

# BLACKOUT IN BASTAR

Human Rights Defenders Under Threat



INDIA

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# **BASTAR BLACKOUT**

**Freedom of expression is being throttled in Chhattisgarh as the state cracks down on media and civil society.**

**For the last six months, the central Indian state has witnessed a sustained attack on journalists and human rights defenders. Conditions have been created where arbitrary arrests, threats to life, and organized hindrance to the work of journalists, lawyers, and other human rights defenders have led to a near total information blackout.**

**Local journalists investigating excesses by security forces have been arrested on trumped-up charges and tortured, while their lawyers have been threatened. Abusive security laws have been deployed. And increasingly, Chhattisgarh is playing to a script of the bizarre.**

**Violations by the state have been accompanied by intimidation by those acting on its behalf. Local self-styled vigilante groups called the Samajik Ekta Manch (Social Unity Forum) and Mahila Ekta Manch (Women's Unity Form), which appear to have the backing of the state police, have intimidated and harassed journalists and activists who express dissenting views. Among the members of these groups are people who were part of the banned Salwa Judum civil militia.**

**Most of these incidents have taken place in and around the Bastar region of the state, the epicenter of the long-drawn conflict between state forces and armed Maoist groups. Bastar has witnessed violence and counter-violence leading to massive human rights violations. Adivasi communities in particular have faced abuses from all sides. Against this backdrop, the silencing of civil society and the media may both enable and hide more abuses.**



# TIMELINE OF DARKNESS

**16 July 2015**

Journalist **SOMARU NAG** is arrested for allegedly being a Maoist sympathiser. He is held for alleged banditry, arson and criminal conspiracy under the Indian Penal Code and the Arms Act.

**29 September 2015**

Journalist **SANTOSH YADAV** is arrested for allegedly associating with a terrorist organization and supporting and aiding terrorist groups. He is held under the Chhattisgarh Special Public Security Act and the Unlawful Activities (Prevention) Act, India's principal anti-terror legislation, among other laws.

**01 November 2015**

Adivasi women from Pedagelur village, Bijapur file an FIR alleging rape and sexual assault by members of security forces between 19 and 24 October. The women are assisted by local activists, including researcher **BELA BHATIA** and lawyers from the Jagdalpur Legal Aid Group.

**15 January 2016**

Adivasi women from Kunna village, Sukma file an FIR alleging sexual assault by members of security forces on 12 January. The women are assisted by local activists, including activist Soni Sori.

**18 January 2016**

Adivasi women from Nendra, Bijapur try to file an FIR alleging rape and sexual assault by members of security forces between 11 and 14 January. The police initially refuse, but later register an FIR on 21 January after local activists hold a press conference.

**08 February 2016**

Members of the Samajik Ekta Manch demonstrate outside the home of journalist **MALINI SUBRAMANIAM** in Jagdalpur. They accuse her of being a Maoist agent. Later that night, stones are thrown at her house.

**18 February 2016**

Journalist **MALINI SUBRAMANIAM** is forced to leave her home in Jagdalpur after her landlord is pressured by the police to evict her.

**18 February 2016**

Human rights lawyers **SHALINI GERA** and **ISHA KHANDELWAL** of the Jagdalpur Legal Aid group (JagLAG) are forced to leave their home in Jagdalpur after their landlord is pressured by the police to evict them.



### 20 February 2016

BBC Hindi journalist **ALOK PUTUL** is forced to abandon an assignment in Bastar after receiving threats. A senior police official had communicated to the journalist that he preferred to spend time with 'nationalist and patriotic' journalists.

### 20 February 2016

Activist **SONI SORI** is attacked and a chemical substance thrown at her face. Her nephew **LINGARAM KODOPI** later says that the police tried to pressure him to say that the attack was orchestrated by Soni Sori to gain sympathy. **AJAY MARKAM**, Soni Sori's brother-in-law, says he was picked up by the police and tortured.

### 16 March 2016

**SAIBAL JANA**, the chief physician at a hospital in Dalli-Rajhara, which he helped set up to treat underprivileged communities, is arrested for allegedly being 'absconding' in a criminal case registered in 1992. He is later released on bail.

### 21 March 2016

Journalist **PRABHAT SINGH** is picked up by the police, tortured and then arrested under the Information Technology Act for a Whatsapp message making fun of a senior police official.

### 26 March 2016

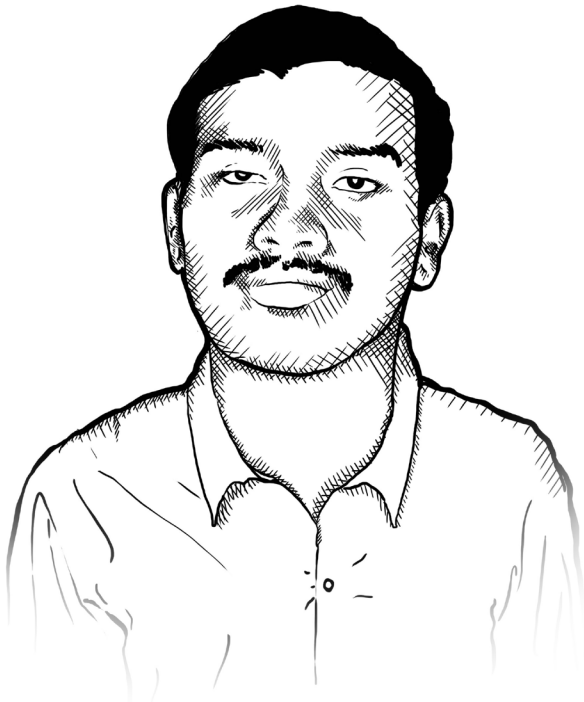
Journalist **DEEPAK JAISWAL** is arrested on a seven-month old complaint filed by a school principal for trespassing, obstructing public servants, and assaulting a public servant.

