



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 13, 2019

To,
Shri 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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Intimidation and Harassment of Fr Stan Swamy by Maharashtra Police in Ranchi, Namkum Jharkhand - Regarding.

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 regarding the illegal raid, intimidation and harassment of human rights defender Fr Stan Swamy by Pune police in his office “Baghicha” - Namkum, Ranchi in the morning of June 12, 2019.

Status of Human Rights Defender:

Fr Stan Swamy aged about 83 years, an exceptionally gentle, honest and public-spirited person, moved to the Chaibasa area of undivided Bihar in the 1970s. During the 1996 campaign led by the Jharkhandi Organisation Against Radiation (JOAR) against the

Uranium Corporation of India Limited's (UCIL) Jadugoda mines in undivided Bihar's East Singhbhum district Fr Stan had taken an active role.

Fr Stan Swamy has engaged with tribals for over three decades through his NGO Bagaicha in Ranchi. Fr Stan has worked tirelessly towards extension of Panchayat and implementation of PESA in states scheduled areas.

Fr Stan works for the rights of tribals and other underprivileged groups in the state. Among other issues, he also works on displacement, corporate loot of resources, the condition of undertribals and PESA. Swamy also runs a school for adivasi children and a technical training institute on his residential premises.

Source of Information on the Incident:

- HRDA East Regional Coordinator
- Communication with Aloka Kujur, Gopinath Gosh and Damodar Turi
- Media reports.

Perpetrators:

1. Mr. Shivaji Pawar, Assistant Commissioner of Police, investigation officer in the Bhima Koregaon case and his team members
2. Shri K.N. Choubey, Director General of Police Jharkhand
3. Mr. Anish Gupta Superintendent of Police, Ranchi

Date of Incident: June 12, 2019.

Background:

Last year on August 28, 2018, in connection with the Bhima Koregaon case, Pune Police had raided Fr Stan Swamy's home. Pune Police had arrested 10 activists for allegedly being involved in an event that preceded the violence between Dalits and Marathas at Bhima Koregaon near Pune on January 1, 2018. They are accused of masterminding the violence and having links with the banned Communist Party of India - Maoists. The Pune Police first arrested five activists – Shoma Sen, Surendra Gadling, Mahesh Raut, Rona Wilson and Sudhir Dhawale – in June 2018 as part of the Bhima Koregaon investigation and the police filed a chargesheet against them. Two months later, activists Arun Ferreira,

Vernon Gonsalves, Sudha Bharadwaj and Varavara Rao were arrested. Gautam Navlakha has protection from arrest in this case.

Details of the Incident:

As per the sources, On June 12, 2019, 7:15 am, an eight-member team of the Maharashtra police once again raided the Bagaicha campus in Namkum near Ranchi. Pune police without having a valid search warrant searched Fr Stan Swamy's belongings for about three and a half hours.

It is a clear case of intimidation to harass the human right defender. It will be pertinent to mention here that, even if Fr Stan Swamy was not arrested by the Pune police team, his articles like computers, hard disks and internet modem were sized and the team members forced him to give his email and Facebook passwords.

It is reiterated once again before the Commission that in the recent past high profile investigation and intrusive surveillance has been a state tactics to harass human rights defenders carrying out legitimate work. This is in stark contravention of United Nations General Assembly resolution 70/161 adopted on December 17, 2015, which recognizes the role of HRDs and the need for their protection and states that information and communication technologies are not used in a manner that amounts to unlawful interference with the privacy of individuals or the intimidation of human rights defenders.

The present case is once again a direct display of high handedness and arbitrary abuse of power by the police whereby an age old activist is being harassed and mentally tortured repeatedly which is in grave violation of his fundamental Right to life - to live freely without fear and intimidation as guaranteed by the Constitution of India.

In the case of arrests, allegedly related to the Bhima Koregaon incident, several prominent and globally recognised HRDs are falsely charged under Unlawful Activities Prevention Act (UAPA). In this case, the first raids were conducted on April 17, 2018, and HRDA had petitioned with the NHRC. This case 909/13/16/2018 was disposed of with directions to the concerned authorities. This was followed by another round of raids and arrests on June 6, 2018, and HRDA once again petitioned before the NHRC which was numbered 379/90/0/2018. This was also disposed of with directions to the concerned authorities. HRDA on August 28, 2018, once again approached the NHRC on the third

set of raids and second set of arrests that took place on August 28, 2018. Nine prominent activists, lawyers, academicians were arrested under the UAPA. Despite HRDA petitioning on August 28, 2018, the NHRC took suo-moto cognizance based on a newspaper article dated August 29, 2018, and was numbered 1618/13/23/2018. This was made known to HRDA after an RTI application seeking the same. HRDA has been kept out of this case and according to the NHRC's website this case was closed on December 10, 2018, solely based on the submissions by the Maharashtra police and administration.

Appeal:

We, therefore, urge you to immediately take necessary steps and;

- Order an immediate, independent, timebound & impartial enquiry into the above-mentioned incident;
- Guarantee in all circumstances the physical and psychological integrity of HRD Fr Stan Swamy, who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Undertake a trial monitoring in the Pune court of cases relating to arrests in Bhima Koregaon case where nine prominent HRDs have been arrested and several raids
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of this threats and intimidation to his life and give this assurance to the NHRC of India in writing immediately and urgently.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary