



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 15, 2017.

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Madhya Pradesh: Illegal arrest of social activists and human rights defenders at Ratlam district, while they were on the way to meet the six aggrieved family members who died last week while protesting in Mandsaur district, Madhya 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 now writing to express our grave concern regarding the arrest of a group of social activists who were on their way to meet the aggrieved family members of the farmers who died while protesting in a peaceful way in Mandsaur District in Madhya Pradesh. HRDA had complained to NHRC regarding excessive use of force by police on peaceful protests by farmers, leading to killing of six protestors.

Source of Information on the Incident:

- The Coordinator of HRDA for East of India
- Interaction with Dr. Sunilam, who was also arrested
- Media Reports

Status of Human Rights Defender:

Mr. Yogendra Yadav is a political scientist and co-founder of non-profit Swaraj Abhiyan. He is a psychologist and academician whose primary interests are in the political and social sciences. He has been a Senior Fellow at the Centre for the Study of Developing Societies (CSDS), Delhi since 2004. He is a former member of University Grants Commission (UGC) and National Advisory Council (NAC) on Right to Education Act (RTE) appointed by United Progressive Alliance (UPA) government.

Ms. Medha Patkar is an Indian social activist working on various crucial political and economical issues raised by adivasis, dalits, farmers, labourers and Women facing injustice. She is the founder member of 31 years old people's movement in the three states; Madhya Pradesh, Maharashtra and Gujarat. Narmada Bachao Andolan (NBA) engaged in struggle for justice to the dam projects affected people, challenging development paradigm and in reconstruction including educational work. She is one of the founders of National Alliance of People's Movements (NAPM), an alliance of hundreds of progressive people's organisations.

Swami Agnivesh is an Indian politician and a former Member of Legislative Assembly from the Indian state of Haryana, an Arya Samaj scholar, and a social activist. He is best known for his work against bonded labour through the Bonded Labour Liberation Front, which he founded in 1981.

And several other HRDs who were with the three mentioned above.

The Perpetrators:

- a) Mr. S.K Singh, District Collector of Mandsaur
- b) Mr. Avinash Sharma, Deputy Inspector General of Police, Ratlam Range
- c) Mr. M.B Ojha, Divisional commissioner
- d) Mr. Abhishek Deewan, City Superintendent of Police, Mandsaur

Date of Incident:

June 11, 2017

Place of Incident:

In Dhodhar toll plaza in Jaora town of Ratlam District

Incident detail:

According to sources, on June 11, 2017, around 30 social activists were on their way to Mandsaur to meet the aggrieved families of farmers who were killed in police firing. The activists were stopped by the police at the Dhodhar toll plaza in Ratlam district's Jaora town. On being stopped from entering Mandsaur, the activists team sat on a protest on the Mhow-Neemuch Highway. Police denied their entry as Section 144 of Code of Criminal Procedure (CrPC) was imposed in Mandsaur district. Mr. Yogendra Yadav along with others tried to make the police understand to allow them to proceed in a batch of four persons to meet the family and express their solidarity. He even assured the administration that no law and order will be violated by them.

Swami Agnivesh also even assured the police that representatives of different parts of India had come with the soil from their respective regions to show their solidarity with the farmer families. He tried to make the administration understand that they came here for building an atmosphere of peace and brotherhood, not to breach the peace, but the police did not allow them to meet the families of the deceased farmers. It is alleged that the police of Ratlam did not allowed the group to enter in to Mandsaur and detained them in the circuit house for about 30 minutes. Later they were arrested under Section 151 of CrPC

Appeal:

We **therefore** urge you to immediately

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned illegal arrest of HRDs;
- In case number 1227/12/28/2017 registered by NHRC, concerning killing of six farmers, NHRC had ordered for 'transmit a copy of the complaint to the concerned authorities calling for a report within four weeks'. Given the seriousness of the situation and gross human rights violations, NHRC should undertake an independent investigation into the entire matter.
- Put an end to all acts of attack and harassment against all human rights defenders in Madhya Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution;
- 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 Madhya Pradesh to be established and then to also take necessary steps to establish a state focal point for HRDs in order that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Madhya Pradesh to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a coordinated strategy is developed within Madhya Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Madhya 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 Madhya 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, 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 Madhya Pradesh.

Looking forward to your immediate action in this regard,

Yours Sincerely,



Henri Tiphagne
National Working Secretary

Copies to:

Justice (Retd.) H L Dattu

Chairperson, National Human Rights Commission

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Special Rapporteur on the situation of human rights defenders,
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