### 26 March 2016

Members of the Mahila Ekta Manch demonstrate outside the home of researcher **BELA BHATIA**. They accuse her of being a Maoist agent, and demand that she leave the state.

### 30 March 2016

A three-member fact finding committee of the Editors Guild of India concludes that there is a sense of fear among journalists in Bastar and the democratic space for journalism is shrinking.



## SANTOSH YADAV

WORKED with Navbharat and Dainik Chhattisgarh

- ACCUSED of being member of banned armed group, Communist Party of India (Maoist)
- CHARGED under UAPA, CSPSA and other laws.
- If convicted, can face up to 10 years in prison.

## SANTOSH YADAV

Born and raised in Darba, a small town in Bastar, Santosh Yadav wanted to be a police officer when he was in school. Instead, he went on to become a journalist, reporting on abuses by security forces and Maoist armed groups in the region. He was a local stringer for regional and national dailies such as Navbharat and Dainik Chhattisgarh. It was his refusal to toe the state line that eventually led to his arrest.

In September 2015, the state police arrested five Adivasi villagers from Badrimahu, a village inside the Darba forest, during anti-Maoist operations. The villagers claimed that they had been falsely accused. Santosh Yadav not only filed media reports from Badrimahu, but also got the Adivasi villagers to meet advocates from the Jagdalpur Legal Aid Group and challenge the arrests in court.

Santosh Yadav's reports put a spotlight on the harassment of Adivasis by the state police. Within days of the incident, he was arrested. He was accused of being involved in an attack by Maoist armed groups on security forces on 29 September, and arrested for alleged rioting, criminal conspiracy, murder, and being part of the banned Communist Party of India (Maoist) armed group, among other offences. He has been charged under the Chhattisgarh Special Public Security Act and the Unlawful Activities (Prevention) Act – both of which violate international human rights standards – and other laws. If convicted, he could

spend up to 10 years in jail.

His wife Poonam Yadav told Amnesty International India, “He used to face a lot of threats because of his work. I used to tell him to be careful and once even told him to find another profession. But he always told me he was helping others and was not afraid of anyone. He has been framed by the state police.”

Isha Khandelwal, Santosh Yadav's lawyer, told Amnesty International India that the charges were fabricated, and the journalist was being targeted for his reporting on human rights violations by the police against Adivasis. She said, “The police had started harassing him in 2013. At one time they even stripped him naked in custody and humiliated him. There was a lot of pressure on him to become an informer.”

“His only fault was that he went beyond his journalistic duties and helped villagers to get access to legal aid. In Bastar, the police expects journalists to report only what they are saying. Santosh Yadav always reported both sides of the story.”

Rajkumar Soni, a reporter for the national daily Patrika told Amnesty International India, “The state police has to understand that journalists have to report both sides of the story. A reporter can't be accused of being a Maoist for speaking to a Maoist.”

He said, “If you call police for information for a story, they will say you're an anti-national reporter and that they can't share information. In Bastar, if you're a journalist you'll have to speak to Maoists once in a while - the same way a journalist in Mumbai has to speak to businessmen, politicians and police officers for a story. Is there a law that prevents us from reporting their version?”

“The police had started harassing him in 2013. At one time they even stripped him naked in custody and humiliated him. There was a lot of pressure on him to become an informer.”

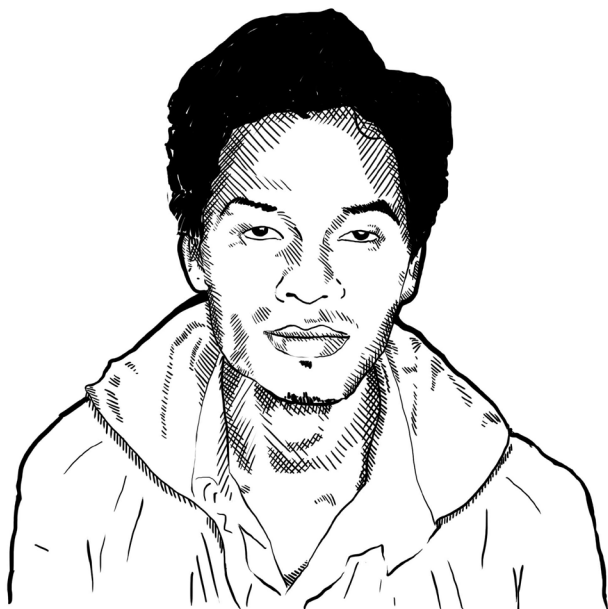
*Isha Khandelwal, Santosh Yadav's Lawyer*



**“He used to face a lot of threats because of his work. I used to tell him to be careful and once even told him to find another profession. But he always told me he was helping others and was not afraid of anyone. He has been framed by the state police.”**

*Poonam Yadav, Santosh Yadav's Wife*





### SOMARU NAG

WORKED with Rajasthan Patrika

- ACCUSED of having links with Maoists and destroying government property
- CHARGED under The Arms Act and Indian Penal Code
- If convicted, can face up to seven years in prison

## SOMARU NAG

Somaru Nag, an Adivasi journalist, covered rural issues such as access to water and electricity for newspapers in Bastar, such as Rajasthan Patrika. His reports also highlighted arbitrary arrests by the state police, and detailed how the police forced members from Adivasi communities to become informers.

