



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 09, 2020

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: Urgent Appeal for Action – Jharkhand: Abduction and Illegal arrest of 83-year-old Jesuit priest and Adivasi rights activist Fr Stan Swamy in the Bhima-Koregaon Case

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 you seeking your urgent intervention in the case of arrest of 83-year-old Jesuit priest and Adivasi and human rights defender Fr Stan Swamy on 8 October, 2020, in connection with the Bhima-Koregaon Elgar Parishad case. Swamy is the 16th and the oldest person to be arrested by the National Investigation Agency (NIA) in a case in which prominent human rights defenders across the country have been arrested under the draconian Unlawful Activities (Prevention) Act (UAPA).

Swamy is an HRD with over six decades of work in human rights in Jharkhand, especially for Adivasi rights, has no connection with the Bhima Koregaon, and it's preposterous that he should be abducted by the NIA from his residence in Ranchi, i.e. Bagaicha in Namkum, without any legal arrest procedures mandated by Criminal Procedure Code (CrPC), guidelines of the Supreme Court and the National Human

Rights Commission (NHRC). The NIA has been trying to establish that Swamy is linked to the Maoists, an allegation Father Swamy has denied in the strongest terms.

We are also shocked that the NIA is considering taking Swamy to Mumbai, who is 83-years-old and is suffering from advanced Parkinson's disease, thereby subjecting him to extreme risk to his life during this pandemic. We believe that this travel, even by air, will put his life and liberty at great risk. Besides this, the Jharkhand State Government has given a directive that during this pandemic elderly persons above the age of 65 years may not appear in public.

As it is, Swamy has already been interrogated for over 15 hours in the last couple of weeks and has always cooperated with the NIA in the past. There is absolutely no reason to subject an elderly sick person to custodial interrogation in another state. This puts his life under the gravest risk.

About the Human Rights Defender:

Fr. Stan Swamy is a Jesuit priest and human rights activist from Ranchi in Jharkhand. After his stint as Director, Indian Social Institute, Bengaluru and his association with JOHAR (Jharkhand Organization for Human Rights) in Chaibasa, Swamy moved to Ranchi and founded Bagaicha, a Jesuit social research and training centre. He has been active at Bagaicha for the last 15 years, and has worked in collaboration with people's movements that are working against unjust displacement, human rights violations, illegal land acquisitions, and policies that were designed or amended to acquire more land, making the indigenous people landless.

Source of the Information:

- Communication with other HRDs in the region
- Communication with HRDA East Regional Consultant

Perpetrators:

National Investigation Agency

Date of Incident:

October 8, 2020

Place of Incident:

Namkum, Ranchi, Jharkhand

Details of the Incident:

On October 8, 2020, NIA officials reached Swamy's residence in Ranchi around 8 pm, and forcefully picked him up without following any of the necessary arrest procedures. He was taken to the Ranchi NIA office, and is being pressured to be taken to Mumbai for interrogation.

Swamy was earlier interrogated by the NIA for over 15 hours during a span of 5 days (July 27, 28, 29, 30 and August 6, 2020). Apart from his biographical details and some factual information, several extracts allegedly obtained from his computer implicating his connection with Maoists were placed before him. Swamy disowned all the extracts placed before him and said the files were stealthily copied on his computer to implicate him.

Mr. Swamy was last interrogated by the NIA on August 6, 2020. He was summoned on October 6, 2020, to appear in NIA-office in Mumbai, after a silence of about six weeks. He informed officials, (i) that he failed to see the need to further interrogate him, given that he had been interrogated for 15 hours already, (ii) that he was not in a position to undertake the long journey given his age (83) that he was at an increased vulnerability of COVID-19. However, he told the NIA officials that he was prepared to be interrogated through video-conferencing.

The nature of the present NIA investigation has nothing to do about Bhima-Koregaon case, in which he has been booked as a 'suspected-accused' and consequently raided twice (August 28, 2018 and June 12, 2019). HRDA had submitted the same before the Hon'ble Commission on earlier occasions. Through this period, the NIA has maliciously attempted to somehow establish that Swamy is personally linked to Maoists and that through him Bagaicha is also linked to Maoists. He has denied both these allegations in strongest terms.

Furthermore, the forcible picking up of an elderly HRD, despite detailed prior questioning, is nothing but blatant harassment and intimidation of people who are critical of the State and its policies and fight for the rights of those who have been oppressed and marginalised.

We also believe that with prisons becoming hotspot for the COVID-19 pandemic, NIA's actions against the Swamy, an HRD in his 80s with his documented medical preconditions including advanced Parkinson's disease, puts his life at extreme risk.

APPEAL:

We urge the Honorable Commission to take urgent steps to ensure that 83-year-old HRD, Fr Stan Swamy, who suffers from advanced Parkinson's disease, should not be taken in for custodial interrogation by the NIA during the times of pandemic given his advanced age and his frail health.

We further contend that he has been forcibly picked up by the NIA without any arrest warrant or memo and we fear for his life and liberty. He has been interrogated for over 15 hours in the last few weeks and has always co-operated with the investigation agency in the past.

We urge the Hon'ble Commission to urgently direct the NIA, that If he has to be questioned further, it shouldn't be a custodial interrogation and he shouldn't be forced to travel to Mumbai which will certainly put his life in jeopardy.

We also bring to Hon'ble Commission's attention misuse of terror legislations against prominent HRDs of this country. We urge the NHRC to take definite measures and place before the appropriate court, the urgency that these HRDs are released on bail, most of them now languishing in prisons for almost two years now.

Looking to hear urgently from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary