



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/NORTH/DL/01/10/2024

October 03, 2024

To,

Mr. Indrajeet Kumar,
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,

Subject: HRD Alert – Urgent Appeal for Action – Delhi – Unlawful Detention of 120 environmental HRDs peacefully marching from Ladakh to Delhi at the Delhi-Haryana Border regarding-

Greetings from Human Rights Defenders Alert!

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 regarding the detention of 120 peaceful protestors from Ladakh, including EHRD Mr. Sonam Wangchuk, who were peacefully marching to the national capital in support of their demand for Sixth Schedule status for the Union Territory. An arbitrary i prohibitory order under Section 163 BNSS was also imposed by the Delhi Police Commissioner. The HRDs have been detained by the Delhi Police at the Delhi-Haryana border in different police stations, and they are being denied access to visitors or legal representation, in clear violation of their constitutional rights.

Source of Information:

- Information from HRDA North Regional Co-Ordinator
- Communication with HRDs
- Media Report

Date of Incident:

September 30, 2024

Place of Incident:

Sindhu Border, Delhi-Haryana Border

Perpetrators:

- Police officials of Delhi
- Police officials of Haryana
- Mr. Sanjay Arora, Commissioner of Delhi police

About the Human Rights Defender:

- A group of around 120 people of peaceful Padyatri (walking protestors) from Ladakh to Delhi.
- Mr. Sonam Wangchuk (58) is an engineer, innovator, and education reformist. He is the founding-director of the Students' Educational and Cultural Movement of Ladakh (SECMOL), which was founded in 1988 by a group of students who had been the 'victims' of an alien education system foisted on Ladakh. In 2013, Mr. Wangchuk helped launch the New Ladakh Movement (NLM), a social campaign and Ladakh's version of Green Party with the aim of working for sustainable education, environment, and economy. In March 2024, he started a fast-unto-death to press for his demand for constitutional safeguards for the Union Territory and protection of Ladakh from industrial and mining lobbies. He also began a 21-day Climate Fast hunger strike for giving statehood to Union Territory Ladakh under the Sixth Schedule.

Background of the Incident:

On September 01, 2024, over 100 volunteers, led by climate activist Mr. Sonam Wangchuk, initiated a march to the national capital. Their primary demands include statehood for Ladakh, the inclusion of Ladakh under the Sixth Schedule of the Constitution, a streamlined recruitment process through a dedicated public service commission for Ladakh, and separate Lok Sabha seats for the Leh and Kargil districts.

Prior to the commencement of the march, Mr. Wangchuk went on a 21-day hunger strike in support of these demands. Before the march began, he said that "It is a matter

of satisfaction that people from all sections of the society, including elders, women, and youngsters, have joined this march in support of our demands. Sixth schedule of the Constitution and UT with legislature is our democratic right as we want development and management of the region in accordance with our wishes and aspirations,” He also said that this is a people's movement and urged the government to fulfill the demands of Ladakhis without any hesitation.

After crossing Punjab, the marchers decided to traverse Haryana by bus due to the ongoing elections in the state. Upon reaching the Haryana-Delhi border, they were arrested and detained at various police stations, where they have reportedly been denied access to visitors.

Details of the Incident:

On September 30, 2024, at night Mr. Sonam Wangchuk and around 120 people are forcibly detained by Delhi and Haryana police at Delhi-Haryana Border. The protestors had taken a bus from the Punjab-Haryana border and reached Sindhu border in Delhi. As soon as he reached there at night, Delhi and Haryana Police detained Mr. Wangchuk and all other peaceful marchers. There was a heavy deployment of police personnel with multiple levels of barricades, who were trying to stop peaceful Padyatris from entering Delhi.

When they were being detained and taken away, on September 30, 2024, around 11:30pm Mr. Sonam Wangchuk had released a video from his social media account with these words “I AM BEING DETAINED... along with 150 Padyatri at Delhi Border, by a police force of 100s some say 1,000. Many elderly men & women in their 80s and few dozen Army veterans... Our fate is unknown. We were on a most peaceful march to Bapu’s Samadhi... in the largest democracy in the world, the mother of democracy... Hai Ram”

In the same video, *Mr. Wangchuk mentioned that they were unsure whether they had been detained or arrested. He said that an estimated 1,000 police officers were stationed at the Delhi border to prevent their entry. He also noted that Ladakh Bhawan, where the leaders of Ladakh were staying, had been barricaded. A notification had been received stating that the Delhi Police Commissioner had imposed orders similar to Section 144, prohibiting gatherings of more than five people from September 30 to October 6, 2024.*

Supreme Court lawyer Mr. Prashant Bhushan also shared a video from the Bawana police station, where some of the marchers were detained. He posted on Twitter, stating: "Sonam Wangchuk, the inspiration for the movie *3 Idiots*, was on a peaceful climate march with a hundred others from Ladakh to Delhi. They have been detained at the Delhi border by police. They are not allowed to meet anyone, not even for a Vakalatnama! Gross violation of Article 19 rights."

HRDA is deeply concerned with the detention of peaceful protestors who were voicing their demand for environmental protections and constitutional safeguards in the Ladakh region. We believe that the illegal detention of the HRDs, the arbitrary imposition of prohibitory orders to stop the peaceful protestors from marching in Delhi is a violation of their democratic right to protest under national and international human rights laws.

Many human rights activists, human rights organizations and opposition leader and political leaders have condemned this action of the police and have demanded their immediate release without any conditions.

Article 21 of the Indian Constitution and Article 21 of the International Covenant on Civil and Political Rights (ICCPR) ensures to all its citizen right to life – a life to live without fear, intimidation, harassment, or mental torture.

According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 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. The potential for violence is not an excuse to interfere with or disperse otherwise peaceful assemblies."

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the immediate release of Mr. Sonam Wangchuk and the approximately 120 individuals who have been unlawfully detained at the Delhi-Haryana border for peacefully exercising their constitutional right to protest march. Their continued detention without due process constitutes a violation of their fundamental rights under the Constitution of India.

- Direct the Director General of Police (DGP) of Delhi to immediately initiate an independent, transparent, thorough, and impartial investigation into the unlawful detention of peaceful protestors, including human rights defenders.
- Ensure that social activists and human rights defenders in Delhi, and elsewhere, are permitted to carry out their legitimate human rights work without undue interference, in accordance with the fundamental rights enshrined in the Constitution.
- Based on the findings of the inquiry, order the DGP of Delhi to take immediate and appropriate action against the police officers responsible for violating the law, and to submit a comprehensive report to the National Human Rights Commission (NHRC).

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary