



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 20, 2019

To,

Mr. Khaleel Ahmed

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: Illegal arrest, detention and torture of writer and human rights defender Rupesh Kumar Singh and Advocate Mithilesh Singh by Bihar police - 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 now writing to express our grave concern regarding the illegal arrest and torture of human rights defender Mr. Rupesh Kumar and Advocate Mithilesh by the Gaya police.

Status of Human Rights Defenders:

Mr. Rupesh Kumar Singh was a prominent student leader associated with the All India Student Association (AISA). He is well-known in social media for his progressive writing. He is a social activist, an independent journalist and is also associated with a labour organization in Bakaro. Mr. Mithilesh Singh is a social activist and a lawyer at Ramgarh Civil Court.

Source of Information on the Incident:

- Regional Coordinator HRDA
- Information from social activists from the state
- Media publications

Perpetrators:

- Mr. Navin Kumar Singh, Assistant Superintendent of Police (Naxal), Gaya
- Mr. Ravish Kumar, Deputy Superintendent of Police, Gaya

Date of Incident:

June 4, 2019.

Details of the Incident:

As per the sources, on June 4, 2019, at about 8 AM, Mr. Rupesh Kumar Singh along with Mr. Mithilesh Kumar Singh, a social activist and a lawyer at Ramgarh Civil Court were travelling to Aurangabad, the ancestral village of Mr. Mithilesh in a car. When they did not reach Aurangabad on the desired time and their cell phone went unreachable, the family members of Mr. Mithilesh went to file a missing complaint with the Ramgarh police station which they managed to register the next day.

Both the family members were astonished to know from the daily newspapers that on June 7, 2019, Mr. Rupesh, Mr. Mithilesh and the driver were arrested from Dobhi More at NH-2, near Sherghati, around 30 km from Gaya on June 6, 2019 and were charged under Sections 414 and 120B of the India Penal Code, along with other sections under the Explosive Substances Act. The following day, a unit of the Bihar Police illegally searched Mr. Rupesh's house in Ramgarh and Bokaro, and seized his mobile phone, laptop and few books on Lenin, Marx etc.

It is alleged that the Bihar police had arrested three of them illegally on June 4, 2019, at about 9.30 AM from near village Padma near Hazaribagh. It will be pertinent to mention here that all of them were forcefully handcuffed and face covered with cloth at the spot and brought to the Paramilitary (Cobra battalion) base camp at Barachetti, where all of them were badly tortured especially Mr. Rupesh Kumar who was threatened for his progressive writing and political work. It is clear that the police had Mr. Rupesh and Mr. Mithilesh in illegal custody till June 6, 2019 as per news reports.

The Commission is apprised that Mr. Rupesh Kumar and Mr. Mithilesh are being targeted by Bihar police for their progressive writings and activism and are being

victimised by being entangled in false and fabricated cases. Further by not following proper arrest procedures and having used handcuffs and covering of faces by the Bihar police amounts to blatant violation of D.K. Basu guidelines on arrests which has now being incorporated under the Indian Criminal Procedure Code.

It is once again brought to the notice of the Commission that the present case is yet again an example of how harassment, intimidation and illegal detention has become a routine practice by the State against human rights defenders and activists who dare to stand up for what is right.

Appeal:

We, therefore, urge you to immediately:

- Order an immediate, thorough, transparent and time bound investigation into the above-mentioned incident;
- Based on your investigation and exercising provisions of the Protection of Human Rights Act 1993, recommend for actions against police officials;
- Ensure immediate release of Mr. Rupesh and Mr. Mithilesh;
- Provide legal assistance through the District Legal Services Authority and ensure a senior criminal lawyer is appointed to handle their case;
- Ensure necessary medical treatment for Mr. Rupesh and Mr. Mithilesh for the injuries suffered by torture in illegal detention by police; and,
- Guarantee in all circumstances the physical and psychological the integrity of the HRDs Mr. Rupesh Kumar, Mr. Mithilesh and their family members who are still under risk from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary.