



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

August 10, 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 – Chhattisgarh: Social Activist and human rights defender Ms. Soni Suri and her colleagues threatened by Inspector General of Police, Bastar region, Chhattisgarh, Mr. SRP Kalluri on 1st August, 2015 for exposing extra-judicial killing of an unarmed tribal villager Mr. Hemla Podiya in Nahadi village of Dantewada district-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 now writing to express our grave concern regarding the threat of excommunication issued against Soni Sori and other social activists by the Inspector General of Police, Bastar region of Chhattisgarh, Mr. SRP Kalluri on 1st August, 2015 raising fears of further harassment and personal safety of human rights defender Ms. Soni Sori and her family. Ms. Soni Sori was threatened by the InspectorGeneral of Police after she addressed a press conference in the Jagdalpur press club on 31 July 2015 on the fake encounter in which a tribal villager Hemla Podiya was shot dead by Chhattisgarh police in Nahadi village of district Dantewada.

The police claimed that Hemla Podiya, a Naxalite commander, was killed in an encounter in the jungles of Nahadi in Dantewada district.

Source of Information on the Incident:

The Regional Coordinator of HRDA for East of India
A communication from Jagdalpur Legal Aid Group
Media Reports.

Status of the Human Rights Defenders:

Ms. Soni Sori was a teacher in a government-run tribal school in Chhattisgarh's Dantewada district. Coming from a small village Sameli of Dantewada in south Bastar she later became a tribal rights activist. Soni Sori symbolises the plight of Bastar tribals — tortured, humiliated and caught in the conflict between Maoists and the state.

A human rights defender, Ms. Soni Sori is currently a member of Aam Aadmi Party. Branded as a "Maoist conduit" by the Chhattisgarh police she has been fighting for the rights of poor tribals or Adivasis of Chhattisgarh against police atrocities. Ms. Soni Sori 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. Ms. Soni Sori was brutally tortured by police in Chhattisgarh for her alleged links with Maoists. After her release from Jail on Bail in 2014, she joined the Aam Aadmi Party (AAP) in her desperate bid to change the system. Since her return Ms. Soni has challenged the unjustified police actions in Chhattisgarh state that has been engulfed in violence and conflict, with tribal civilians caught in the crossfire between Maoists and government security forces. Because of her work she has been falsely implicated in many fabricated criminal cases by the police. She has been subjected to harassment and intimidation and even faces the threat of being eliminated.

The Perpetrators:

Threat issued by Mr. SRP Kalluri, Inspector General of Police, Bastar region, Chhattisgarh Police

Date of Incident:

1st August 2015.

Place of Incident:

Geedam town, Dantewada district, Chhattisgarh

Incident detail :

According to sources following the 29th July fake encounter killing of Hemla Podiya, a tribal villager of Nahadi village in Dantewada, Ms. Soni Sori held a a press conference in the Jagdalpur press club on 31st July 2015 along with two young girls from Nahadi village, Hemla Hira and Hemla Bhime. The village girls narrated the whole incident leading to the killing of Podiya. On 30 July, Soni Sori along with Lingaram Kodopi, Bela Bhatia visited the incident site, met with the villagers there and uncovered that it was not an encounter between the police and Naxalites at all, but a cold-blooded murder of an unarmed villager in broad daylight in front of his house.

According to sources, on the night of 28th July 2015, a contingent of joint security forces comprising of more than 500 officers, went on a combing operation towards Nahadi village in Dantewada. Upon reaching Nahadi, the forces rounded up the entire village and started going from house to house beating everyone they found there, including pregnant women. After hearing this commotion, Hemla Podiya emerged from his house to see what was happening. He was only 100 feet from his hut when a single shot rang out and he was killed.

When the family of Podiya and other villagers heard a gunshot they all came rushing to the spot. But the security forces didn't allow anyone to come near the body and hurriedly took it away instead. Podiya's mother and wife were beaten up, and the sister was threatened that she would be put in the hut and burnt. All traces of the killing were removed, as the blood-soaked mud from the spot where Hemla Podiya had fallen was dug up by the police and disposed of by throwing it away into a nearby stream. Hemla Podiya was a young man; he lived with his parents, young sister, wife and two young kids. His brother, the villagers claim, was also killed earlier by the police in a similar encounter.

The villagers confirmed that there was no encounter, no heavy firing – only a single shot was fired which killed an unarmed villager in an act of unprovoked assault. It was cold blooded murder. Podiya was shot from the back and at a short distance. This did not take place in a dense forested patch, but in the open ground of the village. Eighteen dangerous Naxalites were not arrested – only some young people belonging to a cultural group were detained, and they too were let off within a day. They were released only after stern warnings not to protest the killing of Hemla Podiya in any manner, else they would be re-arrested.

In the meantime, a trader was stabbed in a market of Geedam. Geedam is a small trading/ commercial center in Dantewada. Police team including IG SRP Kalluri, the current Inspector General of Bastar Range visited Gadeem where Mr. Kalluri met the trading community which was naturally anguished at the lack of security due to which one of their members was killed in broad daylight. In a conversation with them, the IG blamed Ms. Soni Sori for these attacks on them, and said that unless they all decide to excommunicate Ms. Soni Sori and her associates, these attacks against them will continue. He further alleged that Ms. Soni Sori was in fact supplying names of traders to be killed to the Maoists, who were carrying out these attacks.

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 Dantewada District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of threat issued to Ms. Soni Sori;
- Take immediate action on the perpetrators, in this case Inspector General of Police, Bastar region for issuing a threat to her and using all provisions of law to ensure that the defender is not harassed in future;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Ms. Sori and her family members as they continue 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;

- Put an end to all acts of attack and harassment against all human rights defenders like Ms. Soni Sori in the State of Chhattisgarh 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Chhattisgarh 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;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Chhattisgarh 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 Chhattisgarh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Chhattisgarh in collaboration with the NHRC Focal Point on HRDs and the SHRC Chhattisgarh 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;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Chhattisgarh in collaboration with the SHRC, Chhattisgarh 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 Chhattisgarh.

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