



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 24, 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 – Chhattisgarh: Harassment, misuse of law and illegal detention of Bela Bhatia, Jean Dreze, Soni Sori and other HRDs by police and administrative officials with the intent of curbing the fundamental rights of peaceful assembly, speech and expression.

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 harassment, misuse of law and illegal detention of Ms. Bela Bhatia, Mr. Jean Dreze, Ms. Soni Sori and other HRDs by senior police and administrative officials in Chhattisgarh with the intent of curbing their fundamental rights to peacefully assemble and protest. The HRDs were barred and restricted from traveling to Silger village of Sukma district where three villagers were killed in police firing.

About the Human Rights Defenders:

- **Ms. Bela Bhatia** is well-known HRD, independent researcher, writer and activist in Chhattisgarh. She has also served on a Planning Commission-appointed expert panel to examine development challenges in extremist affected areas.
- **Mr. Jean Drèze** is an eminent economist, social scientist and activist. He has worked on several developmental issues facing India like hunger, famine and gender inequality.
- **Ms. Soni Sori** is a well-known HRD, activist in Dantewada. Jailed for several months under fabricated charges and tortured brutally in police custody in 2011-

13, she has since been repeatedly subjected to harassment and intimidation by police for exposing human rights violations, including during the pandemic.

- **Sarv Adivasi Samaj** is an organisation that works to protect the land, forest and water rights of adivasis.

Source of Information:

- Communication with HRDs in the region
- Social media posts
- Media reports

The Perpetrators:

- District Collector of Bijapur district and other administrative officials
- Superintendent of Police of Bijapur district and other police officials
- Police personnel in Jagargunda PS and Dantewada PS, Dantewada
- Bijapur District Hospital authorities
- CRPF personnel, including in Chermungi and Cherpal camps in Bijapur district

Date of Incident:

May 19-21, 2021

Place of Incident:

Bijapur and Dantewada districts, Chhattisgarh

Background of the Incident:

On May 17, 2021, three Adivasis were killed and several others injured when police lathi-charged and opened fire on an ongoing peaceful protest opposing the establishment of a security camp in Silger village in Sukma district, located close to the Bijapur district border. Police claimed they fired in response to gunshots by the Maoists, but protestors denied the presence of any armed guerrillas in their midst, and said they had merely pelted stones when the police lathi-charged them, at which the police fired at them, killing three villagers and injuring several others critically. Villagers continued to hold a peaceful protest at the site after the incident, demanding a rollback of the camp and justice for those killed and injured in police firing.

Details of the incident:

Since May 19, 2021, several independent observers, activists and well-known HRDs have been prevented from visiting Silger village to meet with families of victims, and probe allegations of human rights violations, including well-known lawyer Bela Bhatia, economist Jean Dreze, activist Soni Sori, and other activists associated with the Sarv Adivasi Samaj.

Ms. Bhatia and Mr. Dreze tried travelling to Silger village on a motorbike to meet with victims of police firing and assault but were stopped at the Chermungi CRPF camp in Bijapur. Paramilitary and police personnel said that they had direct orders to not allow Ms. Bhatia through, and any permission to let them through had to be obtained from the SP. This was despite several other journalists, alleged to be close with the police and administration, being allowed to travel onward to the site at the same time.

When Ms. Bhatia and Mr. Dreze demanded to see the order, security personnel showed them a photograph of Ms. Bhatia that had been shared with them by senior officials on WhatsApp, who asked her not to be allowed to towards Silger.

Ms. Bhatia and Mr. Dreze reached Bijapur district headquarters on May 19, and tried to meet with victims of the police firing who were undergoing treatment at the district hospital. However, officials in the hospital administration refused them entry throughout the day saying they needed Covid-19 negative reports.

Both underwent a rapid antigen test at the hospital first, but after the reports showed they were negative, the hospital administration said they needed RT-PCR negative reports to be allowed entry. Although swabs for RT-PCR were collected on the same day, no report was made available to them and they were told the swabs were not of good quality.

On May 20, 2021, Ms. Bhatia and Ms. Dreze met the District Collector to request his intervention in their efforts to meet with aggrieved families in Silger and surrounding villages, but even the Collector asked for a RT-PCR negative report. Although the HRDs were told the RT-PCR result was negative orally, no digital or printed report was provided to them. They were allowed entry into the hospital in the evening, but not allowed to talk to the victims of police firing freely.

Ms. Bhatia and Mr. Dreze stayed in Bijapur Circuit House on the night of May 20, so they could travel to Silger early next morning. When they tried to leave for Silger at 4 am on May 21 on their motorbike, they found that the circuit house gate was locked from the inside and they were told that the Town Inspector had taken away the key. Three lady constables were lying on the path leading from the circuit house lobby to the gate to prevent them from proceeding. They tried calling the TI several times on his phone, but the calls were not answered.

At around 7 AM, the tehsildar arrived, unlocked the gate and said Mr. Dreze and Ms Bhatia would have to meet the Collector again, but they were kept waiting. When the Collector did not turn up till 10.30 am, they proceeded towards Silger on their motorbike.

They were stopped again at the Cherpal CRPF camp at around 11 AM, and not allowed to proceed further. Police constables on six motorbikes stood guard at the camp to prevent them from proceeding further. At around 2 PM, security forces escorted them back to Bijapur district headquarter, but were told that the Collector and SP, whom they sought to meet, were busy in a meeting with the Chief Minister.

Meanwhile, police officials visited Ms. Sori's residence three times since May 20 and served her notices asking her to refrain from travelling outside. Whereas activists of the Sarv Adivasi Samaj who were on their way to Silger to join villagers protesting peacefully against the police firing were detained in Jagargunda police station on May 20, 2021.

We strongly believe that all of these efforts are directed expressly towards preventing HRDs and independent observers from reaching Silger and meeting with victims of alleged human rights violations committed by police and paramilitary personnel. The

harassment, intimidation and detention of activists without any formal orders under provisions of law and restricting their travel to the site of the incident, the delays and denial in providing HRDs with COVID test reports, all point towards active collusion between the top brass of police, administration and health officials in misusing laws and holding back any attempt at an independent civil society fact-findings of the Silger firing incident.

It amounts to a clear violation of the freedom of assembly and the right to peaceful protest. 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 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 through the powers enshrined by the Protection of Human Rights Act 1993. At this juncture, we would re-state the SOS message to you on May 21, 2021, at 12:12 PM for urgent intervention. The complaint, which was not acknowledged and answered, read –

*URGENT APPEAL: Ms. Bela Bhatia and Mr. Jean Dreze, HRDs, were illegally detained in the Bijapur Circuit since 20 May and were freed in later morning of 21st May, and are now stopped again at the CRPF camp at Cherpal, Bijapur stop them from proceeding. They reached the circuit house on 19 May evening, while on their way to Silger, the site of the police encounter, but the district administration including the collector refused to let them proceed further, asking them to undergo Covid test. They were not allowed to proceed to the spot on 20 May even after reports showed they were covid negative, and the collector asked for some more tests. Meanwhile, a police team, including a lady officer was deployed to keep watch over them 24*7, and since last night, they have been locked into the Bijapur Circuit House close to the District Police Headquarters. Ms. Soni Sori, HRD also scheduled to travel to Silger, has been served three notices by the police on 20 and 21 May asking her not to travel anywhere. Some other villagers (HRDs) who had been protesting against the upcoming police camp, and who were on their way to Silger were detained in Jagargunda PS last night. Detaining peaceful protestors is a violation of their right to freedom of assembly given to them by article 19b of the constitution and international human rights laws. WE RREQUEST THE NHRC TO 1-DIRECT*


THE SP OF BIJAPUR TO RELEASE THE DETAINED PROTESTERS IMMEDIATELY. 2-direct the chief secretary and DGP of Chhatis garh that no citizen should be barred in any legal or illegal means from exercising their right to free and peaceful assembly as per their Constitutional rights. KINDLY TAKE IMMEDIATE ACTION Thanking you Human Rights Defenders' Alert.

We thus urge the hon'ble Commission members to:

- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into attempts by Chhattisgarh police and administration to restrict Ms. Bela Bhatia, Mr. Jean Dreze, Ms. Soni Sori and other HRDs from exercising their fundamental right to free speech, expression and peaceful assembly and detaining them illegally and sending notices not allowing them to attend protests.
- Direct the Chief Secretary and Director General of Police of Chhattisgarh to take stern action against those guilty of misusing laws to illegally detaining and harassing HRDs and barring them from exercising their fundamental rights.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne
National Working Secretary