



Human Rights Defenders Alert – India

National Coordination Office

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5th February 2016

To

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: Physical assault on a tribal rights activist and human rights defender Mr. Romel Sutariya allegedly by goons led by mining mafia in Vyara town in Tapi district of 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 writing to express our grave concern regarding the physical assault on tribal rights activist and human rights defender Mr. Romel Sutariya, President of tribal farmers' organization, Adivasi Kisan Sangharsh Morcha (AKSM) Gujarat, by a group of people allegedly goons led by mining mafia in Vyara town of Tapi district of Gujarat. Mr. Romel Sutariya has been targeted for filling several RTI pleas in government departments in Tapi district to expose illegal mining activities by the mafia groups which are going on in the region in blatant violation of the environment norms.

Status of the Human Rights Defenders:

Mr. Romel Sutariya is the 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 non-payment of their dues. After one year of working with sugarcane workers, Mr. Romel along his fellow social activists formed a unit of Adivasi Kisan Sangharsh Morcha, AKSM on 18th 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 region 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.

Source of Information on the Incident:

Media Reports

The Perpetrators:

Mr. Ashish Shah alias Anil Vania, Corporator from BJP and former Mayor of Songarh, Gujarat

Mr. Jitu Gamit, son of Tribal Minister, Mr. Kanti Gamit, Gujarat

Other unknown persons

Date of Incident

2nd February, 2016

Place of Incident:

Tapi District Collector office at Vyara, district Tapi, Gujarat

Incident detail:

According to sources on 30 November, 2015 human rights defender Mr. Romel Sutariya sent a complaint letter to the Governor of Gujarat Shri O P Kohli regarding the rampant mining activities going on in Tapi area. The complaint letter was sent through District Collector Mr. B C Patni. His complaint alleged that many politicians are involved in the mining racket. On his complaint letter, the district collector asked Mr. Romel Sutariya to be present at a public hearing on 12 January, 2016 at the collector office at Vyara with documentary evidences. Mr. Romel Sutariya submitted all documents regarding the illegal mining activities. He asked the administration for an investigation on the violation of environmental guidelines in allocating leases for the stone crushing units. Mr. Romel also produced the documents before the collector received through RTI queries on granting lease for the mining of sand and black trap stone. Tapi does not have environment department which is located far away in a different city and therefore Mr. Romel submitted that rules and regulations have not been followed in granting leases. He also submitted that in granting environment clearance certificates, mandatory provisions have not been followed and therefore the matter should be investigated thoroughly. District collector again fixed the date of 2nd February 2016 for the next hearing. Mr. Romel Sutariya reached the district collector office at Vyara on 2nd February, 2016 at around 11.45 AM. Hearing was on and there was some time before his appearance. So he decided to go and meet the mining officer to

enquire about the status of his pending RTI applications. Mining officer cabin was located on the 1st floor of the same complex. When Mr. Romel Sutariya reached the office of Mining officer, he found around 30 to 40 people outside the mining officer cabin. He went inside and started talking to him. He enquired about the details of those stone crushing units which have been served with notices. Mr. Romel also produced a notice served to a stone crushing unit which was located within 200 meters of the national highway. He asked the mining officer why such notices were not served to those units which are located near villages? Mr. Romel also questioned about gochar land (grazing land) being shown as government land and was given to stone crushing units in Pokran village as per the survey number 64/65. The mining officer became furious and said these matters do not fall within the jurisdiction of his department so he can say anything on the matter. Meanwhile the group of people standing outside also came almost inside the cabin. Mr. Romel Sutariya asked the mining officer to come to collector office to discuss further. And when he came out he was caught by the group who started beating him. Somehow Mr. Romel moved towards the staircases, they pushed him down. Mr. Romel fell down from the stairs and suffered fracture on his left leg and also had internal injuries. Mr. Romel complained to the collector who asked him to call the police. Police came and Mr. Romel was taken to Janak Hospital in Vyara, district Tapi for medical treatment. The police have filed an FIR against two persons along with other unidentified persons under sections 143 and 323 of Indian Penal Code. No arrest has been made so far.

Appeal:

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

- Order an immediate, thorough, transparent, effective, independent and impartial investigation into the physical assault on tribal rights activist and human rights defender Mr. Romel Sutariya;
- Ensure complete medical check up of Mr. Romel Sutariya totally at state cost in the best medical facility available in the state to ensure that he is not suffering from any internal medical ailments;
- Take immediate action on the perpetrators by arresting them after identification for physically attacking the human rights defender Mr. Romel Sutariya and using all provisions of law to ensure that the defender is not harassed or attacked 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 provisions of compensation, apology to the defender for the psychological sufferings he

underwent because of the physical assault 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 NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs..etc] to ensure that a coordinated 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