



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 20, 2022

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 -India – Urgent Appeal for Action – Jharkhand: Fabricated charges, illegal arrest and torture of journalist Mr. Rupesh Kumar Singh by Jharkhand Police for his work as a journalist.

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 action on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our concern over the arrest of journalist and HRD Mr Rupesh Kumar Singh under fabricated charges by Jharkhand Police and without following the due process of law.

About the Human Rights Defender:

Mr. Rupesh Kumar Singh (37) is an independent journalist based in Jharkhand's Ramgarh district. He has been reporting widely on various people's movements, displacement, militarisation, false encounters and fabricated cases against innocent tribals and other human rights violations since 2014. In June 2019, he was arrested by the Gaya police under UAPA and released on bail in December 2019 as the police failed to file a charge sheet in the case.

Mr. Singh's name is also on the list of potential targets of surveillance using Israeli spyware Pegasus, as disclosed through investigation by an international consortium of news outlets in 2021. He and his wife Ms. Ipsa Satakshi subsequently filed a petition in the Supreme Court questioning the constitutionality of surveillance by Pegasus. Hearing in the case is currently ongoing.

Source of Information:

- Communication with HRDA East Co-ordinator
- Communication with the HRD's family
- Communication with other HRDs in the region

The Perpetrators:

- Mr. Chandan Kumar Vats, Deputy Superintendent of Police (HQ), Saraikela Kharsawan. (Investigating officer)
- Mr. Rajiv Kumar, Inspector and Thana Prabhari, Gamharia police station
- Mr. Laleshwar Ravidas, Karyapalak Dandadhikari, Chandil PS
- Mr. Upendra Kumar, anchal nirikshak, Saraikela
- Other personnel from Saraikela district police
- Mr. Anup Birthare, DIG, Special Task Force
- Ms. Shivani Tiwari, SP, Special Branch

Date of Incident:

July 17, 2022

Place of Incident:

Ramgarh district, Jharkhand

Background of the incident:

In November 2021, Jharkhand Police arrested alleged Maoist leaders Prashant Bose, Sheela Marandi and others in connection with FIR no. 67/2021 registered at the Kandra police station in Saraikela Kharsawan district. They were charged under Sections 420, 467, 468 and 471 of the Indian Penal Code; Sections 10 and 13 of Unlawful Activities (Prevention) Act; and Section 17 of the Criminal Law (Amendment) Act. Mr. Rupesh Kumar Singh was not named among the accused in the FIR, nor was he ever questioned in connection with the case.

Details of the Incident:

On July 17, 2022, around 5.25 AM, a 10-member team of Saraikela Kharsawan Police comprising male and female personnel in uniform reached Mr. Rupesh Kumar Singh's residence in seven official vehicles. The team was led by Mr. Chandan Kumar Vats, Deputy Superintendent of Police (HQ), Saraikela Kharsawan, and included personnel from Gamharia and Chandil police stations.

The search operation lasted nearly nine hours, and the HRD and his family members cooperated with the police. However, after Mr. Vats received a call on his mobile, all family members were forced out of the residence and the entrance was bolted from inside for about half an hour.

During the search, the police seized two mobile phones a laptop owned by Mr. Singh. They also seized one hard-disk, and another laptop owned by his wife and sister-in-law respectively. Though the seizure list was countersigned by the HRD and family members, no hash value was provided for the seized electronic devices.

At around 1.30 PM, the police showed Mr. Singh an arrest warrant issued by the SDJM court, Saraikela on July 16. They arrested Mr. Singh at 1.40 PM in FIR no. 67/2021, and took him to the office of the State Intelligence Bureau in Ranchi, where he was interrogated for 5-6 hours by Mr. Anup Birthare, DIG, Special Task Force; Ms. Shivani Tiwari, SP, Special Branch and others. During the interrogation, police officials claimed that photographs and audio files found on alleged Maoist Mr. Prashant Bose's hard disk showed Mr. Singh had participated in a Maoist camp, but the HRD denied these allegations. At around 10 PM, Mr. Singh was taken from Ranchi to the office of the

Deputy Superintendent of Police, Saraikela Kharsawan, where he was further interrogated and detained overnight.

On July 18, 2022, at around 3.30 PM, the HRD was taken for a medical examination. He was produced in the SDJM court, Saraikela at around 5.00 PM on July 18, nearly 27 hours after his arrest at 1.30 PM on July 17. He was remanded in custody till he gets bail.

Rupesh Kumar Singh was in police custody from 1.40 pm on July 17 till 5 pm on July 18 before being produced in the court. During this time, he was not allowed to sleep. On 18th July 2022, after being produced in the court, he was taken back by the police and kept in a cell of 5 rooms in which he was kept with the prisoners having infectious diseases (one prisoner has Hepatitis B; 2 have tuberculosis and one has leprosy).

His family has alleged that from 19 July 2022, till present has not being allowed to sleep at night with continuous interrogation by the police for the last 4 days. Mr. Rupesh Kumar Singh has a severe problem of pain and strain in veins of his legs that becomes more severe during mental stress. According to his medical reports and doctors, (which are attached with this application) there is a compression on his vein in his back which can be aggravated by such torture. The medicine that Mr. Singh is taking requires adequate sleep, but the pressure on him by the police by not being allowed to sleep can worsen his medical condition.

HRDA is gravely concerned with the arrest of Mr. Rupesh Singh for his work as a journalist. We believe that there were possibility of lapses during the search operation at his residence. For instance, there was no witness for half an hour during the operation, and no hash value was provided for seized electronic devices, leaving open the possibility of planting evidence. The fact that police did not initially produce the arrest warrant, and showed a search warrant instead to ransack the HRD's house for nearly nine hours, raise further questions about the intent of the police. As does the HRD's summary arrest without anything apparently incriminating being found in the search operation and him being produced in front of a judicial magistrate 27 hours after his arrest, a violation of Section 167 of CrPC.

We are also gravely concerned by the family reports of mental torture of not being allowed to sleep in police remand, being kept in close proximity with prisoners of infectious diseases and the possibility of his medical condition worsening.

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.

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 writing stories critical of the government the 4th pillar of the Constitution will collapse.

The UN Declaration on Human Rights Defenders 1998 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. If activist-journalists are arrested and jailed in reprisal for their pro-people reportage and their petitions in courts against surveillance, the fourth pillar of the democracy will be crushed further.

The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable.

Appeal:

We thus request the Hon'ble Commission to urgently:

- Direct the Director General of Police of Jharkhand to cease the torture of journalist Mr. Rupesh Kumar Singh immediately and submit the report to NHRC within 24 hours.
- Direct the Director General of Police of Jharkhand to initiate an immediate investigation by the investigation division of the Commission into the arrest of Mr. Rupesh Kumar Singh, including the procedural aspects of the search operation at his residence and his custodial torture in police remand and submit the report to the NHRC within two weeks.
- Depending on the result of the inquiry, direct the Director General of Police of Jharkhand to take stern action against errant police officials and submit the report to the NHRC within two weeks.
- Immediately release the HRD Mr. Rupesh Singh, as he has always cooperated in police investigations despite having been imprisoned under fabricated charges in the past.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

National Working Secretary