Somaru Nag was arrested on 16 July 2015. The police accuse him of having links with the Maoists and of collaborating in an operation to set fire to equipment used to build roads. He was charged under the Arms Act and also charged with banditry, arson, and criminal conspiracy under the Indian Penal Code. Following

his arrest, members of his village, Tirathgarh, held a special gram sabha (village assembly), in which they passed a resolution saying that he was innocent.

“There is lot of fear in the villages in Bastar. They are scared of both police officers and Maoists. The local media in Jagdalpur is helpless, the police can harass them anytime if they don't toe the police line. Truth is a casualty because of this,” said Jinesh Jain, Editor, Patrika.

“In Bastar, if you're a journalist you'll have to speak to Maoists once in a while - the same way a journalist in Mumbai has to speak to businessmen, politicians and police officers for a story. Is there a law that prevents us from reporting their version?”

*Rajkumar Soni, Journalist, Patrika, Chhattisgarh*

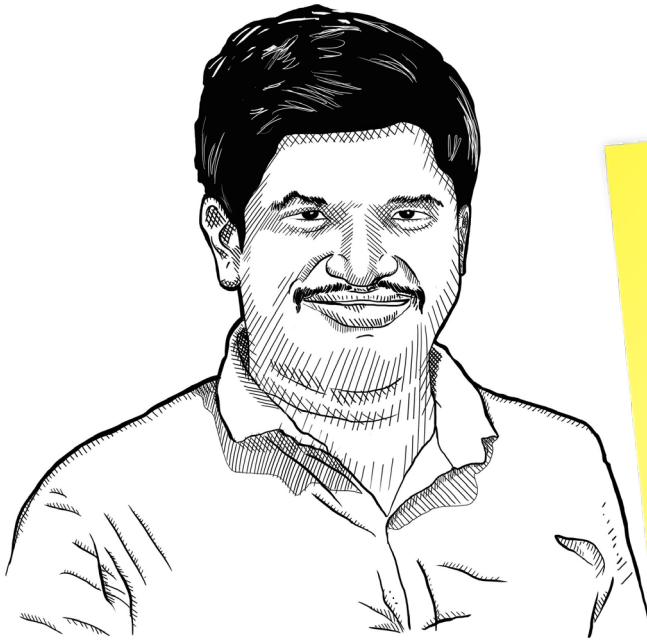
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“Many journalists have suffered various forms of intimidation, threats and beatings. Being a journalist is one thing and being an outspoken journalist is another. It's been a very difficult space for journalists,”

*Bela Bhatia*

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### PRABHAT SINGH

- WORKED with Patrika and ETV
- ACCUSED of transmitting obscene material about IGP of Bastar Range
- NO CHARGESHEET YET
- If convicted, can face up to five years in prison

## PRABHAT SINGH

Prabhat Singh worked as a stringer for the Hindi daily Patrika and the news channel ETV in Dantewada. He had reported on corruption and alleged human rights violations by the police, including extrajudicial executions.

On 6 March, Prabhat Singh filed a police complaint against members of the Samajik Ekta Manch, accusing them of defaming him on a WhatsApp group. On 19 March, one of his employers terminated his contract. Two days later the state police arrested him for allegedly having posted an obscene message on a Whatsapp group on 1 March which made fun of a senior police official.

Prabhat Singh was arrested under Section 67 and 67A of the Information Technology Act for “publishing and transmitting obscene material in electronic form”.

He also faces charges of cheating, extortion and obstructing the police which were filed previously in other cases.

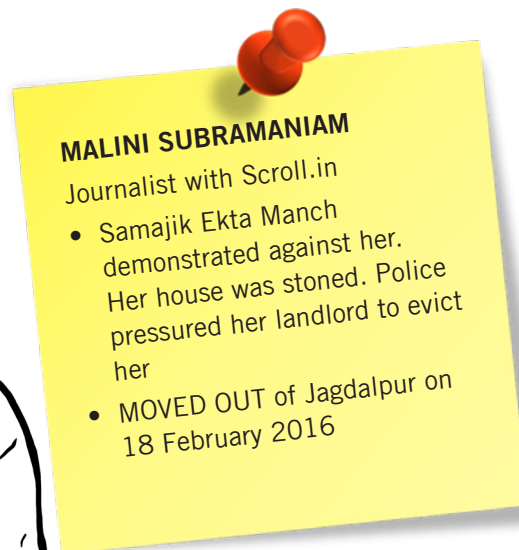
Prabhat Singh alleged that he was tortured by the police in custody. His lawyer Xitiz Dubey said, “Prabhat was picked up by the police on Monday and was in their custody without a first information report (FIR) for one day. Finally, when he was produced in court on Tuesday, Prabhat told the judge about the torture he was subjected to in custody. His chest and hand had several marks resulting from such treatment.”



The WhatsApp message that got Prabhat Singh arrested.

“Prabhat told the judge about the torture he was subjected to in custody. His chest and hand had several marks resulting from such treatment.”

*Xitiz Dubey, Prabhat Singh's Lawyer*



## MALINI SUBRAMANIAM

Malini Subramaniam is a journalist who contributes to the news website Scroll, and has consistently written on allegations of human rights violations by security forces in Chhattisgarh, including cases of sexual violence, arbitrary arrest and torture of journalists, and fake Maoist ‘surrenders’.

On 10 January 2016, a group of men from the Samajik Ekta Manch visited her home in Jagdalpur and accused her of ‘engaging in activities that tarnishes the image of Bastar and the police’.

On 7 February, a group of over 20 people, some of whom she identified as being from the Samajik Ekta Manch, gathered outside her home. They urged her neighbours to stone her house and chanted slogans, saying that she was an agent for Maoist armed groups and demanding that she leave Bastar. Later that night, stones were thrown at the journalist’s house, shattering her car’s rear windshield. The next day, the Samajik Ekta Manch released a public statement accusing her of presenting a distorted picture of Bastar and ‘promoting Maoist ideology’.

Speaking to Amnesty International India, Subramaniam said, “This is not an attack on me as a person but as a journalist reporting incidents on the ground, something that they don’t want.” The journalist worked earlier at the office of the International Committee of the Red Cross in Chhattisgarh, which was asked to suspend operations in 2013 by state authorities.



Malini Subramaniam’s car after an attack on her house on 7 February.

According to her lawyers at JagLAG, the police refused to register a First Information Report (FIR) about the attack on 8 February, and said that they would need the approval of a senior official, who was traveling then. The police eventually registered an FIR on 9 February, in the journalist’s absence, against unnamed persons for the offences of house-trespass and ‘mischief causing damage to the amount of fifty rupees’. The FIR did not mention the 7 February demonstration or name any of the people Subramaniam had identified in her statement.

On 17 February, the police summoned the journalist’s landlord for questioning. The landlord told her later that she would

have to move out of her home as soon as possible. The same day, her domestic help was repeatedly detained and questioned by the police. Fearing for her safety, Scroll asked Malini Subramaniam to leave Jagdalpur. The journalist and her family moved out the next day.



Adivasi protest in Bastar in February 2016. Malini Subramaniam was one of the few English media journalists to report Adivasi protests in the region.



“This is not an attack on me as a person but as a journalist reporting incidents on the ground, something that they don't want.”

*Malini Subramaniam*



Malini Subramaniam was sent this image depicting effigies of Naxalites and their supporters being burned.

# ABUSES BY SECURITY FORCES

Since 2015, there have been reports of three instances of large-scale sexual violence, physical abuse and looting of villages by security force personnel during search operations in the South Bastar region of Chhattisgarh.

**On 1 November 2015**, three Adivasi women and a teenage girl registered a First Information Report alleging large-scale rape, assault and looting by security force personnel during search operations between 19 and 24 October 2015 in the villages of Pegdapalli, Pedagelur, Gundem, Burgicheru and Chinnagelur in Bijapur district. The women were aided by activists from the group Women Against Sexual Violence and State Repression, which included researcher Bela Bhatia.

The group quoted one of the survivors as saying: "They began chasing my hens, so I objected. 'Why are you catching my hens? Do your own work,' I said. At this, they hit me with a stick, blindfolded me and dragged me to the jungle where they raped me. I heard them say in Gondi they would kill me there itself." It said that many of the women reported being chased out of their homes by security force personnel and beaten. Over a dozen women later filed statements about the violence. No arrests have been made or charges filed yet.

On 5 April 2016, a team from the National Commission for Scheduled Tribes which looked into the allegations said that there was prima facie evidence of mass sexual violence, and the case was not being effectively investigated. The team asked for an impartial investigation, stating that an investigation carried out by the district police would not be fair as they had been involved in the search operations.

**On 15 January 2016**, six Adivasi women registered an FIR against security force personnel for sexual assault during search operations on 12 January in Kunna village and Pedapara in Sukma district. The women – accompanied by activist Soni Sori - reported the violence to a senior official in the district administration

on 15 January, but an FIR was only registered later. The women said that security force personnel had stripped and beaten them. One woman said that she was dragged out of her house, and her husband and children taken to a security force camp. When she said that she had a small child, a policeman forcibly squeezed her breast. No arrests have been made or charges filed yet.

**On 18 January 2016**, 16 Adivasi women from Nendra village, including eight rape survivors, traveled to the Bijapur district headquarters to file an FIR against security personnel who allegedly raped more than a dozen women in Nendra during search operations between 11 and 14 January. The police recorded their statements, but refused to register an FIR in the absence of the Superintendent of Police. Isha Khandelwal, the women's lawyer, said, "The women who were raped were not able to even walk properly. Despite that, they went to file an FIR in the district station, where the police officials refused to file an FIR unless the SP was present."

Shivani Taneja, a member of the group Women Against Sexual Violence and State Repression who accompanied the victims, said, "While taking the statements of the affected women, a woman police official remarked in Gondi, "You are all feeding the naxalites and taking care of them. And now you're coming here." There is a bias against them continually because they come from Naxal affected areas."

An FIR was finally lodged on **21 January 2016**, after immense pressure from activists and civil society groups. One of the women's statements reads: "Two men caught hold of me and dragged me inside my house. They took off my clothes,

tore my blouse and pressed my breasts. One policeman raped me and said, 'We will burn down your houses. If it wasn't daytime, we would have killed you.'"The personnel allegedly also raped or sexually assaulted other women, threatened and beat up villagers, and stole poultry, food and money. No arrests have been made or charges filed yet.

## WHAT IS COMMON IN ALL THESE CASES?

- The allegations against security force personnel include sexual assault against women, physical assault and verbal abuse of villagers and looting of villagers' homes.
- In all the cases, the police refused to file an FIR at first, and only agreed to do so after a delay. Under Indian law, refusing to file an FIR in a case of sexual violence is a criminal offence.
- All the FIRs were registered against unnamed security personnel. In the case of the Nendra incident, the victims had identified and named police personnel in their statements, but these names were not listed in the FIR.
- No charges have yet been filed in any of these cases. It has been more than six months since the first incident in Bijapur district.





## BELA BHATIA

Independent researcher and human rights activist

- Part of a team that helped Adivasi women file FIRs on sexual violence allegedly committed by security force personnel.
- Samajik Ekta Manch demanded that Bela Bhatia leave Bastar, and be charged under the CSPA.

## BELA BHATIA

Bela Bhatia is an independent researcher and human rights activist who has lived and worked in Bastar for over a year. She currently resides in Parpa, a village about three kilometers away from Jagdalpur.

Bela Bhatia has worked at the Centre for the Study of Developing Societies, a prominent think-tank, where she focused on the Telangana Naxalite movement and the Salwa Judum campaign in Bastar. She was also part of an expert committee constituted by India's Planning Commission on 'development challenges in extremist-affected areas'.

The researcher was part of a team that helped Adivasi women file FIRs on the large-scale sexual violence allegedly committed by security force personnel in October 2015 and January 2016.

On 21 January 2016, as Bela Bhatia and other activists were assisting Adivasi women from Bijapur in filing an FIR, a group named Naxal Peedith Sangharsh Samiti (Committee of Naxal Victims) shouted slogans against them for 'defaming' the image of security forces. On 29 January, the same group held a protest march in Bijapur against Bela Bhatia and Adivasi activist Soni Sori, in which they burnt effigies and warned the activists against returning to Bijapur.

On 19 February, the police visited Bela's home and questioned her landlord and his wife, and the head of the village council. The next day, the police called her landlord to the police station for

जानिये आपके बीच में रहने वाली नक्सली दलाल  
बेला भाटिया को

बाहरी नक्सली दलाल बेला  
बस्तरिया आदिवासियों  
को गुमराह करना  
बन्द करो



- विदेशी दलाल बेला भाटिया बस्तर से बाहर जाओ
- अपने विदेशी पति जॉन ट्रेज के साथ मिलकर खूनी नक्सलियों के साथ देश तोड़ना बन्द करो व उनकी दलाली बन्द करो

“बस्तर छोड़ो, बस्तर छोड़ो  
बेला भाटिया बस्तर छोड़ो ”

॥ नक्सलवाद मुर्दाबाद ॥

A leaflet against Bela Bhatia distributed on 26 March.

questioning. Three days later, the police visited her home again and took photographs of her house.

On 18 March, the Mahila Ekta Manch organized a protest in Jagdalpur to condemn the killing of an eight year-old girl by a landmine allegedly planted by armed Maoist groups in Sukma. They demanded that Bela Bhatia and human rights lawyer Shalini Gera leave Bastar, and that they be charged under the Chhattisgarh Special Public Security Act.

On 26 March, dozens of men and women showed up at Bela Bhatia's home while she was away. They advised her landlady to evict her as she was a 'Naxalite terrorist'. The protestors carried out a rally, distributing leaflets that said: 'Know that Bela Bhatia, a Maoist agent, lives among you... Bela Bhatia, stop destroying the country... Leave Bastar'.

On 24 March, Bela Bhatia wrote an open letter stating that she had no plans to leave Bastar. She wrote, "Democracy aims for a society where there is no oppressor and the oppressed. It means a society where everybody has freedom of speech. I hope we will be able to establish such a democracy in Bastar."



**ISHA KHANDELWAL & SHALINI GERA**

Members of the Jagdalpur Legal Aid Group (JagLAG), which has been providing free legal assistance to prisoners in five districts in Chhattisgarh.

- Samajik Ekta Manch held protests accusing JagLAG of helping Naxals.
- MOVED OUT of Jagdalpur on 20 February.

**ISHA KHANDELWAL & SHALINI GERA**

Isha Khandelwal and Shalini Gera are members of the Jagdalpur Legal Aid Group (JagLAG), which has been providing free legal assistance to prisoners in five districts in Chhattisgarh since 2013. Many of their clients are members of Adivasi communities accused of being part of Maoist armed groups. The lawyers have also carried out research which shows that Adivasi people in the state are frequently arrested by the police on little evidence, and spend long periods in pre-trial detention before being acquitted by courts.



Following repeated threats by Samajik Ekta Manch, Shalini and Isha pack up their belongings to leave Bastar.

In 2015, police officials questioned the JagLAG lawyers, following an anonymous complaint alleging that they did not have the right credentials to practice law in Bastar. In October 2015, the Bastar Bar Association in a general body meeting passed a resolution debarring lawyers not enrolled in the State Bar Council from practicing in Jagdalpur courts, a move which appeared to be targeted at hindering the practice of the JagLAG lawyers.

On 7 February, Isha Khandelwal assisted journalist Malini Subramaniam to file an FIR after an attack on her house. Two days later, a Samajik Ekta Manch statement announced that the organisation would be carrying out a protest against groups like JagLAG, which they said helped Naxals in the garb of social service.

On the night of 17 February, police officials visited the home of the lawyers' landlord, and took him to a local police station. The landlord returned the next morning and told the lawyers that he had 'no choice' but to ask them to vacate their home and office. "He was asked by the police to ensure that we vacate the house within a day or two," said Shalini Gera.

An official at the police station told Amnesty International India that the landlord had been questioned on a different matter. Later that day, members of the Samajik Ekta Manch again held a public demonstration against JagLAG, accusing them of being defenders of Maoists. "They issued a press statement which said that we are their next target since we support bloodthirsty Naxals. They've also made a lot

of speeches against us, saying that we drink foreign liquor and live lavish and indecent lifestyles," said Shalini Gera.

On 19 February, the Inspector General of Police for Bastar announced at a press conference that there had been a threat of an attack against JagLAG lawyers. Shalini Gera and Isha Khandelwal left Jagdalpur the following night.

**“ JagLAG which is helping dreaded Naxals lodged in jail, despite the seriousness of Naxal matters, and despite the fact that honourable local lawyers are keeping themselves away from such cases.... ”**

*Samajik Ekta Manch statement on 9 February.*

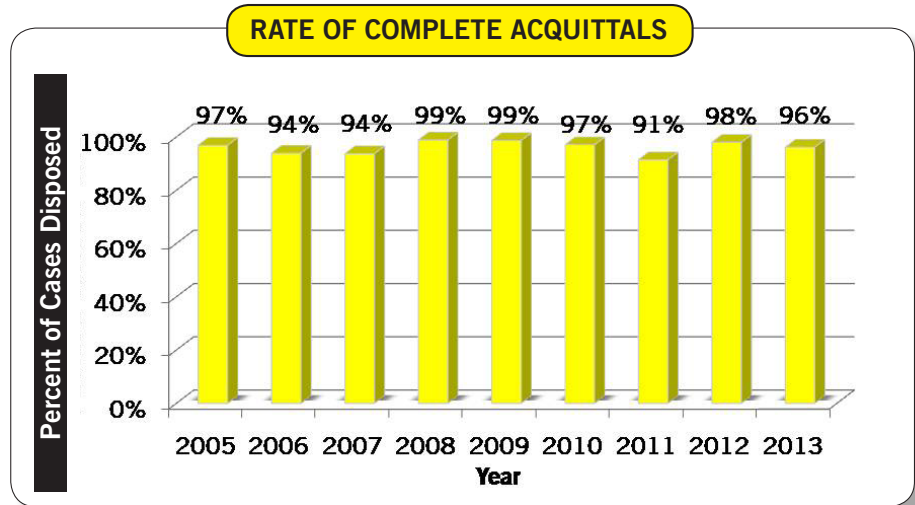


# VIOLATIONS OF PRISONERS' RIGHTS

Research by the Jagdalpur Legal Aid Group in prisons in Bastar in 2013 revealed widespread apathy to the rights of pre-trial detainees (or 'undertrials'). The lawyers found that, between 2005 and 2013, about 96 per cent of all criminal cases in Dantewada resulted in acquittals. Yet many undertrials spent long periods in jail awaiting trial. In 2013, nearly half the undertrials in the Dantewada district jail had spent over a year in prison.

The research showed that the main jails in Jagdalpur, Dantewada and Kanker were extremely overcrowded – by 260 per cent, 371 per cent, and 428 per cent, respectively. About 97 per cent of the inmates in the Dantewada and Kanker district jails were pre-trial detainees, well above the national average of about 67 per cent. Many of the prisoners were illiterate Adivasi men.

The lawyers also found cases where the police appeared to have fabricated



Dantewada Sessions Court data obtained through RTI by Jagdalpur Legal Aid Group

evidence. In one instance, policemen who were involved in an armed exchange with Maoists later claimed that they recalled 50 names shouted out by the Maoist fighters. The lawyers also found cases where people

were arrested under the Arms Act for carrying shovels and crowbars. In some of the examined cases, detainees had spent years in jail, implicated in multiple cases, before finally being acquitted.

## OVERCROWDING IN JAILS



	Capacity of Jails	Actual Occupancy	Occupancy Rate
INDIA	347,859	411,992	118%
Chhattisgarh	6,070	15,840	261%
Kanker District Jail	65	278	428%
Dantewada District Jail	150	557	371%
Jagdalpur Central Jail	579	1,508	260%

2013 data compiled by Jagdalpur Legal Aid Group



Of all the states in India, Chhattisgarh has had the highest rate of overcrowding in Jails for the past 6 years.

Source: NCRB



## SONI SORI

Former Amnesty International Prisoners of Conscience and Adivasi activists, Soni Sori and her nephew Lingaram Kodopi have been raising issues of human rights abuses committed by both security forces and armed Maoist groups in Chhattisgarh for years.

Soni Sori, a former schoolteacher, and Lingaram Kodopi, a journalist were arrested by the state police in October and September 2011, respectively, on allegations of acting as couriers for a corporate mining firm, Essar. The police alleged they delivered Essar's 'protection money' to armed Maoists groups to ensure the firm's unhindered operations. A politician with the Aam Aadmi Party since 2014, Soni Sori has been acquitted in five cases filed against her, and Kodopi has been acquitted in one of two cases filed against him. Both of them alleged that they were tortured in police custody. On 29 October 2011, a government hospital examined Soni under a court order, and reported that two stones had been inserted in her vagina and one in her rectum, and that she had annular tears in her spine.

On the night of 20 February 2016, Soni Sori was travelling on a motorcycle with a colleague from Jagdalpur to her home in Geedam, Chhattisgarh, when three unidentified men on a motorcycle stopped them and threw a chemical substance on Soni Sori's face. The activist said that the substance caused an intense burning sensation, temporarily blinding her. She was taken to a hospital in Jagdalpur, and later shifted to a hospital in New Delhi for treatment.

### SONI SORI

Former Amnesty International Prisoner of Conscience and Adivasi activist

- Soni Sori was arrested in 2011, tortured in police custody.
- On 20 February, three unidentified men threw a chemical substance on her face.



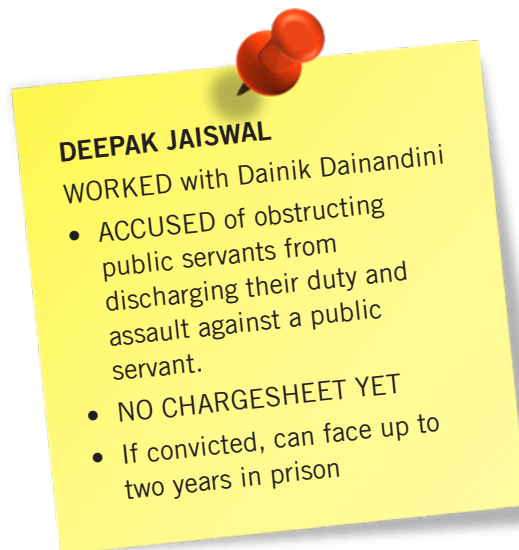
Soni Sori after a chemical substance was thrown on her face.

Soni Sori had been trying for weeks to file a complaint against a high-ranking police official in Bastar in a case involving an alleged extrajudicial execution in Mardum. She told Amnesty International India that her attackers on 20 February had warned her not to continue her efforts.

Following the attack, Chhattisgarh authorities formed a special investigation team comprising state police officials. Soni Sori's family alleges that the team has repeatedly called in Lingaram Kodopi and Soni Sori's brother-in-law, Ajay Markam, for questioning, and pressured them to say that they had a role in planning the attack. Ajay Markam was called in for questioning on three occasions and claimed that he was detained for 30 hours in Jagdalpur police station after he was picked up on 10 March 2016. During this time, he says, he was tortured by the police. "I was beaten up and asked to confess to committing the attack on Soni. They hit me with their shoes everywhere on my body while I was lying on the ground," Ajay Markam told Amnesty International India.

**Soni Sori had been trying for weeks to file a complaint against a high-ranking police official in Bastar in a case involving an alleged extrajudicial execution in Mardum. Soni Sori told Amnesty International India that her attackers on 20 February had warned her not to continue her efforts.**





## DEEPAK JAISWAL

Deepak Jaiswal, a journalist with Dainik Dainandini, published several reports in 2015 on allegations of widespread cheating in school exams in the region. Deepak Jaiswal is a close friend of Prabhat Singh. On 26 March, he was at a local court in Dantewada filing Prabhat Singh's bail application when the state police arrested him on a seven-month-old complaint by a school principal accusing him of trespassing and obstructing public servants. The school principal had alleged that Deepak Jaiswal had threatened to

write a false report about cheating in the school examination and demanded a bribe.

His lawyer Xitiz Dubey said, "Instead of investigating reports of cheating in school exams, the state police are arresting the journalists who filed the reports. Instead of investigating the issue, the state police are shooting the messengers. In such an environment, how can you expect journalists to survive?"



Members of the Samajik Ekta Manch attend a press conference with senior officials of the police.  
Image Courtesy: Scroll.in

# THE LAW

## THE ARRESTS OF JOURNALISTS IN CHHATTISGARH BRING INTO FOCUS THE ABUSIVE LAWS THAT FACILITATE THE SILENCING OF DISSENT.

### THE UNLAWFUL ACTIVITIES (PREVENTION) ACT

The Unlawful Activities (Prevention) Act (UAPA) enacted in 1967 is an anti-terrorism legislation that was amended in 2004, 2008 and in 2012. It incorporates provisions from the draconian Terrorist and Disruptive Activities (Prevention) Act, 1987, which was allowed to lapse, and the Prevention of Terrorism Act, which was repealed, following widespread abuse.

**Several parts of the UAPA violate India's international human rights obligations - particularly under the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party - and have led to human rights violations.**

The Act uses sweeping and overbroad definitions of 'terrorist acts'. For example, the definitions cover actions 'likely to cause...loss of, or damage to, or destruction of, property' even when they are only 'likely to strike terror'.

The law also uses sweeping definitions of 'membership' of a 'terrorist gang or organization' without a clear definition of what constitutes membership. Its definition of 'unlawful activity' is also overly broad, covering any action which 'disclaims, questions, disrupts...the sovereignty and territorial integrity of India or which 'causes or is intended to cause disaffection against India'.

These definitions place excessive restrictions on the rights to freedom of expression, association and assembly, guaranteed under India's Constitution and international human rights law.

