



# Human Rights Defenders Alert – India

National Coordination Office

No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu, INDIA

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

---

**September 8, 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 – Gujarat: Harassment and intimidation of a tribal rights activist and human rights defender Mr. Romel Sutariya by Gujarat Police of Chhotaudepur Police station, district Chhotaudepur, Gujarat - 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 intimidation and harassment of tribal rights activist and human rights defender Mr. Romel Sutariya, President of tribal farmers' organization, Adivasi Kisan Sangharsh Morcha (AKSM) Gujarat by Gujarat Police of Chhotaudepur Police station, district Chhotaudepur, Gujarat. The defender is being harassed and facing reprisal for filing a complaint to National Human Rights Commission of India (NHRC) regarding illegal sand mining in Chhotaudepur district with the support of police administration and local politicians.

**Source of Information on the Incident:**

The Regional Coordinator of HRDA for North of India

Communication with the human rights defender Mr. Romel Sutariya

Media Reports

**Status of the Human Rights Defenders:**

Mr. Romel Sutariya is President of tribal farmers' organization, Adivasi Kisan Sangharsh Morcha (AKSM) based in Vyara City of Tapi district in Gujarat. Mr. Romel has been actively participating in the people's struggles at the grass root levels from the age of just 16. In 2013, Mr. Romel took up the cause of sugarcane farmers of Tapi district who were being exploited by the sugar making cooperative companies falling in semi government sector. Sugarcane farmers were suffering financially due to nonpayment of their dues. After one year working with of sugarcane workers, Mr. Romel along his fellow social activists formed a unit of Adivasi Kisan Sangharsh Morcha AKSM on 18<sup>th</sup> June 2014. Since then AKSM has been fighting for the land and forest rights of tribals of southern Gujarat. AKSM has been spearheading a campaign against illegal sand mining in the district which is adversely affecting the water and land rights of the tribals. Mr. Romel Sutariya has also filed a complaint in the NHRC regarding the involvement of police and ruling politicians in supporting illegal sand mining. AKSM has gradually made its influence in other districts also. AKSM and Mr. Romel Sutariya are being dubbed as "Naxalites" and they are being targeted for their human rights activities especially for defending land and forest rights of the poorest of poor tribals.

**The Perpetrators:**

Mr. Devadha, Police Inspector, Local Crime Branch (LCB), Chhotaudepur, district Chhotaudepur,

Mr. B D Shah Police Sub Inspector, Chhotaudepur Police station, district Chhotaudepur, Gujarat

**Date of Incident:**

3<sup>rd</sup> Septmeber 2015

**Place of Incident:**

Office of AKSM at Vyara, district Tapi, Gujarat

**Incident detail:**

According to sources police sub inspector Mr. B D shah along with one another police man of Chhotaudepur Police station came to Vyara police station in Tapi district. They sent a police man to the office of Mr. Romel Sutariya to bring him to the police station. When Mr. Romel Sutariya refused to go with him, then police sub inspector Mr. B D shah came to Romel Sutariya's office and told him that they are conducting an enquiry on the complaint filed by Mr. Romel in the NHRC. They would

like to record his statement on the matter. Police sub inspector Mr. B D shah wanted Mr. Romel to give documentary proofs to substantiate the allegations he made in his complaint to NHRC on 28 December 2014 with complaint no: 158/6/0/2015.

Mr. Romel Sutariya mentioned two cases in his complaint to NHRC:

In November 2014 the villagers of Chadeja village of Chhotaudepur were protesting against the sand mining work around their village under an allotted lease. During the protest a constable told the media that the lease was in the name of a Deputy Superintendent of Police. He also asked people to end the protest. Under the 73<sup>rd</sup> amendment of the Indian Constitution which provides for panchayat control over common resources, village land use for mining purpose requires permission or consultation or agreement from the village panchayats or the gram sabha in and around the village under which a proposed mining area is to come up. In his complaint to NHRC Mr. Romel Sutariya mentioned about an existing nexus between police, civil administration and ruling politicians behind the indiscriminate and rampant sand mining in a large number of wetlands, especially rivers, of Chhotaudepur and Tapi districts of South Gujarat that was responsible for local tribals alienation from their land and other natural resources.

In the second case Mr. Romel Sutariya mentioned about his illegal detention on 20<sup>th</sup> December 2014 under section 68 of IPC by the police in Chhotaudepur. On 20<sup>th</sup> December the Gujarat Chief Minister was to inaugurate an Agriculture Festival in Chhotaudepur. Mr. Romel Sutariya and other activists were made to remain in police station from morning 7.30 am till 3 pm. When he asked for the reason of his arrest, he was told by the police that intelligence report had revealed that they were planning to organize a protest against the chief minister's visit so they were taken into custody.

On 23<sup>rd</sup> August 2015 Mr. Romel Sutariya received a notice signed by Mr. Devadha, Police Inspector, Local Crime Branch (LCB), Chhotaudepur police. The notice came through Vyara police station, district Tapi asking him to produce documentary evidences to verify his allegations that police and local politicians are involved in illegal sand mining in the region. The second notice he received on 1<sup>st</sup> of September 2015 asking him to reply within two days. Mr. Romel Sutariya sent a written reply to the Director, National Human Rights Commission of India and Director General of Police, Gujrat. On 3<sup>rd</sup> September a police man from Vyara police station came to Mr. Romel Sutariya's office in Vyara and told him the officials from Chhotaudepur police

want to record his statement. After Mr. Romel refused to go to Vyara police station, Mr. B D Shah Police Sub Inspector, Chhotaudepur Police station came to him and asked him to produce the documents. Mr. Romel told him that he had sent his written reply to NHRC and DGP, Gujrat police. Police Sub Inspector refused to accept his version and insisted him to produce the documents.

The human rights defender Mr. Romel Sutariya is being continuously harassed by the local police for complaining to NHRC. The defender has been targeted in the past also. Police have filed cases against him on 16<sup>th</sup> February, 2015 under sections 143, 144, 147, 106, 332, 337, 120 B, 506 (2) and 504 of the Indian Penal Code (IPC). On 18<sup>th</sup> February, 2015 he was booked under section 506 and 12 of IPC. On April 28<sup>th</sup>, 2015 morning, Mr. Romel Sutariya was picked from his office in Vyara by a police team led by Inspector S L Bhatt of Vyara police station. Police refused to tell Mr. Romel about the charges or offences for which he was picked up. He was also not permitted to call his family or his lawyer. Even his colleagues were not told where he is being taken. Later he was taken to the office of Tahsildar who sent him to judicial custody by violating the due procedure of law. According to the legal procedure a Tehsildar without the permission of session court is not authorized to send someone to judicial custody. Case was registered against Mr. Romel under sections 151 and 107 of CrPC. Mr. Romel was denied bail in a chapter case by the executive magistrate and he was asked to produce a solvency certificate and surety bond of 25,000. He was sent to Vyara sub-jail where he was detained for five long days and kept in jail illegally. He was neither given water nor food in the jail. He was harassed in custody. Finally, Romel was granted bail on May 4 by the session's court of Vyara. Various false charges have been brought against Mr. Romel Sutariya in order to harass him and prevent him from doing his legitimate human rights work.

**Appeal :**

We, therefore urge you to immediately take necessary steps, conduct an independent investigation considering that the HRD is facing reprisal for approaching NHRC and also to ensure that the Superintendent of Police and the District Collector and District Magistrate of Chhotaudepur District:

- Order an immediate, thorough, transparent, effective, independent and impartial investigation into the harassment of Mr. Romel Sutariya;
- Take immediate action on the perpetrators, in this case police personnel of Chhotaudepur police station of Chhotaudepur district, Gujarat for harassing

the human rights defender Mr. Romel Sutariya and using all provisions of law to ensure that the defender is not harassed in future;

- Guarantee in all circumstances the physical and psychological integrity of Mr. Romel Sutariya, who is still under risk of further reprisals from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of compensation, apology to the defender for the psychological sufferings he underwent because of the undue harassment and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Romel Sutariya;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. Romel Sutariya in the State of Gujarat 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 Gujarat 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 Gujarat to convene 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 Gujarat for the protection of the rights of human rights defenders;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Gujarat in collaboration with the NHRC Focal Point on HRDs and the SHRC Gujarat 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 Gujarat in collaboration with the SHRC, Gujarat 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 Gujarat.

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