mallik and Sukalo Gong were taken on judicial remand on 30 June, 2015. Police have filed three FIRs against Ms. Roma Mallik which shows a clear intention that she is being targeted for her social activities. The first FIR no: 125/1 was filed in 13-14 April 2015 under IPC sections 147, 148, 149, 332, 333,504, 353, 245, 347 and 120 B. The second FIR filed on 14-15 April, 2015 under IPC sections 126, 147, 149, 395, 399 and 120 B. The third FIR was filed again on 14-15 April, 2015 under sections 147, 148, 149, 323, 353, 332, 504, 186, 120 B and 7 CLA. Both the women human rights defenders were taken on judicial remand on the basis of these three FIRs. Sources also revealed that section 120 B has not been included in the FIR but it has been added in the remand sheet produced before the court. Police have also booked Roma Mallik in old cases related to a protest at Hindalco hospital at Renukot and cases related to Scheduled Castes and Scheduled Tribes. Most of the cases against Roma Mallik are related to actively

participating and leading peaceful protests by dalits and adivasis against illegal land acquisition for the Kanhar Dam project in Sonbhadra district. Both have been sent to Mirapur jail and not yet released on bail.

Background Information to the Incident:

Roma Mallik, General Secretary of All India Union of Forest Working People (AIUFWP), and Sukalo gond, Adivasi leader of AIUFWP, along with other activists were arrested early morning of 30th June, just hours before the big dharna and rally in support of the 100 day nationwide campaign for land rights and labour rights in Sonebhadra district of UP. All India Union of Forest Working People (AIUFWP) has been organising various mobilisations and protests as part of Bhoomi Adhikar Andolan to challenge the corporate loot of natural resources and the corrupt nexus between Government-Corporate and the police. The protest rally on June 30, 2015 was being organized by the Bhumai Adhikar Andolan to protest against forcible land acquisition to restart the construction of Kanhar dam, non implementation of the 2013 land acquisition act in UP and the prosecution of peaceful activists. The Government of Uttar Pradesh has used the police to illegally stop democratic expression against the persistence of land acquisition in scheduled areas. Despite there being court orders, including from the National Green Tribunal, the state government has pursued and targeted activists who are protesting its illegal actions at Kanhar.

People of Sonbhadra have been facing continued repression in the form of open firing at peaceful protesters at Kanhar dam site on Ambedkar Jayanti as well as constant harassment of leaders and activists. On the morning of 14th April, 2015 (Ambedkar Jayanti), the UP police had fired indiscriminately on several hundred dalits and adivasis, including large numbers of women and children; all peaceful protestors against illegal land acquisition for the Kanhar Dam project. Several women were injured in the firing. Following this, false cases were filed against countless unnamed persons. On 18 April, there was a second round of police firing in which once again several people were seriously injured and some of the key activists of the movement arrested. Those arrested are yet to be released.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Hon'ble Commission orders

- an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of illegal arrest and detention of Ms. Roma Mallik and Ms. Sukalo Gond led by the investigation wing of the NHRC ;
- immediate action on the perpetrators, in this case police officers of district Sonbhadra, Uttar Pradesh for the illegal arrest, detention and harassment of both the women human rights defenders and using all provisions of law to ensure that the two defenders are immediately released on bail and not harassed, ill treated and falsely implicated by the police in future;
- The granting and release on bail of these two activists is on their own bond and not insisting on sureties since they are Women HRDs of repute and leaders of mass organizations of women in the state;
- The immediate appointment of a competent senior lawyer practicing on the criminal side in Sonbahandra District of Uttar Ptadesh to defend the two women HRDs in all the criminal cases registered against them at state cost with the counsel so appointed reporting to this Hon'ble Commission in periodic intervals as determined by the Hon'ble Commission on the development in these cases;
- the guaranteeing in all circumstances the physical and psychological integrity of Ms. Roma Mallik and Ms. Sukalo Gond, who are still under risk of further reprisals from the perpetrators;
- the provision of reparation, compensation, apology to the defenders for the psychological sufferings they have undergone because of the ill treatment and detention and provide a re-assurance of not engaging in such acts against HRDs such as Ms. Roma Mallik and Ms. Sukalo Gond;
- an end to all acts of attack and harassment against all human rights defenders like Ms. Roma Mallik and Ms. Sukalo Gond in the State of Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights 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”;
- urgently and speedily during the pendency of this complaint, the SHRC in Uttar Pradesh to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- urgently and speedily during the pendency of this complaint, the SHRC in Uttar Pradesh 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 Uttar Pradesh for the protection of the rights of human rights defenders;
- urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the NHRC Focal Point on HRDs and the SHRC Uttar Pradesh to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the SHRC, Uttar Pradesh 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 the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Uttar 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.

(Henri Tiphagne)

Honorary National Working Secretary