Under the Act, the minimum period of



Binayak Sen of the People's Union for Civil Liberties was arrested on false charges and imprisoned for highlighting human rights abuses.

detention of suspects without charge is 30 days and the maximum period 180 days, well beyond international standards. These provisions contravene India's obligations under international human rights law to ensure that all arrested people are promptly informed of the charges against them and are tried within a reasonable time or released.

**The Act lacks adequate pre-trial safeguards against torture and other cruel, inhuman or degrading treatment or punishment of detainees. It reverses certain evidential burdens of grave crimes and requires, in certain circumstances, accused persons to prove their innocence – a provision which is incompatible with the right to be presumed innocent until proven guilty according to law.**

Since 2005, a number of socio-political activists and other human rights defenders

around central India have faced false charges and imprisonment for highlighting human rights abuses. Among them are Binayak Sen of the People's Union for Civil Liberties and Kartam Joga, an Adivasi leader of the Communist Party of India.

Human rights groups in India have highlighted several instances where the UAPA has been abused, with the use of fabricated evidence and false charges, to detain activists defending the rights of Adivasi and Dalit communities and peacefully exercising their rights to freedom of expression and association.

Several Indian and international human rights bodies, including the UN Special Rapporteur on the situation of human rights defenders, have called for the repeal of the law.



# CHHATTISGARH SPECIAL PUBLIC SECURITY ACT



The Chhattisgarh Special Public Security Act was enacted in 2005 to combat violence by Maoist armed groups. Several parts of the Act violates India's obligations under international human rights law.

**The Act contains broad and vaguely worded definitions of 'unlawful activity'. The definition includes, for instance, an act which 'tends to interfere with maintenance of public order' or 'which is designed to overawe...any public servant', or acts 'encouraging or preaching disobedience to established law and its institutions'.**

Its definition of 'unlawful organization' covers organizations which provide 'encouragement directly or indirectly... to any unlawful activity.' Any organization

or person who commits or abets or tries or even plans to commit an 'unlawful activity' may be imprisoned for up to seven years. Mere membership of an unlawful organization is punishable with imprisonment for up to three years.

**These broad definitions run counter to several human rights, including the rights to freedom of expression and association guaranteed under the Constitution of India and international human rights law. Writing a journalistic report on an act of terrorism could be prosecuted as 'tending' to interfere with public order.**

Any definition of terrorism and related acts should be exact and legally precise. Counter-terrorism measures should

be necessary and proportionate to countering specific threats of terrorism. The International Covenant on Civil and Political Rights – to which India is a state party – has been interpreted by the UN Human Rights Committee as requiring states to ensure that counter-terrorism measures do not lead to unnecessary or disproportionate interference with freedom of expression.

The UN Special Rapporteur on the situation of human rights defenders has called for the repeal of the CSPA.

## A PATTERN OF REPRESSION

This is not the first time Chhattisgarh has witnessed a series of attacks on journalists and activists. Between 2005 and 2007, human rights defenders who highlighted violations by either the Salwa Judum civil militia or security forces faced physical intimidation, violence, arbitrary detention, torture and sexual violence.

**The Supreme Court in 2011 ordered the government of Chhattisgarh and the Union of India to disband and disarm the state-sponsored civil militias, and to provide its members security and rehabilitate them.**

However there have been various attempts made to revive the Salwa Judum in different forms. In May 2015, the son of the Congress party leader who created the Salwa Judum announced the formation of a group called the Vikas Sangharsh Samiti (Development Struggle Committee) – similar in respects to the Salwa Judum -to counter Maoists.

**Over the last few months, with the apparent support of the state police, local political leaders from different parties have also established groups such as the Samajik Ekta Manch which are openly hostile to those who question the state government. These groups have begun to gradually intensify their campaign against dissenting voices.**





The Supreme Court in 2011 ordered the government of Chhattisgarh and the Union of India to disband and disarm the state-sponsored civil militias, and to provide its members security and rehabilitate them.

“Consequently, the fight against Maoists/Naxalites is no less a fight for moral, constitutional and legal authority over the minds and hearts of our people. Our constitution provides the gridlines within which the State is to act, both to assert such authority, and also to initiate, nurture and sustain such authority. To transgress those gridlines is to act unlawfully, imperiling the moral and legal authority of the State and the Constitution.”

Supreme Court of India, *Nandini Sundar v. State of Chhattisgarh*, 5 July 2011.



## RECOMMENDATIONS

# AMNESTY INTERNATIONAL INDIA URGES THE CHHATTISGARH GOVERNMENT TO

- Immediately drop all politically motivated charges against journalists arrested merely for doing their work, and immediately and unconditionally release all those detained.
- Conduct a time-bound, impartial and effective investigation into allegations of rape, torture and other human rights abuses by security forces in Chhattisgarh, and bring those responsible to justice.
- Immediately take measures to end the harassment of journalists, defenders and ensure that they are able to carry out their legitimate and peaceful human rights activities without fear of harassment and intimidation
- Repeal the Chhattisgarh Special Public Security Act.

# AMNESTY INTERNATIONAL INDIA URGES THE UNION MINISTRY OF HOME AFFAIRS TO

- Ensure a prompt, impartial, independent and effective investigation into all allegations of harassment, intimidation, attacks, torture and ill-treatment of journalists, researchers, lawyers and human rights defenders in Chhattisgarh.
- Repeal the Unlawful Activities (Prevention) Act.

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