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India: Five human rights defenders arrested and charged in coordinated raids across India

On 28 August 2018, five human rights defenders were arrested and several others' residences, including Father Stan Swamy's, were raided in a coordinated crackdown by Pune police in different parts of India. **Sudha Bhardwaj**, **Vernon Gonsalves**, **Varavara Rao**, **Gautam Navlakha** and **Arun Ferreira** were all arrested in different cities under a host of charges, including terrorism-related charges.

[Sudha Bhardwaj](#) is a human rights lawyer, with a focus on protecting the rights of *adivasi* (indigenous) people in the state of Chattisgarh. She has acted as legal representation in several cases of extrajudicial executions of *adivasis* and has represented *adivasis* and activists before the National Human Rights Commission of India. She also serves as the General Secretary of the **Chattisgarh People's Union for Civil Liberties**.

[Vernon Gonsalves](#) is an academic and writer, who [writes](#) extensively on Dalit and *adivasi* rights, the conditions of prisons in India and the rights of prisoners. He has also advocated for scrapping the Unlawful Activities (Prevention) Act, a draconian piece of anti-terror legislation with a wide ambit and vague concepts, which allows its misuse against academics, lawyers and human rights defenders. In recent times, it has been used repeatedly to target people expressing dissent.

[Varavara Rao](#) is an acclaimed academic, well known for his progressive writings. He regularly takes part in various social activism activities and often speaks publicly on human rights issues.

[Gautam Navlakha](#) is a human rights defender and journalist. He was the Secretary of the **People's Union for Democratic Rights**, a non-governmental organisation committed to legally defending civil liberties and democratic rights by protecting, extending and helping implement fundamental rights as guaranteed in the Indian constitution. He has also served as the convener of the **International People's Tribunal on Human Rights and Justice in Kashmir**.

[Arun Ferreira](#) is a human rights lawyer who has been a member of the **Committee for Protection of Democratic Rights** and the **Indian Association of People's Lawyers**. He is a defendant lawyer for five human rights defenders who were [arrested](#) on 6 June 2018, in a separate case related to the Bhima-Koregaon violence which occurred on 1 January 2018.

[Father Stan Swamy](#) is an indigenous people's rights defender. He is the founder of **Vistapan Virodhi Janvikash Andolan (VVJA)**, an all India platform for different movements that are resisting displacement of *adivasi* people, Dalits, and farmers from their lands. The organisation has supported these vulnerable communities in securing their land rights and proposing sustainable development models instead.

On 28 August 2018, Indian police simultaneously arrested five human rights defenders and raided the properties of several others in a nationwide operation. Sudha Bhardwaj was arrested at her residence in the state of Haryana, when it was raided by the police. During the raid, her laptop, mobile phone, pen drives and a blank diary were seized. Sudha Bhardwaj has expressed concern that her diary might be tampered with. The arrest documents presented to her were in Marathi language, which she does not understand, failing to comply with Section 165 and 166 of the Code of Criminal Procedure, 1973. The human rights defender has been charged under several sections of the Unlawful Activities (Prevention) Act, along with Sections 153 A, 505, 117 and 120 of the

Indian Penal Code. Sudha Bhardwaj was recently the target of a [defamatory media campaign](#), which branded her as a “Maoist”.

Gautam Navlakha was arrested at his residence in New Delhi in the afternoon during a raid. He faces charges under Unlawful Activities (Prevention) Act, along with Sections 153A, 505, 117 and 120 of the Indian Penal Code. Arun Ferreira was arrested from his home in Mumbai during a raid in the morning during which his wife’s laptop and pen drives were seized. Vernon Gonsalves and Varavara Rao were arrested at their homes in Mumbai and Hyderabad, respectively, in the afternoon. Vernon Gonsalves’ wife is also one of the lawyers handling the case of the five human rights defenders who were arrested on 6 June.

On the same day, Father Stan Swamy’s residence was raided in Ranchi city, Chattisgarh state. Laptops, mobile phones, cameras, memory cards and music tapes were all seized from his house. The search notice presented to him by the police was written in Marathi language, which he does not understand. This is the second time Father Stan Swamy has been targeted in the past two months. A [false sedition case](#) was lodged against him on 29 July 2018 in Jharkhand state for his work with the *adivasi* people in Jharkhand.

The five defenders were arrested based on evidence of their “involvement in inciting violence” on 31 December 2017. The violence in question occurred during Elgar Parishad, a Dalit commemoration of the anniversary of a battle the Dalits had won 200 years previously against the Peshwas (upper caste rulers). The commemoration had turned violent at Bhima Koregaon (near Pune) on 1 January 2018. The human rights defenders believe that the case has been brought against them to muzzle the voice of dissent, as all five are currently active in protesting against the arrests of other human rights defenders in India.

The defenders will be kept under house arrest in their own homes under police watch until 6 September 2018, as directed by the Supreme Court of India. The Court questioned the police’s decision to arrest the human rights defenders nine months after the incident, pointing out that they are all reputable citizens, and that “stifling the dissent” was harmful for a democratic society.

Front Line Defenders condemns the arrests of Sudha Bhardwaj, Gaurav Navlakha, Vernon Gonsalves, Arun Ferreira and Varavan Rao, as it strongly believes that they are directly linked to their peaceful and legitimate work in defence of human rights. Front Line Defenders also condemns the raid at Father Stan Swamy’s home and the seizure of his property.

Front Line Defenders urges the authorities in India to:

1. Immediately and unconditionally lift the house arrest orders on Sudha Bhardwaj, Gaurav Navlakha, Vernon Gonsalves, Arun Ferreira and Varavan Rao 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;
2. Immediately and unconditionally drop the charges against the five human rights defenders;
3. Conduct an independent, thorough and impartial investigation into the widespread violence organised against Dalits, including human rights defenders, in the aftermath of the Bhima Koregaon commemoration;
4. Immediately cease all further harassment of Fr. Stan Swamy and his family, and return the property seized from his house, as Front Line Defenders believes that the raid carried out was solely a result of his legitimate work in defence of human rights;

5. 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 from all restrictions.