



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 27, 2022

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: Illegal detention and harassment of HRDs by Chhattisgarh Police.

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 the illegal detention of HRDs Mr. Raghu Midiyami, Mr. Ram Oyam, Ms. Anjali Madavi, Ms. Sunita Pottam, Mr. Ramesh Uikey, Mr. Urta Kunjam, Mr. Hiran Kowasi and Mr. Sushil Korsu by Chhattisgarh Police and paramilitary personnel.

About the Human Rights Defenders:

Mr. Raghu Midiyami, Mr. Ram Oyam, Ms. Anjali Madavi, Ms. Sunita Pottam, Mr. Ramesh Uikey, Mr. Urta Kunjam, Mr. Hiran Kowasi and Mr. Sushil Korsu are members of the Mulwasi Bachao Manch, which seeks to protect the rights and interests of indigenous groups in Chhattisgarh's Bastar area.

They have been leading a peaceful, sit-in demonstration against the forceful establishment of a security camp in Silger village in Bijapur district for nearly nine months. They are also involved in coordinating similar protests against upcoming/under construction security camps in other places in Bastar.

Source of Information:

- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Police personnel in Kondagaon and Dantewada districts
- Personnel of Danteshwari Warriors and District Reserve Guard, Dantewada

Date of Incident:

January 20-21, 2021

Place of Incident:

Kondagaon and Sukma districts, Chhattisgarh

Background of the Incident:

Mr. Raghu Midiyami, and other activists of the Mulwasi Bachao Manch (MBM) have been leading a peaceful protest against the forceful setting up of a Central Reserve Police Force (CRPF) camp in their village for the past nine months. The protest began on May 12, 2021, when the CRPF set up a camp under the Silger village panchayat along the partly-constructed 70 km Basaguda-Jagargunda road. On May 17, 2021, security forces opened fire on protestors, killing three persons on the spot, whereas one more person succumbed to injuries a few days later.

While hundreds of villagers including men, women and children have continued to turn up at the protest site every day since, demanding a rollback of the camp, ministers in the state government and high-ranking police officials allege that the protest is a Maoist conspiracy.

Seeking a way out of the logjam, MBM activists planned to meet to Chhattisgarh Governor Ms. Anusuiya Uikey at her office in Raipur on January 21, 2022, to hand over a statement opposing the camp from the gram sabha. The meeting, arranged in coordination with the All India Krantikari Kisan Mahasabha, was to happen around 2 PM and names of all MBM activists who were slated to participate were sent to the governor's office in advance.

Details of the Incident:

On the night of January 19, 2022, Mr. Raghu Midiyami, Mr. Ram Oyam, Ms. Anjali Madavi, Ms. Sunita Pottam, Mr. Ramesh Uikey, Mr. Urra Kunjam, Mr. Hiran Kowasi and Mr. Sushil Korsu – all residents of Silger village – began their journey to Raipur. They walked through the dense forest and climbed hills for several hours to reach Geedam town at around 3.30 PM on January 20, 2022. In Geedam, they met well-known HRD Ms. Soni Sori at her home for lunch and took an evening bus to Raipur.

After around 120 km, at Kondagaon bus stop, a group of five to six policemen boarded the bus and forcibly dragged the nine HRDs out. They did not tell the HRDs why they were being forced out, or where they were being taken. Policemen also confiscated documents they were carrying, including a report compiled by the gram sabha against the CRPF camp in Silger, but did not issue any seizure memo. Several other passengers were travelling in the bus, but they were not detained and/ or tested for violating COVID-19 protocols.

Police officials claimed in the media that the HRDs were found violating COVID-19 protocols, and were detained at the Kondagaon bus stop for recording their statements and that four HRDs (Mr. Raghu Midiyami, Ms. Sunita Pottam, Mr. Rajendra Mandavi and Ms. Anjali Mandavi) tested positive for COVID-19 and were sent to Sukma district hospital, the other five HRDs who tested negative were lodged at a quarantine centre.

However, till date there has been no information sent officially to their families about the detention of the HRDs, which quarantine centre they are lodged in and what is their medical condition. No covid reports were given to the families either. We are told that Mr. Raghu Midiyami was beaten up in police custody, but no confirmation of Mr. Midiyami's condition is known to anyone, including his family. MBM Members fear that other HRDs could also be tortured in detention.

On midnight on January 20, 2022, a large team of Dantewada district police and personnel from Danteshwari Warriors (special women's force) and District Reserve Guards (DRG) visited Ms. Soni Sori's house. They forced their way into her residence to conduct a search. When her family members and locals gathered there demanded to see a search warrant, police could not produce a warrant, and left the spot.

We firmly believe that the nine activists were illegally detained by police and are being held in custody to prevent them from meeting the governor and raising the issue of violation of laws in the establishment of the camp in Silger. The illegal detention of the HRDs, including seizure of their documents and no information to their families, is a gross violation of the DK Basu guidelines of detention and arrest. We are also gravely concerned about reports of torture of Mr. Raghu Midiyami in police custody and no news of his medical condition in the hospital.

Moreover, police also tried to conduct an unauthorised search at the residence of Ms. Soni Sori, whom Mr. Raghu Midiyami and others met on their way to Raipur. These instances amount to an abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution.

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. In a democracy the peaceful protesting citizens have a full right to meet their representative Governor for redressal of their complaints.

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. D.K.Basu vs. State of West Bengal, the Supreme Court of India called torture "one of the worst crimes in a civilised society governed by the Rule of Law."

The Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *"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.”


Appeal:

We thus request the Hon'ble Commission to urgently:

- Direct the Direct the Director General of Police of Chhattisgarh to submit a response on the illegal detention of HRDs within four weeks.
- Direct the Direct the Director General of Police of Chhattisgarh to ensure the release of all HRDs admitted in the hospital and quarantine centre after completion of their quarantine period, and ensure they are protected from further arrest.
- Direct the Director General of Police of Chhattisgarh to initiate an independent inquiry into the unconfirmed news of the torture of the HRDs in police custody.
- Depending on the result of the inquiry, direct the Director General of Police of Chhattisgarh to take stern action against errant police officials and quash false charges against the HRDs.
- Direct the Chief Secretary of Chhattisgarh to take steps to ensure that the HRDs are able to meet the Governor at the earliest.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne
National Working Secretary