



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: Threats, intimidation, assault and fabricated charges against cultural activist Mr. Dhimeshlal Soren by Jharkhand Police and CRPF personnel.

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 threats, intimidation, assault and fabricated charges against HRD Mr. Dhimeshlal Soren by Jharkhand Police and CRPF personnel.

About the Human Rights Defenders:

Mr. Dhimeshlal Soren is a cultural activist from Mohanpur village in Dumri block of Giridih district and is the founder of Marang Buru Santhal Sankritik Opera. Mr. Soren has composed several songs on social issues including deforestation, environmental degradation and false encounters. He has performed with his group in demonstrations and protest meetings in Giridih and other districts in Jharkhand, including Ranchi.

Source of Information:

- Communication with the HRD
- Communication with other HRDs
- Police records
- Media reports

The Perpetrators:

- Mr. Bindeshwari Das, Officer in Charge, Dumri Police Station
- Police personnel attached to Dumri Police Station
- CRPF personnel stationed in Dumri block, Giridih

Dates of Incident:

November 13, 2020

August 27, 2021

Place of Incident:

Giridih district, Jharkhand

Background of the incident:

Mr. Dhimeshlal Soren participated in several protests and demonstrations in 2019 and early 2020 against the false encounter of Mr. Motilal Baske and the establishment of new CRPF camps, police stations and outposts in Giridih.

On August 26, 2020, an FIR (100/2020) was registered at the Dumri Police Station regarding a mixture machine and other construction machinery being set on fire on August 25, 2020, near the under-construction degree college in Kalhabar, Dumri. The complainant was Mr. Basant Yadav, a driver with the Jeevan Construction Company, who was on duty at the site. He named Mr. Krishna Hansda and 11 other persons, including HRD Mr. Soren and other villagers. Mr. Yadav in his complaint alleged that the accused demanded a levy, slapped a worker and set construction machinery on fire. Officer in Charge, Dumri Police Station, Mr. Bindeshwari Das was the Investigating Officer in the case.

Mr. Soren and others were charged under Sections 147 (rioting), 148 (rioting with deadly weapon), 149 (unlawful assembly), 341 (wrongful restraint), 342 (wrongful confinement), 323 (voluntarily causing hurt), 379 (theft), 427 (mischief causing damage up to Rs 50), 435 (mischief by fire or explosive substance) of the Indian Penal Code, and Section 17 of the Criminal Law Amendment Act. However, Mr. Soren was not arrested.

Details of the Incident:

On November 13, 2020, fresh charges were added in the FIR No. 100/2020 against all the accused under Section 13 (participation in unlawful assembly) of the Unlawful Activities Prevention Act (UAPA). Police did not question Mr. Soren even once regarding his involvement in the alleged incident of arson on August 25, 2020, even though he was available in his village Mohanpur all through.

According to Mr. Soren, he has never visited Kalhabar, where the incident occurred and he doesn't know Mr. Yadav, the complainant who identified and named him.

The intent of the police and administration is highly questionable. Media reports quoted villagers saying that the Gram Sabha consent was not sought, forest land was diverted and private land was forcibly acquired in violation of existing laws to set up these camps. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act prohibits diversion of forest land, whereas The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act mandates that no private land can be acquired without the consent of Gram Sabha, and a social impact assessment must be conducted in collaboration with the Gram Sabha before commencement of work.

Reports about the upcoming camps appeared in newspapers in November 2020, drawing attention to flagrant violation of existing laws. Mr. Soren participated in numerous peaceful protests expressing dissent to this blatant violation by the state.

It is our firm belief that Mr. Soren was targeted and fresh charges were framed to intimidate him, and suppress protests against CRPF camps. A raid on Mr. Soren's residence in Mohanpur was conducted on August 27, 2021, coinciding with work on building a road to the Mohanpur camp. On August 27, 2021, uniformed CRPF personnel raided Mr. Dhimeshlal Soren's house several times between 6 AM and 3 PM in batches of 10-15. While Mr. Soren wasn't there, they misbehaved with women and abused them; overturned boxes and trunks, rummaging through the family's belongings. They repeatedly asked family members if Mr. Soren had received some "material", and were prompted by someone the phone.

Mr. Soren and his family's physical security is severely threatened, and the HRD fears being arrested without due procedure, especially if he participates in protests against the camp in his village. The reprisals against the HRD and attempts to muzzle freedom of expression and assembly violate several important provisions and covenants in national and international law.

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.

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 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).

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 threats, intimidation, assault and fabricated charges against HRD Mr. Dhimeshlal Soren and flouting of mandatory procedures in setting up the CRPF camp in Mohanpur.

- Depending on the result of the inquiry, take stern actions against all officials of central and state governments guilty of flouting procedures in establishment of the Mohanpur camp and misusing law, muzzling freedom of speech, expression and assembly, and targeting HRDs.
- Ensure complete protection of Mr. Dhimeshlal Soren and his family's physical security since they fear for their lives.

Looking forward to your immediate action in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

Henri Tiphagne
National Working Secretary