

18 September 2020

India: Arbitrary detention of three human rights defenders

On 7 and 8 September 2020, human rights defenders, **Sagar Tatyrao Gorkhe**, **Ramesh Murlidhar Gaichor** and, woman human rights defender **Jyoti Jagtap** of the **Kabir Kala Manch** were arrested by the National Investigation Agency (NIA), in relation to the violence that broke-out at Bhima Koregaon on 1 January 2018. The three defenders are currently being held in NIA custody in Mumbai.

[Kabir Kala Manch](#) (KKM) is a Pune based cultural troupe formed by members of the youth in the Bahujan community in the state of Maharashtra. Their performances speak out against the caste system and the various atrocities committed against the community across the country. Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor and Jyoti Jagtap form part of a group of musicians and poets in the cultural organisation. As part of the group, the three defenders performed at the ‘Bhima Koregaon Shaurya Din Prerana Abhiyan’ on 31 December 2017, a celebration of the 200th anniversary of the Dalit victory over the Peshwas (upper caste rulers) in the Battle of Koregaon.

On 7 September 2020, human rights defenders Sagar Tatyrao Gorkhe and Ramesh Murlidhar Gaichor were arrested at the NIA office in Mumbai. Almost two months previous, between 13 and 15 July 2020, the defenders had been called in for interrogation by the NIA, under the pretence of being witnesses to Maoist activity. On 2 September 2020, both defenders were issued a notice by the NIA, asking them to appear again on 4 September 2020 for further questioning. During the interrogation, both Sagar Tatyrao Gorkhe and Ramesh Murlidhar Gaichor were asked to implicate those currently detained in the Bhima Koregaon case by making a false admission that the detainees had been in touch with Maoists. Furthermore, the interrogation officials went on to state that they would release the two defenders if they gave a such a statement under Section 164 of the Code of Criminal Procedure (CrPC), which has a provision for witnesses to avoid arrest. Both defenders were then asked to go to the NIA office on a daily basis until 7 September 2020, at which point they were arrested. The following day, the defenders were brought before a NIA Special Judge who ordered them to be held in NIA custody until 11 September 2020. The custody has been extended until 19 September 2020.

On 8 September 2020, woman human rights defender Jyoti Jagtap was arrested by the Anti-Terrorism Squad in Pune, and then later brought to the NIA in Mumbai. The previous day, on 7 September 2020, the defender had gone to the NIA office in Mumbai after receiving a notice to present herself earlier that day. She was briefly questioned but no statement was taken by the authorities. When she was arrested the next day, she was brought before the NIA Special Judge on 9 September 2020, who remanded her to police custody until 11 September 2020. The custody has been extended until 19 September 2020.

The three defenders have been targetted since their participation in the ‘Bhima Koregaon Shaurya Din Prerana Abhiyan’ in December 2017. Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor and Jyoti Jagtap were all named in the initial First Information Report of the Bhima Koregaon case. On 17 April 2018, the homes of all three defenders were raided by the Pune police, who seized all of their electronic devices, including mobile phones, CDs and hard disks. The defenders were not presented any warrants authorising the search and neither was an inventory of items provided by the police.

The arrest of Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor and Jyoti Jagtap, and the continued incarceration of twelve others accused in the Bhima Koregaon case are a direct reprisal

for their peaceful human rights work. The arrests take place during COVID-19, despite the risk that imprisoned human rights defenders face in this context. Front Line Defenders has previously expressed concerns over the continued detention and health of the accused in the context of the pandemic, seeing most of them fall in the 'at-risk' category, and in particular has asked that immediate medical attention be provided to [Varavara Rao](#).

Front Line Defenders condemns the arrest of Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor and Jyoti Jagtap and the continued incarceration of [Varavara Rao](#), [Sudha Bhardwaj](#), [Vernon Gonsalves](#), [Gautam Navlakha](#), [Arun Ferreira](#), [Sudhir Dhawale](#), [Rona Wilson](#), [Shoma Sen](#), [Anand Teltumbde](#), [Mahesh Raut](#), [Surendra Gadling](#) and, [Hanu Babu](#) as it believes they are directly related to their peaceful human rights work on behalf of the most marginalised communities in India.

Front Line Defenders urges the authorities in India to:

1. Immediately and unconditionally release Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor and Jyoti Jagtap, as it is believed that they are being targeted solely as a result of their legitimate and peaceful work in the defence of human rights;
2. Ensure that Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor and Jyoti Jagtap are given unfettered access legal representation, family members, and to medical treatment where necessary in line with India's national and international obligations;
3. Immediately and unconditionally release Sudha Bhardwaj, Gautam Navlakha, Anand Teltumbde, Vernon Gonsalves, Varavara Rao, Arun Ferreira, Sudhir Dhawale, Rona Wilson, Prof Shoma Sen, MaheshRaut, Surendra Gadling and Hany Babu from prisons, and return any property seized, as Front Line Defenders believes that the human rights defenders are being held solely as a result of their legitimate and peaceful work in the defence of human rights;
4. Guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions including police and judicial harassment.