



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 11, 2021

To

Mr. C.S Mawri,
National Focal Point - Human Rights Defenders & Assistant 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 – Jharkhand: Illegal detention, entrapment and arrest of HRD Mr. Ba Singh Hassa under fabricated charges by Jharkhand Police and administrative officials.

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 in to express our concern over the illegal detention, entrapment and arrest of HRD Mr. Ba Singh Hassa and others by Jharkhand Police and administrative officials.

About the Human Rights Defenders:

Mr. Ba Singh Hassa is a resident of Dadgama village in Khunti block of Khunti district. An activist with Adivasi Adhikar Manch – a civil society group that protects the land, water and forest rights of indigenous groups, Mr. Hassa has organised and participated in numerous peaceful movements, demonstrations and meetings in Khunti and other places in the past decade, including in the Pathalgadi movement in 2018-19, and ongoing protests against the new farm laws. He is well-educated and offers advice and support to innocent villagers falsely accused of being Maoists.

Source of Information:

- Communication with the HRD's family
- Communication with other HRDs in the region
- Police records

The Perpetrators:

- Mr. Sayyed Riyaj Ahemed, Sub Divisional Officer, Khunti
- Mr. Jaydeep Toppo, former Officer in Charge, Khunti Police Station

- Mr. B Thakur, current Officer in Charge, Khunti Police Station
- Personnel attached with Khunti Police Station

Date of Incident:

September 24, 2021

Place of Incident:

Khunti district, Jharkhand

Background of the Incident:

On June 15, 2018, an FIR (88/2018) was registered in Khunti Police Station against 8-10 unidentified persons who were accused of murdering villagers Mr. Ganju Munda and Ms. Sanika Munda. The accused were charged under Sections 147, 148, 149, 448, 302, 325, 342, 201, 307 and 120B of the Indian Penal Code.

In early 2019, police included the names of Mr. Ba Singh Hassa, his brothers and cousins and other villagers among the accused. Mr. Hassa learned about this from relatives employed with the police force, and was not informed about it officially.

On April 27, 2019, Mr. Jaydeep Toppo, Officer in Charge, Khunti Police Station visited Mr. Hassa's residence with 10-12 other policemen, all in uniform, in two police vehicles at around 11.30 PM. They detained Mr. Ba Singh Hassa, his brothers and cousins Mr. Bahadur Hassa, Mr. Kinu Hassa, Mr. Rugu Munda, and another villager Mr. Sago Munda from their respective homes and took them to Khunti Police Station.

Mr. Kinu Hassa and Mr. Rugu Munda were detained inside the lockup from midnight till 10 AM on April 28, 2019. They were severely tortured in custody, and hit with batons on their back and legs several times, which caused blood clots and pain and left them bed-ridden for 10 days.

Whereas Mr. Ba Singh Hassa, Mr. Bahadur Hassa and Mr. Sago Munda were detained in the police station premises till around 7 PM on April 28, 2019. They were interrogated by Mr. Jaydeep Toppo on several occasions during this period, and were asked to provide details of their involvement in recent incidents of arson by Maoists, and in the murder of Mr. Ganju Munda and Ms. Sanika Munda. Mr. Hassa and others denied these accusations.

The inclusion of Mr. Hassa and his relatives' names among the accused in the murder case and their illegal detention, intimidation and torture coincided with their involvement in the Pathalgadi movement, demanding recognition and protection of the constitutional rights of adivasis. None of them were called for questioning by police regarding the murder case, or officially intimated about them being charged in the case.

Details of the incident:

On July 14, 2021, Khunti Sub Divisional Officer (SDO) Mr. Sayyed Riyaj Ahemed issued a notice under Section 107 of the Code of Criminal Procedure (which allows an Executive Magistrate to show cause any person likely to disturb peace or disturb the public tranquillity). It mentioned the names of 25 people, including Mr. Ba Singh Hassa and his brothers/ cousins Mr. Bahadur Hassa, Mr. Kinu Hassa and Mr. Jugal Munda,

who were likely to disturb peace and security in the area according to information with the SDO. All 25 persons were asked to report to the SDO court in Khunti on July 22, 2021 and show cause why they should not be asked to furnish a bond of Rs 50,000 and two supporting witnesses.

Mr. Bahadur Hassa received a call from the Khunti Police Station on July 17, 2021, when he was informed about the notice. He collected the notice from the police station the next day, and reported to the SDO court with Mr. Ba Singh Hassa and other brothers/ cousins on July 22, 2021, and two more subsequent hearings.

On September 24, 2021, the day of the fourth hearing, Mr. Ba Singh Hassa, Mr. Kinu Hassa, Mr. Jugal Munda and Mr. Bahadur Hassa reached the court at around 10 AM, whereas their turn came up at 2.30 PM. When they presented themselves before SDO Mr. Ahemed, he asked them not to leave the court premises without his permission. He then called someone from his phone and said that three absconding accused in the murder case (FIR no 88/2018) were sitting in front of him.

At around 4.30 PM, Khunti PS Officer in Charge Mr. B Thakur reached the court in civil clothes with three other policemen in uniform. They arrested Mr. Ba Singh Hassa, Mr. Kinu Hassa and Mr. Jugal Munda from inside the court premises. The HRD and his relatives were not informed about why they were arrested, nor shown any arrest warrant or allowed access to a lawyer. All provisions of the DK Basu guidelines were violated.

Mr. Hassa and others were taken to the Khunti Police Station in a police vehicle and detained there overnight. They were taken for medical examination at 2 PM, produced in court at around 4.30 PM on September 25, 2021, and remanded to Khunti jail. We firmly believe that the HRD and his relatives were ensnared by the SDO and arrested by police in a case that was over three years old in violation of due procedures.

The SDO referred to them as absconding even though Mr. Ba Singh Hassa had communicated and met several police and government officials in his capacity as an activist and participated in many public programmes in Khunti and Ranchi in the intervening period. He was also detained and interrogated by police in Khunti in April 2019.

Whereas, the notice against the HRD and his arrest coincided with his active involvement in peaceful meetings and protests against the new farm laws in Khunti. This indicates that the action against Mr. Hassa and others is an act of political vendetta, and aimed at muzzling the freedom of speech, expression and assembly, which are guaranteed under national and international legal frameworks.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid, it is stated that the Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

The UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, 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 1). 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”. (Article 12.2).

When HRDs like Mr. Ba Singh Hassa are falsely implicated in criminal cases, ensnared by high-ranking officials and arrested in violation of due procedure, these rights are grossly violated and dissent and peaceful assembly muzzled.

Appeal:

HRDA urges the Hon'ble Commission to immediately take urgent action and:

- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the intimidation, illegal detention and arrest of Mr. Ba Singh Hassa and his relatives under fabricated charges.
- Depending on the result of the inquiry, direct the Chief Secretary and Director General of Police of Jharkhand to take immediate and strict action against the police and administrative officials guilty of misusing law and targeting the HRD.

Looking forward to your immediate action in this regard,
Yours sincerely,



Henri Tiphagne
National Working Secretary