



## 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](mailto:hrda.india@gmail.com)

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10<sup>th</sup> May, 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 – Arunachal Pradesh -  
Lama Lobsang Gyatso : Anti dam activist and human rights defender  
Lama Lobsang Gyatso, Secretary of ‘Save Mon Region Federation’  
(SMRF) in Tawang district of Arunachal Pradesh arrested twice on  
April 26 and April 28, 2016, repeatedly harassed by the police of  
Tawang district and later released on bail in Arunachal Pradesh –  
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 over the repeated arrest and harassment of anti-dam activist and human rights defender Lama Lobsang Gyatso, Secretary of ‘Save Mon Region Federation’ (SMRF) by the state police in Tawang district of Arunachal Pradesh. ‘Save Mon Region Federation’ (SMRF) is an organization of the Monpa community in the Mon-Tawang region of Arunachal Pradesh. The federation under the leadership of Lama Lobsang Gyatso is carrying a peaceful protest against ecologically destructive hydropower projects in the region, demanding accountability in the execution of government schemes and development projects, as well as exposing corruption. Lama Lobsang Gyatso has been targeted by the Arunachal police in order to criminalize his legitimate human rights work.

**Source of Information on the Incident:**

Media Reports

**Status of the Human Rights Defender:**

Lama Lobsang Gyatso (the HRD in question) is the Secretary of 'Save Mon Region Federation' (SMRF), an organization of the Monpa community in the Mon-Tawang region of Arunachal Pradesh. The group has been advocating socio-culturally and ecologically sensitive development in the Mon-Tawang region of Arunachal Pradesh. Lama Lobsang Gyatso has been mobilizing the tribal community against the construction of ecologically destructive hydropower projects in the region. The federation is also demanding accountability in the execution of government schemes and development projects besides exposing corruption in the administration.

The Save Mon Region Federation filed an appeal in the National Green Tribunal against the 780 MW Nyamjang Chhu project in the region. The tribunal suspended the environmental clearance on April 7<sup>th</sup> 2016 in response to the appeal and asked for fresh impact assessment studies, public hearing for local people and appraisal by the Expert Appraisal Committee on River Valley & Hydroelectric projects and the Ministry of Environment, Forests and Climate Change (MoEFCC). The HRD Lobsang Gyatso and SMRF have been supporting villagers in recording their objections against other destructive hydropower projects in Tawang region.

**The Perpetrators:**

Officials of the Tawang police station, Tawang district, Arunachal Pradesh

**Date of Incident:**

The HRD was first arrested on April 26, 2016 and released on bail on same day

Second arrest on April 28, 2016

**Place of Incident:**

Tawang town, District Tawang, Arunachal Pradesh

**Details of the Incident:**

According to sources on April 26, 2016 HRD Lama Lobsang Gyatso was first arrested for allegedly leading a group of people from Gongkhar village where the 6 MW Mukto Shakangchu project is coming up. Lama Lobsang Gyatso and his organization 'Save Mon Region Federation' (SMRF) are opposing the reconstruction of spillway of the small project because according to them work quality has been compromised. The defender was arrested based on FIR filed by the Personal security officer of local MLA Pema Khandu for disruption of peace. Soon after his arrest Lama Lobsang Gyatso was released on bail the same day.

On April 28, 2016, HRD Lama Lobsang Gyatso was arrested again for his alleged critical comments against Guru Rinpoche, the Abbot of Tawang Monastery. According to media reports an audio clip was

being circulated on social media in the state in which Lobsang Gyatso had allegedly asked the Abbot to stay away from the hydropower politics of Tawang since he was an outsider and would not be able to relate to the issues. The apparent reference was to a rally organized in the year 2012 by SMRF and Buddhist Lamas against destructive hydropower projects in Tawang during which the Abbot had allegedly asked Lamas to stay away from hydropower protests. On April 28, 2016 a meeting was called to protest against Lobsang Gyatso for his comments against the Abbot by some local leaders and he was accused of hurting peoples' sentiments and defaming the Abbot. Subsequently a police complaint was filed against Lobsang Gyatso. On the same date the defender was arrested by Tawang police under Sections 153A, 295A, 298, 506 of Indian Penal Code (IPC). He has been charged for causing communal disharmony, unrest and havoc situation among the people of Tawang district, particularly Buddhist community and thereby hurting the sentiments of the people thereof in terms of religion and promoting enmity by plotting conspiracy against the head (Abbot) of the Tawang Monastery, His eminence Guru Tulku Rimpoche.

### **Background Information**

Tawang district in Arunachal Pradesh is located 10,000 feet above sea level near India China border. Altogether 37 dams have been planned for construction in the two districts of the state which make up the Mon region. The largest of these are Tawang-I (600MW) and Tawang-II (800MW) on the Tawang Chu river and Nyamjang Chhu (780MW) in Tawang district. Tawang is considered an ecologically sensitive region. The National Green Tribunal had on April 7, 2016 suspended the environmental clearance of the 780 MW Nyamjang Chhu project in response to an Appeal filed by the Save Mon Region Federation. The ruling shook up the political establishment that has enthusiastically backed such projects. Tawang is the winter home to the black-necked crane, which is on the International Union for Conservation of Nature's list of threatened species. A major issue has been the impact on the wintering habitat of the black-necked crane, a vulnerable bird considered sacred by the Buddhist Monpa community. The Green Tribunal noted that the Union Environment Ministry had failed to consider the impact of the hydro project on the crane's habitat.

Lama Lobsang Gyatso was denied bail on 29th April, 2016 as the magistrate concluded that the report of the Investigating Officer was inconclusive. When the case came up for hearing on May 2<sup>nd</sup>, 2016, the magistrate had postponed the hearing to May 4th May leading to protest by around 1500 protesters who gathered outside the police station to demand the release of Lama Lobsang Gyatso, a vocal crusader against construction of hydro power projects in ecologically sensitive Tawang from custody. According to sources the police opened indiscriminate firing, just after lathi charge as some protestors had entered the police station to take Lama Lobsang out of the police custody. According to media

report two people died and six injured due to indiscriminate police firing. The deceased were identified as Nyima Wangdi (21 years), a monk from the Tawang Monastery and Tsering Tempa (31) from Jangda village who was shot point blank on the head. It has been alleged that the police had used unnecessary force and it was brutal in its dealing with the protestors. Instead of giving warning to the protestors the police resorted to indiscriminate firing.

***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 Tawang district:

- Order an immediate, thorough, transparent, effective and impartial investigation, consider to order a judicial enquiry, into the above-mentioned incident of repeated arrest and harassment of the anti-dam activist and human rights defender (HRD) Lama Lobsang Gyatso and killing of two protestors;
- Take immediate legal action on the perpetrators in this case Arunachal state police for killing two protestors and for arresting and harassing the HRD and using all provisions of law to ensure that the HRD Lama Lobsang Gyatso is not harassed or attacked or falsely implicated in future by the police;
- Ensure immediate appointment of a competent senior lawyer practicing on the criminal side in Tawang District of Arunachal Pradesh to defend the HRD in all the criminal cases registered against them at state cost with the counsel so appointed reporting to this Hon'ble Commission in periodic intervals;
- Guarantee in all circumstances the physical and psychological integrity of Lama Lobsang Gyatso as he continues to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of his arrest and provide a re-assurance of not engaging in such acts against HRDs such as Lama Lobsang Gyatso;
- Put an end to all acts of harassment against all human rights defenders in general in Arunachal Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Take steps to ensure the provisions contained in the Code of Conduct for Police In India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the

circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms;

- Take 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 realization 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 Arunachal Pradesh to be established soon and then to also take necessary steps to establish a focal point for HRDs in Arunachal Pradesh in order to ensure that HRDs have a new protection mechanism for them;
- 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 Arunachal Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Arunachal Pradesh in collaboration with the NHRC Focal Point on HRDs 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 Government of Arunachal Pradesh 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, ensure 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 Arunachal Pradesh.

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