

30 July 2019

India: Human rights defenders Stan Swamy, Aloka Kujur, Vinod Kumar and Rakesh Roshan Kiro face imminent risk of arrest

On 30 July 2019, the Ranchi High Court heard an application by human rights defenders **Stan Swamy, Aloka Kujur, Vinod Kumar and Rakesh Roshan Kiro** to quash a First Information Report (FIR) filed against them by the Jharkhand Police in July 2018. The State prosecutor objected to the FIR being quashed on the basis that the Magistrate's Court has already issued a search and seizure order for the property of the defenders mentioned in the warrant, effectively classifying them as absconders. The Court refused to grant the defenders interim protection from arrest, and has rescheduled the case for 7 August. All four human rights defenders face imminent risk of arrest due to an arrest warrant issued by the Chief Judicial Magistrate Khunti District, Jharkhand on 19 June 2019, based on the July 2018 FIR.

[Stan Swamy](#) is a human rights defender and champion of Dalit and Adivasi rights. He is the founder of **Vistapan Virodhi Janvikash Andolan**, an all-India platform to secure and protect the rights of Dalit and Adivasi peoples to their land. The platform supports the people's campaign against the forcible displacement of vulnerable farming communities from their land and livelihood due to large corporate projects, especially extractive industry projects. Stan Swamy and his organisation have been vocal against human rights violations by law enforcement against the Dalit and Adivasi peoples and government policies that discriminate against them in relation to their right to land, life and dignity.

[Aloka Kujur](#) is a women's rights advocate in Jharkhand and an indigenous peoples' rights defender. She has also been involved in speaking out against human rights violations committed by security forces in Jharkhand's Ghagra village and its neighbouring villages. Vinod Kumar is a senior journalist and writer. Rakesh Roshan Kiro is a local human rights defender working peacefully for the human rights of vulnerable communities in the state.

On 26 July 2018 the Jharkhand Police, through a police inspector of the Khunti Police Station, filed a FIR against 20 human rights defenders, including Stan Swamy, Aloka Kujur, Rakesh Roshan Kiro and Vinod Kumar, for posting critical statements against the Jharkhand state government, for allegedly instigating "innocent and uneducated" villagers to carry out "anti-national" activities, and for their involvement in the Pathalgadi movement. The FIR includes serious offences of "sedition", "waging war against the state" (sections 124A and 121 of the Indian Penal Code respectively) and offences under the Information Technology Act of "sending offensive messages" and "cyber terrorism" under Sections 66A and 66F respectively. The inclusion of Section 66A of the Information Technology Act is in direct violation of a Supreme Court order of March 2015 repealing the provision as unconstitutional.

The Pathalgadi movement, mentioned in the FIR, is a people's movement supporting the struggle of the Dalit and Adivasi peoples to secure their right to land, livelihood and life against the impact of state and corporate interests. 'Pathalgadi' is a stone plaque traditionally used to honour ancestors or mark boundaries. Since 2017, the people's movement for land rights have used these Pathalgadi as a form of symbolic protest to raise awareness among the Dalit and Adivasi community regarding their right to land which is expressly protected under the constitution and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). The plaques include provisions from the constitution and PESA on the land rights and autonomy of Adivasi people.

The state and police response to the Pathalgadi movement has been one of severe repression and violence against the community, its leaders and human rights defenders. Since 2017, there have

been a spate of arrests of Dalit and Adivasi community leaders and ordinary farmers. Many civil society groups have conducted independent fact-finding inquiries, which found gross violations of human rights. There have been at least 29 FIRs filed against persons believed to be involved in the movement. The FIR of 26 July 2018 against 20 human rights defenders, as well as the warrant against Stan Swamy and four other defenders, is based on their alleged involvement in the Pathalgadi movement. Legal persecution of this nature is aimed at silencing those who speak out against human rights violations, further isolating a vulnerable community and undermining their struggle for land rights.

Stan Swamy, Alok Kujur, Vinod Kumar and Rakesh Roshan Kiro have filed an application to the Ranchi High Court in 2018 to quash the FIR against them. Five other human rights defenders named in the FIR filed a separate application to the High Court for the same purpose. The warrant dated 19 June 2019 was issued by the Magistrate's Court on an application by the Jharkand Police despite the two cases to quash the FIR being pending. On 22 July 2019, the High Court rejected the application filed by the five other defenders to quash the FIR. The position taken by the State at the court hearing on 30 July and the search and seizure warrant obtained against the human rights defenders frame the defenders as "absconders" without basis. To date, no warrant relating to this case has been served to the human rights defenders, who only came to know about the existence of the arrest warrant of 19 June 2019 through media reports on 26 June 2019.

The prosecution of the human rights defenders forms part of a pattern of ongoing intimidation and harassment of human rights defenders who advocate for indigenous rights in India. Ten prominent human rights defenders who advocate for Dalit and Adivasi rights, [Sudha Bharadwaj](#), [Arun Ferreira](#), [Vernon Gonsalves](#), [Varavara Rao](#), [Sudhir Dhawale](#), [Surendra Gadling](#), [Mahesh Raut](#), [Shoma Sen](#), [Rona Wilson](#), and [Anand Teltumbde](#), are currently in jail on charges linking them to the violence that broke out after the Bhima Koregan commemoration in January 2018. Writer Gautham Navlakha, who was also under house arrest, was freed following a high court order quashing the FIR. Several other human rights defenders, including Stan Swamy, had their houses and offices raided in connection with Bhima Koregan. Others have been falsely labelled as terrorist or maoists by the police in media statements and are subjected to surveillance and harassment. On [12 June 2019](#), Stan Swamy's home in Namkum, Ranchi city was raided by the Maharashtra Police, which they claimed was linked to the Bhima Koregan case.

Front Line Defenders is deeply concerned about the harassment and intimidation of Stan Swamy, Alok Kujur, Vinod Kumar and Rakesh Roshan Kiro and believes that the human rights defenders are solely being targeted because of their peaceful and legitimate human rights work.

Front Line Defenders urges the authorities in India to:

1. Immediately revoke the arrest warrant and search and seizure warrant against Stan Swamy, Alok Kujur, Vinod Kumar, and Rakesh Roshan Kiro;
2. Immediately drop all charges against Stan Swamy, Alok Kujur, Vinod Kumar, Rakesh and Roshan Kiro and the 16 others named in the FIR filed on 26 July 2018;
3. Guarantee in all circumstances that all human rights defenders in India including those defending indigenous rights, are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 6 (b and c): "*Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and*

knowledge on all human rights and fundamental freedoms; (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters,” and to Article 12 (2): “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.”

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,

A handwritten signature in blue ink that reads "Andrew Anderson". The signature is written in a cursive style with a light blue background behind it.

Andrew Anderson

Executive Director

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