



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/EAST/CGH/02/09/2024

September 26, 2024

To

Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Chhattisgarh- Illegal arrest, torture and fake charges on journalists for reportage on illegal sand mining by Chhattisgarh and Andhra Pradesh Police

Greetings from Human Rights Defenders Alert!

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 concern regarding the illegal arrest, torture of and false cases on journalists Mr. Bappi Ray (38), Mr. Pawan, Mr. Shivendu Trivedi, Mr. Dharmendra Singh, Mr. Manish Singh under the under the Narcotic Drugs and Psychotropic Substances (NDPS) by the Chhattisgarh and Andhra Pradesh Police for investigating illegal sand mining activities by powerful people.

About the Human Rights Defenders:

Mr. Bappi Ray, Mr. Pawan, Mr. Shivendu Trivedi, Mr. Dharmendra Singh, and Mr. Manish Singh are local journalists who are working for different news channels.

- Mr. Bappi Ray has been working with Zee TV Chhattisgarh for last eight years and then with Bharat 24 TV Channel. For the last 2 years he has been working with YouTube Channel Main Bastar.
- Mr. Pawan was working with Bharat TV.
- Mr. Shivendu works with Bappi Ray as his cameraperson.
- Mr. Manish Singh was working with Aaj Tak TV Channel.

Source of Information:

Communication with HRDA Regional Co-ordinator
Communication with the HRDs

The Perpetrators:

- SHO Mr. Ajay Sonkar, Konta police station, Konta town, Chhattisgarh
- SHO Chinturu police station, ASR District, Andhra Pradesh
- SHO Sunil Singh of Phool Bangdi PS, Sukma District, Chhattisgarh
- Other Police personnel Chinturu police station ASR District, Andhra Pradesh.

Date of Incident:

August 13, 2024

Place of Incident:

Village Chatti, ASR District, Andhra Pradesh.

Background of the incident:

Konta is a town located on the border of the states of Chhattisgarh and Andhra Pradesh. Illegal sand mining is rampant in Shabri river in Konta town. This illegal sand mining is done by politically powerful people called the sand mafia. Five journalists-- Mr. Pawan, Mr. Bappi Ray, Mr. Shivendu Trivedi, Mr. Dharmendra Singh, Mr. Manish Singh working for local tv channels decided to investigate this illegal sand mining activity.

Details of the Incident:

On August 09, 2024, all the five journalists Mr. Pawan, Mr. Bappi Ray, Mr. Shivendu Trivedi, Mr. Dharmendra Singh, and Mr. Manish Singh went to Konta town in Chhattisgarh, where they were investigating illegal sand being smuggled to the state of Andhra Pradesh in collusion with the police department.

At 3 PM, the journalists saw a truck carrying sand going towards Chhattisgarh -Andhra Border and they asked the truck driver to show his government pass to transport sand from Chhattisgarh to Andhra Pradesh. However the truck driver didn't have relevant papers. At around 4:00 PM Station House Officer (SHO) of Konta, Mr. Ajay Sonkar along with a sand contractor reached there on a motorbike and started arguing and threatening the journalists. Mr. Ray phoned the DIG Mr. Kamal Lochan Kashyap and told him about the illegal mining and the DIG told him to report it to the mining department.

The Station House officer Mr. Sonkar, took the truck to Konta Police station and all the journalists followed the truck to the police station. Meantime they received a phone call from SHO Sunil Singh of Phool Bangdi Sukma District who told Mr. Bappi Ray not to interfere in the matter as SHO Ajay Sonkar is his friend.

The journalists left the truck at the police station and went to Murli Lodge at Konta town where the Police station in-charge Ajay Shankar and his staff checked the lodge and surroundings.

At around 11:30 PM, the journalists went to have our dinner at Raju Dhaba in Konta and returned to their hotel at 1 am. Meanwhile the journalists sent a photo of the sand transport pass to Mr. Vijay Sharma, the Home Minister of Chhattisgarh. Later Mr. Bappi Ray alleged that a video clip went viral in which SHO Ajay Sonkar is seen with another cop standing near his parked car outside his hotel at night. He said that his car is very old and can't be locked from outside, so it always remains open.

Next morning at 10 AM all four journalists went to have breakfast at the Andhra Pradesh Chatti village and drove back towards Konta town.

Suddenly, 5 plainclothes policemen on three bikes stopped the journalists' car. They asked them where they were coming from and then asked us to open the boot of the journalists car.

The plain clothed policemen snatched the car keys and mobile phones of all journalists and asked to open the boot. According to Mr. Ray when he opened the boot of the car, he saw some well-made packets lying in car boot chamber. A policeman tore one of the packets and declared that this was *Ganja* (marijuana).

The police asked Mr. Ray to sit with them on a bike and the rest three in his car which was being driven by a plain clothes policeman. They all were taken to Chinturu Police station of ASR District Andhra Pradesh. Police asked the journalists to hold those packets. Mr. Ray refused to touch those packets but his two colleagues held those packets.

All journalists were locked in police lock up. After one hour they were taken out and beaten up by leather belt (called 'Pataa'). Mr. Ray was hit by Pataa thrice while the other three colleagues were hit twice by Pataa. The police told them to rub themselves against the wall to remove the pataa marks. The police threatened Mr. Ray that they will kill him

in a fake encounter (extra judicial killing). The scared journalists tried to explain that didn't know about Ganja.

The SHO took the journalists in his car and went to Murli Lodge Konta and saw a CCTV recording. Then SHO Chinturu went to Konta Police Station Chhattisgarh and met SHO Konta-Ajay Sonkar. Later the journalists were taken back to Chinturu Police station in Andhra Pradesh and were given a blanket. Next day some journalists came and met Mr. Ray and others at Chinturu Police station. The Additional Superintendent of Police Sukma District came and talked to the journalists and enquired the whole sequence of events.

On August 12, 2024, at 2 AM, SHO of Chinturu came and woke up the journalists and asked them to come with his police team. The journalists feared that they were going to get killed in fake encounter right then. The police took their car and another car and took them to Chetti village. There they were told to say that they were arrested the same day at 2 PM and not three days earlier. The police carried a weighing machine also. They weighed the packets and an officer took their signatures. The journalists were taken back to Chinturu police station.

On August 12, at around 10 AM all four journalists were taken to Chinturu government hospital for medical check-up and then to Rampasodawaram Sub division court. At around 3 PM they were taken to Rajmendri Court. At Rajmendri Court they were sent to judicial custody till August 23. At 10 at night they were taken to Rajmendri Jail. On 3rd September 2024 all were granted bail.

The journalists allege that on 11th September SHO Konta Ajay Sonkar along with P Vijay a local politician went to Murli Lodge and threatened them and took the hard drive of the CCTV recorder and then the SHO Konta destroyed these two hard drives. Later an FIR was lodged against SHO Konta Mr. Ajay Sonkar for destroying the cctv footage, and he was arrested and sent to jail. All the journalists have to report at Chinturu Police station every week.

HRDA is deeply concerned about the threats, torture, illegal arrest and fake cases faced by journalists out to investigate a story on illegal mining.

The report casts suspicion on the role of the police and the SHO destroying the CCTV of the camera. Furthermore the journalists were arrested by the police without any arrest memo or warrant and without any due process of the law.

We are also gravely concerned by the torture of the journalists in the police station being assaulted by leather belts. Torture is a serious violation of human rights law in national and international law. The Hon'ble Commission itself asked the State to criminalise torture. Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas Article 2 of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

The Declaration on Human Rights Defenders 1999 also 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. According to Article 11 United Nations Declaration on Human Rights Defenders 1999 *"Everyone has the right, individually and in association with others, to the lawful exercise their freedom of association and assembly"*.

The United Nations Declaration on Human Rights Defenders 1999 states the following: Article 12 (2) and (3) *"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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."* Our Constitution also gives journalists the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of journalists. The right to freedom of 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. If journalists will be arrested for investigating journalism the 4th pillar of the Constitution will collapse.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the illegal arrest and false cases on HRDS Mr. Pawan, Mr. Bappi Ray, Mr. Shivendu Trivedi, Mr. Dharmendra Singh, Mr. Manish Singh for storing ganja and submit the report to NHRC within two weeks.
- Direct the Director General of Police of Andhra Pradesh to initiate an independent and urgent inquiry into the torture of the said journalists in the police custody of Chintur police station in Andhra Pradesh.
- Based on the result of the inquiry, direct the Director General of Police of Andhra Pradesh and immediately suspend and file a cause of torture against policemen, specially the SHOs of Chintur and Konta police Station and recommend strict and immediate legal action against the perpetrators, including prosecution under the law.
- Direct the Director General of Police of Chhattisgarh and Andhra Pradesh to initiate an independent and urgent inquiry into illegal sand mining in Shabri river in Konta town and submit the report to the NHRC within 4 weeks.
- Direct the Director General of the Police of Chhattisgarh to ensure the complete physical and psychological safety of the HRDs and their families and assure the NHRC of the same in writing within one week.
- Immediately quash the false cases on the journalists Mr. Bappi Ray, Mr. Pawan, Mr. Shivendu Trivedi, Mr. Dharmendra Singh, and Mr. Manish Singh.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary