



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 06, 2018

Ref No:- HRDA/West/MH/1/6/2018

To,
Shri Srinivasa Kammath
National Focal Point - Human Rights Defenders,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: Reference to NHRC Case Number – 379/90/0/2018. Update – Maharashtra – Raids and Arbitrary Arrests of activists and advocates in Mumbai, Nagpur and New Delhi by personnel of Maharashtra Police - Regarding

Human Rights Defenders Alert – India (HRDA) had issued an urgent action petition on April 20, 2018 regarding the raids and searches conducted by Pune police personnel on April 17, 2018, at the residences of Sudhir Dhavale, Harshali Potdar, Ramesh Gaychor, Jyoti Jagtap, Sagar Gorkhe, Rupali Jadhav, Dhawala Dhengle, Surendra Gadling and Rona Wilson. In the petition, HRDA in the petition had also explained about –

- The targeted violence by the Hindutva right-wing groups instigated by Sambhaji Bhide and Milind Ekbote in Bhima Koregaon on January 1, 2018
- State wide protests calling for the arrest of Sambhaji Bhide and Milind Ekbote
- No action taken against Sambhaji Bhide and Milind Ekbote
- Police retaliation by conducting massive combing operations in Dalit households, arbitrarily searching homes, arresting young men and illegal detentions

Hon'ble Commission should also note that complaints and FIRs have been lodged against Sambhaji Bhide and Milind Ekbote and are facing charges of inciting violence, attempt to murder and atrocities against Dalits. The anticipatory bail application of Milind Ekbote was rejected by the Supreme Court on March 14, 2018.

HRDA through this follow up urgent action petition is placing before the Hon'ble Commission the recent condemnable events in this case. On June 6, 2018, at 6 AM, the Pune and Maharashtra police raided the premises of Adv. Surendra Gadling, Mr. Sudhir Dhawale, Prof. Shoma Sena, Mr. Rona Wilson and Mr. Mahesh Raut and followed it with their arrests. They have been arrested under the draconian Unlawful Activities Prevention Act (UAPA). They are taken to Pune from various locations on transit remand by the Pune Police. There is already a prejudicial narrative underway in the mainstream media projecting these human rights defenders as "Maoist operatives" to justify their arbitrary arrests.

Adv. Surendra Gadling is a Dalit lawyer based in Nagpur and is the General Secretary of Indian Association of People's Lawyers and has been representing activists and people from marginalized sections, especially Dalits, tribals and workers from various backgrounds. Prof. Shoma Sena is the Head of the Department for English at the Nagpur University and a member of Women against Sexual Violence and State Repression. Mr. Sudhir Dhawale is a Dalit activist and editor of Marathi magazine 'Vidrohi'. Mr. Rona Wilson is the public relations secretary of the Committee for Release of Political Prisoners. Mr. Mahesh Raut is an anti-displacement activist and a convener of the Visthapan Virodhi Jan Vikas Andolan (People's Movement Against Displacement).

There was a FIR lodged by one Tushar Damgude at Pune City's Vishrambaug police station in January 8, 2018 against the above mentioned human rights defenders. This FIR, originally registered u/s 153(A), 505 (1)(b), 117 and 34 of the Indian Penal Code (IPC), it was turned into a conspiracy case in March 2018 and sections of the UAPA have been added. It is falsely alleged that the above mentioned human rights defenders were spreading controversial pamphlets and delivering hate speeches in connection with the Bhima Koregaon violence that broke out on January 1, 2018.

All of the above-mentioned persons have been long associated with several social movements and have worked on a range of issues concerning human rights, democracy, civil liberties, rights of Dalits and other marginalised communities etc. Raids and searches on April 17, 2018, and arrests on June 6, 2018, clearly indicate this to be an orchestrated attack on human rights defenders for their initiatives for justice after the Bhima Koregaon violence. These arrests under UAPA is also an attempt by the Maharashtra government to curtail the fundamental rights guaranteed under Articles 14, 19 and 21 of the Indian Constitution. UAPA has several draconian provisions and one of them is allowing detention without filing of a charge-sheet for up to 180 days. These arrests under UAPA are undertaken also to deter other organisations, movements and individuals who are calling for actions against pro-Hindutva leaders Sambhaji Bhide and Milind Ekbote, who have a history of allegations against them for causing communal and caste tensions, rioting, etc. It is pertinent to note here that in the complaints and FIRs against Sambhaji Bhide and Milind Ekbote, UAPA was not invoked by the same police. A Judicial Commission headed by Justice (Retd.) JN Patel was set up by the Maharashtra government after the Bhima Koregaon violence and these arrests will definitely ensure that testimonies against the two main accused and their organisations are not brought forward. These arrests are also an attack on expression and dissent by the Maharashtra government and undertaken to restrict the criticism ahead of the upcoming national and state elections.

HRDA strongly condemns this act of state reprisal and attempts of the state to stifle voices of dissent. HRDA believes these human rights defenders are being targeted for their work to ensure justice in the case of Bhima Koregaon violence where the prime accused are associated with the Hindutva right-wing groups. HRDA also condemns the concerted state effort to shield the two main perpetrators Sambhaji Bhide and Milind Ekbote, accused of inciting the Bhima Koregaon violence. These Hindutva right-wing groups are closely associated with the current ruling dispensation at the centre and state and the immunity provided to the two prime accused, contrary to the arrests of human rights defenders, speaks volume of the intentions of the state.

Appeal:

HRDA reiterate its earlier appeal in Case No - 379/90/0/2018 and urges the Hon'ble Commission to:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation, through NHRC's independent investigation team, into the above-arrests of the human rights defenders, Adv. Surendra Gadling, Prof. Shoma Sen, Mr. Sudhir Dhawale, Mr. Rona Wilson and Mr. Mahesh Raut;
- The independent investigation team must record statements of all the human rights defenders mentioned in this appeal and the earlier appeal numbered as 379/90/0/2018;
- Order that UAPA charges against Adv. Surendra Gadling, Prof. Shoma Sen, Mr. Sudhir Dhawale, Mr. Rona Wilson and Mr. Mahesh Raut are dropped and these persons are immediately and unconditionally released;
- Given that Sambhaji Bhide, Milind Ekbote and other perpetrators responsible for violence at Bhima Koregaon are scot free, ensure through exercising provisions of Protection of Human Rights Act, 1993 and intervene in the cases filed against them through a competent criminal lawyer appointed by the Hon'ble Commission;
- Ensure in all circumstances that human rights defenders and those who participated in the peaceful protests are not intimidated by any legal action, and;
- Guarantee in all circumstances the physical and psychological integrity of all the activists and their family members from any further reprisals from the perpetrators and using all provisions of law to ensure that they not harassed or intimidated in future.

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
National Working Secretary