



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/East/JH/01/05/2023

May 4, 2023

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: Illegal detention and harassment of Mr. Damodar Turi and other HRDs by Jharkhand Police and NIA 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 to express our concern over the illegal detention and harassment of well-known activist Mr. Damodar Turi by officials from the National Investigation Agency (NIA) and Jharkhand Police in Dhanbad on May 2, 2023. Police and NIA officials also detained and questioned other well-known HRDs in Jharkhand on the same day, and it is feared that they may also be falsely implicated in future.

About the Human Rights Defender:

Mr. Damodar Turi is a founding member of Visthapan Virodhi Jan Vikas Andolan, a civil society organisation that fights against forced displacement and land alienation across the country. He has organised and participated in numerous peaceful movements against displacement, militarisation, false encounters and human rights violations in Jharkhand.

Source of Information:

- Communication with the HRD
- Communication with other HRDs in the region
- Police records

The Perpetrators:

- Mr. Subodh Kumar Sharma, Deputy Superintendent of Police, NIA branch office, Ranchi
- Mr. Suman Yadav, Officer in Charge, Maniadih Dih Police Station
- Other personnel attached to Maniadih Dih Police Station and NIA branch office, Ranchi.

Date of Incident:

May 2, 2023

Place of Incident:

Ranchi, Jharkhand

Details of the Incident:

On May 2, at around 6 AM, around 150 police personnel reached Mr. Damodar Turi's residence in Dhanbad district in two police jeeps and one police bus, apart from two other privately-owned Bolero vehicles.

The HRD was at home with his old mother, and when he answered the door, he saw five men in civil clothes, wearing masks. They identified themselves as policemen, showed him a notice issued under Section 160 (police officer's power to require attendance of witnesses) of the Code of Criminal Procedure in India from a distance, and said they needed to search his house. Most other police personnel in the contingent were in uniform.

Police officials did not show any search warrant to Mr. Turi, but searched his house for nearly four hours – i.e., from 6-10 AM. They seized two mobile phones from his house, which are also mentioned in the seizure list, but did not provide the hash value for these electronic devices, which left open the possibility of them being tampered with.

At around 10 AM, when the search was over, the personnel in civil clothes told the HRD that he would have to accompany them to Maniadih Dih police station for questioning. But they did not specify the case or cases regarding which he was to be questioned.

At the Maniadih Dih police station, Mr. Turi was interrogated by Mr. Subodh Kumar Sharma, Deputy Superintendent of Police, NIA branch office, Ranchi for over four hours. The officer in charge of the police station, Mr. Suman Yadav, was also present during the interrogation, and the officials repeatedly asked the HRD if he knew certain leaders of the banned Communist Party of India (Maoist).

Mr. Turi was let off at around 2.30 PM. At the time of release, he was handed the same notice he was shown prior to the search at his residence. It stated that he was required at the NIA office in Ranchi on May 8, 2023 in connection with case number RC-01/2022/NIA/RNC dated April 25, 2022. The case was registered under Sections 120B and 121A of the Indian Penal Code, and Sections 17, 18, 18A, 18B, 20, 21, 38, 39 and 40 of the Unlawful Activities (Prevention) Act.

Some other HRDs in Jharkhand were also illegally detained, interrogated and served notices under Section 160 of the Code of Criminal Procedure in India on May 2, 2023. They included Mr. Anil Hansda from the Adivasi Moolwasi Adhikar Manch; and Mr. Bacha Singh from the Mazdoor Shakti Sangathan.

It appears that police and NIA officials in Jharkhand misused the law to target HRDs like Mr. Damodar Turi and others who are vocal about the violation of human rights in Jharkhand, especially with regards marginalised communities. They conducted search operations without showing warrants, seized mobile phones and other electronic devices without providing hash values, and detained and interrogated HRDs without providing a clear reason.

These instances amount to a gross abuse of the HRDs' fundamental right to life and personal liberty, and to the freedom of speech and expression, which are guaranteed by Article 21 and Article 19(a) of the Indian Constitution respectively.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly states: "*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.”

When activists like Mr. Damodar Turi are subjected to raids, illegal detention and harassment owing to their participation in struggles to uphold human rights among marginalised groups, these rights are grossly violated.

Appeal:

We appeal to the NHRC to treat this as a serious case of reprisal against human rights defenders to urgently—

- Direct the Director General of Police of Jharkhand to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into the misuse of law, illegal detention and harassment of Mr. Damodar Turi and other HRDs in Jharkhand, and submit a report to the NHRC within 4 weeks.
- Depending on the result of the investigation, recommend strict punitive action against police and NIA officials who misused their powers to target the HRDs.
- Direct the Chief Secretary of Jharkhand to take steps to ensure that HRDs in the state are able to work without fear of reprisals from police and investigation agencies.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary