



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/EAST/CGH/01/06/2024

June 05, 2024

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

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – Chhattisgarh- Illegal arrest and fabricated cases of woman HRD Ms. Suneeta Pottam by Chhattisgarh police

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 illegal arrest and false cases on WHRD Ms. Suneeta Pottam by the Chhattisgarh police for leading Adivasis movement for saving land water and forest and raising her voice for protection of Adivasi rights in Chhattisgarh.

About the Human Rights Defender:

Ms. Suneeta Pottam, resident of Korcholi Village in Chhattisgarh, is a human rights defender and activist. She is the president of the Bijapur committee of the dynamic Moolvasi Bachao Manch – a collective of adivasi youth in South Chhattisgarh that has campaigned against human rights violations, displacement and the illegal grabbing of lands in the region for the last 3-4 years.

She has led several ongoing protests against widening of roads piercing through several villages, cutting hundreds of fruit bearing trees without holding any Gram Sabha. Pottam has been in the forefront holding the government accountable to the Adivasis of Bastar in bringing real development to Bastar such as schools, hospitals and forest-based livelihood

options rather than opening mining lease to private companies to extract the mineral resources under their dense forests.

Suneeta is also the lead petitioner in the case titled Suneeta Pottam & Others vs. State of Chhattisgarh and Others [WP (PIL) 82/2016] filed in the High Court of Chhattisgarh at Bilaspur, that brings to fore six cases of extra-judicial killings by the local police and Central Armed Police Forces in the villages of Bijapur District from 2015-2016.

Source of Information:

- Communication with HRDA Regional Co-ordinator
- Communication with other HRDs in the region

The Perpetrators:

Police officials of Raipur Police Chhattisgarh.

Date of Incident:

June 03, 2024

Place of Incident:

Raipur, Chhattisgarh.

Background of the incident:

Ms. Pottam has, on multiple occasions, approached the police and administrative authorities to bring to light instances of torture, sexual assault and extra-judicial killing of innocent members of her community at the hands of police and military personnel and advocated for accountability.

Because of the issues she raises through her work, Suneeta Pottam has time and again faced harassment and intimidation for her activism. This has been highlighted by groups such as Women against Sexual Harassment and State Violence (WSS) and others with the Hon'ble Commission. In 2021, there was a complaint filed regarding the possibility of a false implication in FIR No. 28/2020, dt 30/12/2020, PS Gangaloor Police Station, district Bijapur, Chhattisgarh.

On February 02, 2024, Suneeta along with other members of Moolvasi Bachao Manch and other social activists met with the Collector of Bijapur to highlight an incident of violence in Mutvendi village where a 6-month old infant had been killed by a police bullet while being breastfed by his mother, among several other instances of violence and torture inflicted on youth of the area who have been standing up for their rights. Activist and member of PUCL Chhattisgarh Soni Sori also pointed out to the Collector that Suneeta

was being repeatedly harassed and targeted by the police for her work as an activist, demanding that he take steps to protect her. Suneeta even shared her concerns with him.

On February 09, 2024, when Pottam had come to Bijapur district hospital help some villagers who had met with an accident in Gangalur area of Bijapur, she was chased on the main road by policemen who tried to forcefully take her with them on the motorcycle. Resisting this, she ran into a shop where many journalists who know her sought to produce an arrest warrant before arresting her. Seeing support amongst journalists and from local people and politicians, the police withdrew and left.

Details of the Incident:

On June 03, 2024, at 8:230 am Suneeta Pottam was picked up around 8.30 this morning from Raipur up by team of Bijapur district police led by DSP Garima Dadar.

Ms. Suneet Pottam had gone to Raipur to complete her class 10 by Open School and was staying with two other women to prepare for this for the last two months in Raipur.

At 8:30 am 3 police personnel in plainclothes barged inside the house and picked up Ms. Pottam from the house. When the other young woman tried to ask them the reason, the police threatened to arrest her too and pushed her in and locked the door. Suneeta was dragged on the floor by the police personnel and the DSP took Pottam in an unregistered vehicle threatening the landlady not to open the door. 20 minutes later, the DSP returned to flash the warrant against pottam, refusing to give a copy to her colleagues who had also reached the spot by then.

In multiple violations of the **DK Basu Guidelines of arrest and detention**, the police didn't have any arrest memo, nor did they get it signed by Ms. Pottam and a witness. The other inmates of the house were threatened, locked in and the police physically mistreated Ms. Pottam by dragging her on the floor. They didn't inform Ms. Pottam's family or colleagues about where they were taking her. There was no information of her whereabouts for many hours. In the evening of June 03, Ms. Pottam is said to be produced before the Chief Judicial Magistrate and put in judicial custody.

We are deeply concerned by the abduction of Ms Suneeta Pottam by the Chhattisgarh police and believe that the police have indulged in abuse of its power. This violates a host of rights, including multiple violations of DK Basu guidelines of Arrest and Detention.

Every person has a the right to life and liberty enshrined under Article 21 of Indian Constitution 1950, Article 3 of Universal Declaration of Human Rights 1948, Article 6 of

International covenant on civil and political rights, 1966. The Right to life includes right against arbitrary arrest or detention. These instances amount to complete violation of the DK Basu guidelines of arrest, Indian laws, Constitution of India and the fundamental right to life and personal liberty granted by **Article 21** of the Indian Constitution.

Section 41B, CrPC, requires every police officer to prepare, an arrest memo at the time of arrest which is to be attested by at least one witness and countersigned by the arrested person, and inform one family member of the arrest. It appears these procedures have not been followed. Section 54, CrPC, further mandates medical examination of every arrested person soon after an arrest. It prima facie appears that none of the above were followed in the case.

Section 50A, CrPC states that a relative or friend should be informed about the arrest and the place of detention. It is the duty of the police to inform the arrested person of this right, and also to inform the relative or friend about the arrest. This information should be entered in a designated register at the police station.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) sets forth the right to freedom of opinion, expression and information. Therefore, the government is bound by its national and international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21, and the right to freedom of speech and expression and peacefully assemble under Articles 19(1)(a) and (b) of the Constitution of India.

The **Article 5** of the Universal Declaration of Human Rights and **Article 7** of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas **Article 2** of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

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."

Further, we believe that this is also a case where the HRDs was abducted, subjected to illegal detention and brutal torture because of they are tribals and fighting for human rights. It is in this light, important to note that prima-facie the police personnel of the Chhattisgarh violated Section 3 (1) (p) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appeal:

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

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the illegal arrest and false cases on HRD Suneeta Pottam and submit the report to NHRC within two weeks.
- Based on the inquiry, order the DGP of Chhattisgarh, to take immediate and strict action against all the errant policemen including the DSP Garima Dadar, and other police personnel, who were involved in violating the DK Basu Guidelines and the law and submit a report to the NHRC within four weeks.
- Provide complete physical and psychological security to Ms. Suneeta Pottam to protect him from future assault, abduction and intimidation by the UP police.
- Put an end to all acts of harassment, intimidations, and attacks against all human rights defenders in general in the state of Chhattisgarh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary