



# Human Rights Defenders Alert – India

National Coordination Office

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9<sup>th</sup> 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Chhattisgarh: Journalist and woman human rights defender, Ms. Malini Subramaniam harassed, intimidated and threatened by the members of Samajik Ekta Manch, Jagdalpura Chhattisgarh police-sponsored anti Naxal forum in Jagdalpur district of Chhattisgarh – 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 well known journalist and woman human rights defender, Ms. Malini Subramaniam who is being harassed, intimidated and threatened by the members of *Samajik Ekta Manch*, Jagdalpur. The referred *Manch* is touted to be a new forum launched to counter growing Naxalism in Chhattisgarh. The house of Ms. Malini Subramaniam was targeted by a group of around 20 persons on February 7, 2016 with the intention to attack her. The next day early on February 8, at around 2.30 a.m. unidentified people threw stones at her residence smashing her car's windows. Ms. Malini Subramaniam contributes articles on Bastar region to online news portal Scroll.in and has, over the past one year, written extensively on alleged fake surrenders, arrests of journalists, mass sexual violence and human rights violations by police forces in Bastar region. It is because of her journalist work she has been physically targeted by the *Samajik Ekta Manch* by dubbing her as being 'pro-naxal' and anti-police.

**Source of Information on the Incident:**

The Coordinator of HRDA for the East of India

Communication with the HRD Ms. Malini Subramaniam

Media Reports

### **Status of the Human Rights Defender:**

Ms. Malini Subramaniam is a journalist and regular contributor of the online news web portal Scroll.in based in Jagdalpur, Chhattisgarh. She was formerly associated with the International Committee of Red Cross(ICRC), Chhattisgarh. She has worked in the development sector for almost two decades and has travelled widely in the conflict affected areas as the head of the ICRC in Chhattisgarh. After ICRC closed down its operations in 2013, Ms. Malini Subramaniam decided to stay back in Jagdalpur to work among the poor tribals. Later she started reporting from the area and was able to bring to light stories that were otherwise not being covered. In the last one year she has extensively reported on issues of adivasis, enforced displacement, mass sexual violence as well as other human rights violations by the security forces in Bastar region of Chhattisgarh. Her stories for Scroll.in have often been the first detailed accounts of the incidents. Last December, Ms. Malini Subramaniam reported a story of Sukma district of Chhattisgarh where the police claimed to have wrested a major victory in the form of the surrenders of 26 Maoists. Police claims were later found misleading as the local residents revealed that the surrenders were forced and fake and the men were not actually Maoists but innocent villagers.

### **The Perpetrators:**

- Mr. Manish Parakh
- Mr. Sampat Jha and other members of Samajik Ekta Manch, Jagdalpur.
- Mr. R.N Dash Superintendent of Police, Jagdalpur, Chhattisgarh

### **Date of Incident:**

7<sup>th</sup> and 8<sup>th</sup> February 2016

### **Place of Incident:**

At the residence of HRD Ms. Malini Subramaniam

### **Details of the Incident:**

According to the sources, a group of around 20 persons came to Ms. Malini Subramaniam's residence at about 6 PM on February 7, 2016. They shouted slogans like '*Naxali Samarthak Bastar Chodo. Malini Subramaniam Mordabad*' (Naxal supporter, leave Bastar. Death to Malini Subramanian). The mob apparently tried to instigate neighbours to attack her and said that she was a Naxal supporter. Early on February 8, morning, at around 2.30 AM., a motorcycle came at her home and threw stones at her residence. Stones were seen scattered around her residence and the window of her car was shattered.

Ms. Malini Subramaniam has identified two of the men in the mob – Mr. Manish Parakh and Mr. Sampat Jha. Both had visited her residence on January 10 last month and were members of the *Samajik Ekta Manch*, a Jagdalpur based forum formed to counter Naxalism in Bastar. The forum supports the work of the

Chhattisgarh police in the area. Mr. Manish Parakh is the secretary of the Bhartiya Janata Party's Yuva Morcha and Mr. Sampat Jha is a member of the Congress party in Jagdalpur.

According to the online news site Scroll.in, over the last year, Ms. Malini Subramaniam has been writing consistently on issues of adivasis and of displacement, mass sexual violence as well as other human rights violations. After a visit to her by members of *Samajik Ekta Manch* on January 10, 2016, Ms. Subramaniam also received late night enquiries from the local police and had to face a number of questions and submit documents giving proof of her identity.

On Monday, February 9, 2016, Ms. Malini Subramaniam went to the local police station and the office of the district superintendent of police. The police refused to file an FIR but they just accepted her written complaint. The city superintendent of police told her that they cannot file an FIR without the approval of the district superintendent of police, who was not in his office at that time.

### **Appeal:**

We, therefore urge you to immediately take necessary steps and ensure:

- An immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of intimidation and attack on journalist and woman human rights defender Ms. Malini Subramaniam;
- Take immediate action against the perpetrators for threatening the journalist and woman human rights defender by arresting all of them and using all provisions of law to ensure that the defender is not harassed or attacked in future;
- Also direct the Chhattisgarh Chief Minister Raman Singh to immediately announce a full and thorough investigation into the incident and take urgent steps to ensure the safety of Ms. Malini Subramaniam and her daughter;
- Guarantee in all circumstances the physical and psychological integrity of Ms. Malini Subramaniam who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings she is undergoing because of the threats to her life and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment of women human rights defenders like Ms. Malini Subramaniam in the State of Chhattisgarh to ensure that in all circumstances they carry out their activities as journalists / 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 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 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,



*(Henri Tiphagne)*  
Honorary National Working Secretary