



Human Rights Defenders Alert- India

National Coordination Office

6, Vallabai Road, Chokkikulam, Madurai 625 002

Tamil Nadu, INDIA

Tel: +91-9994368540 Email: hrda.india@gmail.com

12th November 2016

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy 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 – Chhattisgarh - Prof. Nandini Sundar: Harassing and intimidating academics and human rights defenders Prof. Nandini Sundar and others by registering false and fabricated FIR against them in Nama village in Sukma District, 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 endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding harassing and intimidating academics and human rights defenders by the local police administration in the Bastar region of Chhattisgarh state.

Source of Information on the Incident:

The East Regional Coordinator of HRDA

Media sources

The Perpetrators:

1. Shri Niraj Kumar Bansod, District Collector - Sukma
2. Mr. SRP Kalluri, Inspector General (Bastar Range)

The Human rights defender:

Professor Nandini Sundar (Delhi University), Professor Archana Prasad (JNU), HRD Mr. Vineet Tiwari, Mr. Sanjay Parate (Communist Party of India (Marxist)), and 18 others.

Date of Incident:

4th November, 2016.

Place of Incident:

Nama village in Sukma District, Chhattisgarh

Incident detail:

As per the source, in May 2016, a Fact Finding (FF) team of the above named academics and human rights defenders had gone to village Soutenar and Kummakoleng, to document various incidents of forceful surrenders of villagers by the police. They also looked into the allegations of Maoist backlash on villagers who have joined the security forces or surrendered to the police.

The fact finding report of the team issued in May 2016 revealed several instances of fake encounters, rapes and arrests by police and security forces. Instead of responding to the suggestions of the FF team report, one of them calling for a political dialogue between all stakeholders, including the government and the Maoists, the Bastar police launched a vicious campaign against the FF team members, accusing them of instigating villagers against the government. At that time, the police also forced a few villagers to write a complaint against the visiting fact-finding team, which the District Collector promptly displayed on his personal facebook page – a clear breach of criminal law and legal propriety.

As a result of which, in the case of the murder of a villager Samnath Baghel, from Soutenar Namapara village in Sukma on 4th November, 2016, a false and fabricated FIR bearing Cr. No. 27/2016, PS Tongpal dated 5.11.2016, been charged under Sections 302, 147,148, 149, 450,120B of Indian Penal Code , 25 and 27 of Arms

Act was filed against Professor Nandini Sundar, Professor Archana Prasad (also of AIDWA), Vineet Tiwari of the Joshi Adhikar Sansthan, Sanjay Parate of the CPI(M) and villagers - Mangla of Soutenar Namapara and Manju Kawasi of Gadiras.

Deceased Shamnath Baghel, was reportedly a leader of an anti-Naxal local group called the 'Tangiya'(axe). In May 2016, the FF team members named in the FIR had visited Nama village. The Chhattisgarh police claims that the villagers including Baghel and members of Tangiya group had complained that these FF team members were threatening them and coercing them to join the Maoists. The complaint was found to be baseless as members of Tangiya group told the media that none from the FF team asked them to join the Maoists and they were critiquing the use of force both by the police and the Maoists. They even refused to own the signatures on the police complaint against the FF team members

The recent attack on Prof. Nandini Sundar and others is precisely because of the findings of the CBI into the Tadmetla incident that it submitted last month. CBI filed chargesheets before the Special CBI Court, Raipur which has completely demolished the police's story that Naxalites burnt the villages. In its closure reports, CBI held police/SPO's responsible for arson.

IG (Bastar) Mr. SRP Kalluri's vindictiveness against Prof. Nandini Sundar was clearly visible in his press conference on 23rd October 2016, i.e one day after the CBI report was submitted in the Supreme Court, where he denied allegations made by the CBI and suggested that Prof. Nandini Sundar had bribed the villagers to give statements against the SPOs. The pure lawlessness of the State police became more evident after the CBI inquiry report, when Chhattisgarh police in all 7 districts of Bastar Division, publicly burnt the effigies of Prof. Nandini Sundar and other human rights activists like Manish Kunjam, Soni Sori, Bela Bhatia, Himanshu Kumar, and Journalist Malini Subramaniam and chanted slogans "Goli Maro Salon Ko". Vigilantes also attacked a press conference held by Mr. Manish Kunjam, president of the Adivasi Mahasabha, and vandalised his office.

Appeal :

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

- ✓ Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of harassment, intimidation and filing of fabricated and false cases on academics and human rights defenders; the NHRC should immediately intervene and direct the police to follow the law and not arrest the academics and activists
- ✓ The Chhattisgarh Police should immediately stop any coercive action and desist from arresting Prof. Nandini Sundar, Prof. Archana Prasad, Vineet Tiwari, Sanjay Parate, and other persons who were part of the Fact Finding Team in May, 2016 based on the trumped up FIR (Cr. No. 27/2016 PS Tongpal dated 5.11.2016);
- ✓ Guarantee in all circumstances the physical and psychological integrity and protection of the fact finding team members mainly Ms. Mangla of Nama and Ms. Manju Kawasi who being locals are the most vulnerable amongst all and continue to be under risk of further reprisals from the perpetrators;
- ✓ Take immediate action on the perpetrators for intimidation on the human rights defender by the local police and by using all provisions of law, ensure that the defenders are not harassed or attacked in future and the FIR against all of them should be quashed immediately;
- ✓ NHRC should also take note of the repeated subversions of the criminal justice system by the Chhattisgarh Police, to implicate innocent persons for political ends and their continued violation of fundamental rights and human rights of tribals and others in Bastar area in particular. NHRC should urgently release the Chhattisgarh investigation report prepared after enquiries during the months of April and May 2016.
- ✓ 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;
- ✓ 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”;

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

Henri Tiphagne

National Working Secretary