



Human Rights Defenders Alert - India

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February 19, 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

Sub: HRD Alert - India - Urgent Appeal for Action – imminent physical threats and repeated attempts to harass and intimidate and evict lawyers and women Human rights defenders Ms. Shalini Gera Ms. Isha Khandelwal at Jagdalpur town in Bastar district in the state of Chhattisgarh – Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding two lawyers and women Human rights defenders Ms. Shalini Gera and Ms. Isha Khandelwal who are constantly facing threats to their lives by the local police supported group Samajik Ekta Manch in Jagdalpur city of Bastar in Chhattisgarh. The women human rights defenders are also being pressurised directly by the local police to evict from the Jagdalpur town by **tomorrow night** where they have been practicing for the last many years.

Source of Information on the Incident:

- The Coordinator of HRDA for the East of India
- Communication with Jagdalpur Legal Aid Group

Status of the Human Rights Defenders:

Ms. Shalini Gera, a native of Delhi, came to practice law as a second career. She holds a Ph.D. in neuroscience from USC in Los Angeles and did post-doctoral work at Stanford. With a growing commitment to human rights work, she moved back to India and obtained her LL.B. from the Campus Law Center at the University of Delhi. Ms. Isha Khandelwal, a native of Indore, obtained her first degree in Computer Science. Her interest in social issues drove her to enroll for law studies and she obtained her LL.B. from the Campus Law Center at the University of Delhi.

Both Shalini and Isha along with other colleagues started providing legal aid to the tribal people of Bastar region who were caught in the vicious conflict between security forces and the Maoists. The group was named as Jagdalpur Legal Aid Group in short "JagLAG" in July 2013. Jagdalpur Legal Aid Group is the only NGO in tribal Bastar region providing legal services to the adivasis in the area which works in the courts of Dantewada, Bastar, Kondagaon and Kanker districts. Ms. Shalini and Ms. Isha have been working with JagLAG since its inception. The group managed to secure bails for innocent local tribals in many cases in Sukma, Bijapur and Dantewada district of Chhattisgarh.

The Perpetrators:

- Members of Samajik Ekta Manch, Jagdalpur, Chhattisgarh
- Mr. Madhukar Rao, from the "Naxal Peedit Sangharsh Samiti" under the leadership of the ex-Salwa Judum leader
- Superintendent of Police, Bastar.
- SRP Kalluri, Inspector General Of Police Bastar Range, Chhattisgarh

Date of Incident:

18th February, 2016

Place of Incident:

Jagdalpur, Bastar District, Chattisgarh

Details of the Incident:

According to sources on 17 February, 2016 night, police visited the landlord of lawyers and women Human rights defenders Ms. Shalini Gera Ms. Isha Khandelwal of Jagdalpur Legal Aid Group in Jagdalpur town. The landlord is a driver by profession. The police took him away to the police station. He was kept there till next day early morning. He was dropped back in a police vehicle and his car was impounded. Shocked and shaken landlord informed both the lawyers at 2:00 am in the morning that he has no option but to ask them to vacate the house and office within a week.

Both Ms. Shalini and Ms. Isha have been receiving thinly veiled threats regularly that the police are closely monitoring NGOs providing "legal aid to Naxalites" and their clients are time and again informed that the police are about to arrest them for their Naxalite related activities. The police have been claiming before the visiting journalists and researchers that they are merely a "Naxalite front". The defenders believe that it is because of their legitimate work, various officials of the police are involved in conspiring against them to drive them out of the region.

Local police had been diligently investigating "anonymous" complaints about them claiming that they are "fraudulent" lawyers and due to that they had been compelled to make multiple trips to the police station with all impeccable certificates and sound credentials to disprove the baseless allegations against them. Then the local Bar Association, clearly prompted by the police, took out a resolution prohibiting them to practice in the local courts. The move was then countered by challenging this resolution in the State Bar Council and obtaining an interim order allowing them to practice. Unable to get them by any other way, now, the police are resorting to intimidatory tactics and thereby putting undue mental pressure on their landlord and his family.

These untoward incidents have come at a time when the whole countryside of Bastar region is on fire. Under the guise of anti-Naxal operations, the security forces are indulging in rape, pillage and plunder. With teams of women activists, Jagdalpur Legal Aid Group have documented at least three cases of mass sexual violence in the past

three months itself, where security forces have run amok in the villages, stripping women, playing with their naked bodies and indulging in gang rapes, looting their precious food supplies, and destroying their homes and granaries. The number of so-called "encounters" is at an all-time high in the region, people are simply "disappearing" from villages in large numbers, only to show up in the list of "surrendered" or "arrested" Naxalites several days or weeks later. The local police and administration are talking in one voice of "clearing" the area within one year. Social mobilizations are being orchestrated by the police to provide a cover to their illegal harassment of journalists, lawyers, activists. When mass gang rapes in Bijapur were being uncovered, a group calling itself the "Naxal Peedit Sangharsh Samiti" under the leadership of the ex-Salwa Judum leader Madhukar Rao, took out noisy belligerent rallies against Soni Sori, Bela Bhatia and "outside NGOs", threatening all of them with physical violence if they entered Bijapur again.

In this connection HRDA would like to recall the Urgent Appeal sent to Hon'ble Commission on 9th February, 2016 (NHRC complaint No: 108/33/1/2016) on the ongoing acts of harassment and threats to journalist Malini Subramaniam of news web portal Scroll.In in Jagdalpur town.

Appeal:

We, therefore urge the Hon'ble Commission to urgently:

- HRDA - India very strongly urges the Hon'ble National Human Rights Commission to immediately intervene in the matter and communicate with the Inspector General of Police - Bastar Range, Superintendent of Police, - Bastar, District Magistrate - Bastar asking them to prevent the local police officers engaging in harassment of women human rights defender and lawyers Ms. Shalini Gera and Ms. Isha Khandelwal.
- We also request that the Hon'ble Commission to immediately and urgently send the NHRC Investigation Team to conduct an impartial and transparent investigation on the matter.
- We also humbly urge the Hon'ble Commission to look into the case and thereafter undertake urgent efforts to prevent them being evicted forcefully and illegally from Jagdalpur town and if required use the provisions of the Criminal Procedure Code,

1973 to protect law and order.

- We also urge the Hon'ble Commission to ensure that lawyers Ms. Shalini Gera and Ms. Isha Khandelwal are provided with immediate and adequate police protection round the clock with inclusion of women police personnel in the team.
- We also request you to kindly ensure protection for them as they already have been threatened to be killed that if they go to the local court to practice carry out their fundamental right.
- Take immediate action on the perpetrators for issuing threats to human rights defender by arresting them and using all provisions of law to ensure that the defenders are not harassed, threatened or attacked in future;
- Take immediate action on the perpetrators for issuing threats to human rights defender by arresting them and using all provisions of law to ensure that the defenders are not harassed, threatened or attacked in future;
- Guarantee in all circumstances the physical and psychological integrity of the lawyers and women human rights defenders Ms. Shalini Gera and Ms. Isha Khandelwal who are still under risk of further severe reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of attack and harassment of human rights defenders in the State of Chhattisgarh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;

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 drawn underneath it.

(Henri Tiphagne)

Honorary National Working Secretary

