



Human Rights Defenders Alert- India

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To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar

National Human Rights Commission

ManavAdhikarBhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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Sub: HRD Alert - India – Urgent Appeal for Action – Assam: Arrest of peasant leader, RTI activist and President of Krishak Mukti Sangram Samiti Mr. Akhil Gogoi in the middle of a press conference for allegedly instigating people during an eviction drive near Kaziranga National Park in Assam – 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 over the arrest of peasant leader, RTI activist and President of Krishak Mukti Sangram Samiti (KMSS) Mr. Akhil Gogoi from the middle of a press conference in Guwahati on the charge of allegedly instigating

people during eviction near Kaziranga National Park, which had led to the death of two protesters. People **protested peacefully** against the evictions.

Detail of the incident:

On 2nd October 2016 Mr. Akhil Gogoi was addressing a press conference in the office of the KMSS in Guwahati against the eviction carried out by Assam Government on 19th September 2016 in the Banderdubi and Deochurchang areas under Kaliabor sub-division, near Kaziranga National Park in Nagaon district of Assam and Central Government's discriminatory decision to give settlement and citizenship to Hindu Bangladeshi in India. KMSS staged protest on the eviction drive of Government near Kaziranga National Park and after the incident of 19th September eviction drive of Government of Assam, a case was filed against Mr. Akhil Gogoi in Jakhlabandha PS of Nagaon district of Assam on the charge of instigating the people to protest against the eviction. The case was filed under sections 120, 120B, 147, 148, 149, 307 and 435 of the IPC and the case number is 139/16 and he applied for interim bail which was rejected by Guwahati High Court and 5th October was decided for next hearing for the bail. On 2nd October 2016 when he started interaction with the media reporters, the police from Chandmari police station reached at the press conference and brought him to Chandmari police station. He was then produced in Nagaon court. Mr. Akhil Gogoi has been sent to judicial custody for fourteen days by Koliabor sub-divisional court on 4th October and has been sent to Nagaon prison. But on the afternoon of 5th October, the personnel from Boginadi Police Station arrested him again in another case with the permission of the court under sections 147/148/353/336/333/307/427/338 of the Indian Penal Code.

Source of Information:

The Coordinator of HRDA for the North East of India

Media Reports

The Perpetrators:

Assam police and Government of Assam

Date of Incident:

2nd October 2016

Place of Incident:

KMSS office at Gandhibasti, Guwahati

Background Information:

Peasant families were settled with land leases doled out by the Assam Gana Parishad government when it was in power in the 1980s in the adjoining areas of Kaziranga National Park. An eviction notice was served on them by Gauhati High Court in 2015 as the government had planned to extend the park premises. Although the high court ordered that due process of law must be completed before carrying out the eviction, the current government conducted a high pitch campaign during the recent assembly elections to evict these people so as to “save the park”. The peasant families were told that the government would consider compensating them after the eviction. When the families refused to move out, the district administration officials of Nagaon arrived in the Bandardubi area on the morning of 19th September to evict 193 families. The eviction team of nearly 1,000 personnel was drawn from the Assam Police and CRPF. Elephants and bulldozers were said to have been employed to demolish houses and some of these were set on fire.

When the occupants — men, women and children **peacefully resisted**, the police fired on them, which resulted in two women dying while many were wounded. The authorities tried to justify the firing by claiming that the “mob had turned violent”. There were also reports of similar incidents targeting the defenceless and helpless. There were even some untoward incidents in upper Assam involving vigilantes turning up at night and demanding that people produce their National Registry Certificates and land documents to prove their authenticity. It is alleged that after seizing such documents they then tried to destroy these.

Weeks ago, cases of destruction of Adivasi houses in Chirang district in Bodoland also came to light. What happened in Kaziranga is a very **military-like attack on unarmed people** and their land and property was razed on the pretext that they were illegal encroachers. There are several others who are not legal and carrying out businesses in the wildlife corridor within the park, resorts and tea gardens and are spared while innocent villagers are targeted because they are supposedly the “others”.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- ✓ Orders an immediate, thorough, transparent, effective and impartial investigation, through special rapporteurs appointed by the commission, into the above mentioned incident of violation of the right to liberty of movement and freedom of association; harassment, and intimidation against human rights defender Mr. Akhil Gogoi by the Assam police;
- ✓ Take immediate and appropriate action against those who are responsible for the harassment of human rights defender Mr. Akhil Gogoi and extra-judicial killing of two peaceful protestors;
- ✓ Order the appointment of a well experienced lawyer practicing on the criminal side in the subordinate criminal courts where this case will be pending to ensure that the HRD is represented at all stages of the investigation and later at the stage of trial in the court to assist the prosecution and ensure that all legal remedies available to the human rights defender is provided by him with a specific direction to report in periodic intervals to the NHRC on the progress in the case registered;
- ✓ Ensure that NHRC guidelines of encounters death is followed in this case of killing of two peaceful protestors;
- ✓ Ensures provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and denial of his right to liberty of movement and freedom of association and give this assurance to the NHRC of India in writing immediately and urgently;
- ✓ Guarantee in all circumstances the physical and psychological integrity of Mr. Akhil Gogoi who is still under risk of further 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 all human rights defenders like Mr. Akhil Gogoi in the country to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- ✓ Takes steps to ensure that the Government of Assam stops hounding and targeting rights activists with coercion and intimidation and instead creates a conducive, non-adversarial, intimidation-free environment enabling people to

share, discuss and debate in a democratic spirit crucial issues of development projects and programmes;

- ✓ 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:

- o 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;

- o Article 6 (c) which states that “everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”

- o 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”;

- 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.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

Henri Tiphagne

National Working Secretary

Human Rights Defenders Alert – India