



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 16, 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Chhattisgarh: Illegal detention and arrest of known HRD Mr. Rainu Oyam under fabricated charges by Chhattisgarh Police and CRPF.***

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 implication of HRD Mr. Rainu Oyam in multiple fabricated cases and his illegal detention and arrest by Chhattisgarh Police and CRPF.

### **About the Human Rights Defender:**

Mr. Rainu Oyam is a resident of Tondka village in Bijapur district of Chhattisgarh, and a leading member of the Moolwasi Bachao Manch, an organisation working towards protecting the rights and entitlements of Adivasis in the Bastar region. Mr. Oyam has organised and participated in numerous peaceful protests and demonstrations regarding militarisation and human rights violations by police and security forces in Bastar. He has also met several government officials including the District Collector of Bijapur as part of villagers' delegations in the recent months.

### **Source of Information:**

- Communication with other HRDs in the region
- Police press release
- Media reports

### **The Perpetrators:**

- Officer in Charge, Gangaloor Police Station
- Other personnel attached to Gangaloor Police Station
- CRPF, 85<sup>th</sup> Battalion

**Date of Incident:**

April 25, 2022

**Place of Incident:**

Bijapur district, Chhattisgarh

**Background of the Incident:**

As a member of the *Moolwasi Bachao Manch*, Mr. Rainu Oyam was closely involved in organising ongoing peaceful protests against the establishment of CRPF camps in Silger (for nearly a year) and Pusnar (for nearly six months) in Bijapur district. Similar protests are on in at least nine other places in Bastar. Villagers allege these camps are being set up/ planned in violation of forest rights and land acquisition laws and without the consent of locals.

Mr. Oyam has met the Bijapur District Collector and other government officials as part of villagers' delegations during the past six months regarding these concerns and human rights violations by police and security forces.

**Details of the Incident:**

On April 24, 2022, Mr. Rainu Oyam and some other villagers took their paddy produce in a tractor from Tondka to Bijapur, to have it processed in a rice mill. They left for their village with the processed rice a day later, at around 10 PM.

On April 25, 2022, shortly after midnight, when the tractor carrying Mr. Oyam and other villagers was one kilometre short of the Cherpal CRPF camp (85<sup>th</sup> Battalion), it was stopped by police personnel. Police asked who among them was Mr. Rainu Oyam and forcibly took him into detention without providing any reason or information regarding cases against him. They abused, pushed and shoved fellow villagers who objected to his detention and threatened to assault them. They took the HRD to the Gangaloor Police Station where he was detained overnight.

During the day on April 25, Bijapur Police issued a press release alleging that the HRD was a wanted Maoist and was arrested from the forests near Cherpal earlier that morning during a search operation. Police claimed Mr. Oyam was the President of the Krantikari Adivasi Bal Sangathan, an alleged front organisation of the banned CPI (Maoist) party. They claimed that the Superintendent of Police, Bijapur had declared a bounty of Rs. 10,000 for Mr. Oyam's arrest, and a total of 11 cases were registered against him at the Gangaloor Police Station. The cases pertained to various incidents of firing on security forces, planting of mines and explosives, arson and murder between June 2020 and January 2022. Arrest warrants had been issued in Mr. Oyam's name in eight cases and three cases were sub judice, claimed the police.

The HRD was produced in court on April 25 and remanded in judicial custody in Bijapur jail. His illegal arrest and implication in multiple fabricated cases involving grave charges including under the Arms Act was condemned by various civil society groups, journalists and activists. His family and fellow activists in the village also issued a press note offering a point-by-point rebuttal to police's claims regarding his involvement in the incidents of violence, providing details of where he was and what he was doing during each of the alleged incidents. They also rejected the claim that he was an

underground Maoist, stating he was married with three daughters, and earned his livelihood as a farmer. They also mentioned that passed his class 10 exam in 2017 and his class 11 exam under the national open school in 2020.

We believe that the police illegally detained and arrested the HRD in violation of the DK Basu guidelines of arrest, forcibly taking him into detention without providing any information, detention memo or arrest memo. He is implicated in multiple false cases as reprisal for his involvement in ongoing peaceful protests seeking the protection of Adivasis' constitutional and human rights.

Fellow HRDs involved in ongoing protests against security camps in Pusnar, Silger and other places in Bastar fear similar action may be initiated against them to quell the protests and facilitate resource-grab by the state and corporates.

This is an abuse of the fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a violation of human rights as guaranteed by national and international laws.

The right to assemble peacefully is enshrined 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.

A peaceful assembly is also protected under the Article 21 of the International Covenant on Civil and Political Rights (ICCPR). According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule, *"states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders."*

Further, Article 12 of the Declaration on human rights defenders adopted by consensus by the General Assembly in 1998 state: *"(2) 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. (3) 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."*

### **Appeal:**

We thus request the Hon'ble Commission to urgently:

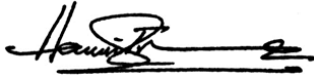
- Direct the Director General of Police, Chhattisgarh, to initiate an independent inquiry into the illegal detention, arrest and multiple fabricated cases against

Mr. Rainu Oyam, and submit a report to the NHRC in two weeks.

- Depending on the result of the inquiry, take stern action against errant police and CRPF officials who misused provisions of law and framed the HRD under grave charges, and illegally detained and arrested him.
- Ensure that HRDs in the Bastar region of Chhattisgarh are allowed to assemble peacefully and carry out their genuine human rights work as per the fundamental rights enshrined in the Indian Constitution.

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 it.

**Henri Tiphagne**

National Working Secretary