



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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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: Urgent Appeal for Action – Chhattisgarh- Assault, unlawful detention and arrest of tribal EHRDs by Chhattisgarh police & ban on tribal movement

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 lathi charge, unlawful arrest of environment human rights defenders and members of Tribal group, "Moolvasi Bachao Manch"--Arjun Sodhi, Nagesh Bhaskar, Jagdish Madvi, Bheema Kunjam, Muya Hemla, Joga Midiyam Kartam Ganesh by the Chhattisgarh police.

About the Human Rights Defenders:

Arjun Sodhi, Nagesh Bhaskar, Jagdish Madvi, Bheema Kunjam, Muya Hemla, Joga Midiyam Kartam Ganesh are tribals of Bijapur district who are part of an ongoing peaceful peoples movement aiming at saving forest water and land from private companies.

They are also members of Moolvaasi Bachao Manch (MBM), a tribal collective movement which works for the rights of the tribals in Chhattisgarh. For the last few years, MBM has peacefully mobilized against land dispossession, environmental degradation, and the violence perpetuated by militarization in the name of development. It is opposed to is opposition to security camps—viewed by locals as symbols of militarization. On October 30th, 2024, the Chhattisgarh government banned the Moolvasi Bachao Manch (MBM) under the Chhattisgarh Special Public Security Act, 2005.

Source of Information:

Communication with HRDA Regional Co-ordinator

Communication with other HRDs in the region

The Perpetrators:

Superintendent of Police, Bijapur District.

Date of Incident:

November 08, 2024

Place of Incident:

Village Gunderguda, Rekapalli, Janneguda, PS Usur, District Bijapur, Chhattisgarh.

Background of the incident:

Bijapur district is mineral rich area, and corporates want possess land for mining while the government wants to build security camps in remote areas. However the tribals of the region have been resisting giving their land to corporates and security camps. Adivasis have also been holding peaceful movement for last three years against the grabbing of their lands.

Details of the Incident:

On the morning of 08th November, 2024, a large number of security forces from the Central Reserve Police Force (CRPF), District Reserve Guards (DRGs), and the paramilitary CoBRA unit surrounded the Gundiraguda village in Bijapur district of Chhattisgarh and detained the EHRD and members of MBM--Arjun Sodhi, Nagesh Bhaskar, Jagdish Madvi, Bheema Kunjam, Muya Hemla, Joga Midiyam Kartam Ganesh. Police sought judicial of these remand and sent them to judicial custody.

Security forces also targeted at least nine villages—including Marudbaka, Rekhapalli, Tumirguda, Singanpalli, and Kamlapur—and forcibly detained at least 44 villagers: 14 from Marudbaka, 22 from Rekhapalli, 2 from Tumirguda, 3 or 4 from Singanpalli, and 2 from Kamlapur. Their whereabouts remain unknown. The security forces also killed two young tribals including a minor, Hidma Podiam from Marudbaka and Joga Kunjam from Rekhapalli, in what locals alleged as indiscriminate firing by the security forces.

The Bijapur police however claimed that this was a anti Naxal operation and those killed were Maoists. The remand report claims that steel tiffin bombs and electric wires were

found from the arrested while they were travelling. The arrest time also claims to be at 4:45 pm to 5:15 pm.

HRDA strongly believes that the instances of illegal detention and arrest of EHRDs is an abuse of state power by the security forces to suppress activism and freedom of speech and assembly. The facts of the arrest differ significantly as claimed by the villagers and the police and are being fabricated by the forces, allege the villagers.

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 Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

The Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *“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.”*

Furthermore we believe that the ban on the Moolvaasi Bachao Manch which has been peacefully protesting for the rights of tribals, and against the killing and arrest of innocent tribals is Unconstitutional.

Article 19 (c) of the Indian Constitution guarantees the right to form associations and unions. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law. The right to assemble peacefully is also enshrined under Article 19(b) of the Indian Constitution.

Appeal:

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

- Direct the Director General of Police of Chhattisgarh to immediately release the MBM members and all villagers who have been arbitrarily detained and submit a report to the NHRC within two weeks.
- Undertake a spot inquiry, like in the case of killing of peaceful protestors in Tuticorin, following a direction of the Delhi High Court, the Hon'ble Commission undertook spot inquiry, in this matter initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the incident of firing on November 08, 2024, and allegations of use of excessive force or misuse of law by police in preceding and subsequent days.
- The spot inquiry should investigate to what extent the Standard Operating Procedures (SOP) were violated by the relevant government functionaries, in the Silger firing and the subsequent human rights violations that took place in order to fix the liability of those officials responsible for specific delinquent acts. This should also include both acts omission and commission.
- Direct the Director General of Police (DGP) and Chief Secretary (CS) of Chhattisgarh to take stern action against those policemen and officials guilty of harassment, intimidation, use of excessive force leading to death of two villagers.
- Depending on the result of the inquiry, direct the Director General of Police of Chhattisgarh to take stern action against errant police officials and quash false charges against the HRDs.
- Direct the Director General of Police of Chhattisgarh to stop harassing those on peaceful protest.
- Direct the Director General of Investigation of the NHRC to initiate a thorough, independent investigation into the alleged staged encounters of tribals in Chhattisgarh, including the recent killings of Hidma Podiam and Joga Kunjam.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary