

## Press Release 19<sup>th</sup> August 2018

From 17<sup>th</sup> to 19<sup>th</sup> of August, a ten member fact finding team of Coordination of Democratic Rights Organisations (CDRO) and Women against Sexual Violence and State Repression (WSS), along with local activists, travelled across the state of Jharkhand and investigated incidents of violation of human rights in Jharkhand state. The first case was the recent incident of the rape of five women in Khunti district, the second was the Betla Tiger Project and the team tried to speak with several persons on whom the Jharkhand state has filed cases of sedition. Following news coverage and reports from human rights activists in Jharkhand, the fact-finding team reached out to as many people as possible including the villagers, intellectuals, activists, journalists, lawyers and the police.

**Khunti Gang-rape:** The incident occurred on 19 June 2018, but two FIRs were filed on the incident, one at the Khunti PS and the other at the Khunti Mahila PS, only on 21 June 2018. As per our inquiries, we believe that the police had already received information of the offence at least as early as 20 June. On 20 June itself, the police had called one of the two Sisters who were also a part of the troupe for questioning, and later in the night, had brought 2 of the 5 survivors (those who were in the NGO's troupe) for their preliminary medical examination, and on 21 June, a board was constituted as per law for the medico-legal examination of all 5 survivors. It is not known how, and from whom, the police first received information of the offence. As per our inquiries, the thana first received information of the offence directly from the SP office. The SP refused to respond to our query on the first source of their information, or why the FIR was registered only on the next day.

There has been a concerted attempt by the Jharkhand police and administration to maintain utmost secrecy about the incident of gang-rape, as well as subsequent actions taken by the police, security forces and administration. A grave environment of fear has been created among the victims, victims' families and caretakers, as well as entire villages, and others related to the incident. The 5 adult victims were kept in unlawful custody of the police for more than three weeks and were not allowed to meet with anyone. The family of one of the victims were allowed to meet her once for 5-10 minutes on the second day after the FIR only in the presence of the entire police station. The whereabouts of the 5 victims after being released from custody in three weeks is still unknown. The whereabouts of Sanjay Sharma, the complainant in the FIR at Khunti PS, are also unknown. Due to the sustained threats and pressure on the church, the two sisters accompanying the troupe for the street play have also gone into hiding. In addition, 5 security camps of Jharkhand Armed Police, Jharkhand Jaguars and Indian Reserve Battalion, had been set up in and around Kochang, three of which continue to operate. The forces have been coercing and threatening the villagers to provide them their land for the camps, despite their unequivocal refusal as this area falls under the Chhotanagpur Tenancy (CNT) Act where land cannot be alienated to non-advaitis. As a result, these camps have been set up inside primary school premises in contravention of Supreme Court orders and international law, and the schools have been shut down as a result. There are routine parades of security forces in Ghaghra, which was raided on 26 and 27 June on the pretext of arresting 3 Pathalgarhi leaders. Numerous FIRs have been filed against villagers in every village, specifically targeting the Gram Pradhans, invoking serious offences of sedition, conspiracy, unlawful assembly, among others. At least 11-12 persons have been arrested by the Khunti police alone, but despite the severity of the charges, the police has not taken any follow-up action in any of these cases. This appears to be a tactic to silence and intimidate villagers from speaking out against the continued repression and persecution. The SP flatly refused to respond to any of our queries on this point.

In the name of pursuing 'unidentified' suspects, the police have artificially linked those associated with the Pathalgarhi movement with the gang rape, and have unleashed targeted persecution, harassment and arrests on them. There is sufficient evidence to suggest that the 4 bikers who committed the crime were not local. Even so, 2 Pathalgarhi leaders have been arrested on the basis of secret evidence collected by the police, and the third has been declared as absconding and the police are in the process of attaching his property. It has been projected that the Father of the mission in Kochang has been arrested for not doing enough to stop the incident, or for failing to report when he had knowledge of the incident. The charges against Father Alphonse in the FIR are of a much more serious degree, carrying offences of gang-rape, wrongful restraint, conspiracy, among a range of others.

Police and civil administration promised compensation worth 4 lakh and government job, but as per the survivor's relatives and SP told us that the survivors have only 1 lakh as compensation. The family continues to live in fear. None of the survivors could be contacted despite all efforts.

**Ghaghra:** Villagers from all over the area had reached Ghaghra on 26<sup>th</sup> June for gram sabha meeting on Pathalgarhi. The police reached soon after on pretext of arresting three Pathalgarhi leaders and lathi

charged the villagers and drove them back using several tear gas shells and firing. One of the villagers, Birsa Munda, died on the spot after being hit on the head with the lathi. The police took the dead body of Birsa Munda with them for post-mortem, and had his family members travel from Bhandra to Khunti twice over the next two days to claim body for his last rites. The Khunti police has registered an FIR under S.302 for the murder of Birsa Munda case number 99/2018 dated 27 June 2018. Two additional cases have been filed against the people of Ghaghra, case no. 97 and 98/2018, for sedition and other offences.

On 27 June, a 1000-member strong force of CRPF, RAF, JAF and personnel from other units raided Ghaghra (a village with a population of around 300) and neighbouring 7 villages. Out of these 7 villages, Pathalgarhi had only been declared in 3 or 4 villages. Out of the 2 villages where Pathalgarhi had been initiated, the security forces unleashed brutal violence in the form of beatings and atrocities on men, women and children, lathi-charge, tear-gassing and rubber pellet shootings, and also raided the homes of the residents. Women who were fleeing from the violence were caught and assaulted. One woman was dragged, molested and her clothes torn by the forces. There is a confirmed account of at least one woman having been raped, with indications of numerous other rapes and molestations in neighbouring villages. The church within the village was defaced by the police force; the police urinated on the church after dragging a local boy who was hiding within it after the lathi-charge had started. This continued throughout the day. The police also forced their way into the homes of the villagers, dragged several people out and beat them up. In the name of raids, when the villagers ran away in fear, the police entered each home, destroyed belongings and looted the house by taking away mobile phones and money. After the raids, residents of these villages have fled to the forest and nearby areas out of fear and terror, and returned a few days later. The security forces continued to camp outside the villages for at least two weeks, and continue to visit the villages every night until today. The SP refused to respond to our queries about these raids in Ghaghra. The DC also refused to meet with us.

**Palamu Tiger Reserve and Betla National Park:** The fact-finding team also visited Vijaypur village, Roodh panchayat of Garu block, Latehar district. The team met residents of 4 villages, Vijaypur, Pandra, Gutwa and Gopkhar. The Ministry of Environment, Forests and Climate Change issued a gazette notification dated 21 February 2018 which covers 398 villages in Palamu Tiger Reserve and Betla National Park in the eco-sensitive zone. Prior to this, the Van Pramandal Padadhikari issued a notice dated 27.4.2017 to the Eco-Development Committee of 8 villages for their consent to the relocation of the villages. As the Eco-Development Committee also comprises the Forest Department, the Gram Sabha of Vijaypur decided that under the Forest Rights Act, only they, and not the Eco-Development Committee, is equipped to grant or withhold consent. The gram sabhas have flatly refused consent to the relocation of their villages. Nevertheless, the administration continues to force the villages to accept the compensation package and relocate, by filing false forest offence cases, including illegal collection of Minor Forest Produce. As per S.3 (1) (i) and S.4 of the Forest Rights Act, the Gram Sabha is the rightful owner and custodian of the forests within their customary boundaries. Villagers complained of continuous mental torture and harassment for their eviction, even though they have clearly refused consent.

**Sedition FIR against well-known human rights defenders:** The fact-finding team has taken note that in the last few weeks, 20 well-known intellectuals, activists, writers, professionals, including MLAs and bankers, have been slapped with an FIR with serious offences, including sedition, waging war against the state and conspiracy, along with several sections of the IT Act, including S.66A which has been read down by the Supreme Court. The basis of this FIR is the Facebook posts of these 20 individuals. Some have been charged for merely 'liking' posts. It is interesting to note that several of the key persons charged with sedition are well-known defenders of human rights in Jharkhand and have consistently spoken against atrocities committed by the police and administration. This targeted attack on intellectuals intends to silence voices that have been speaking out against the undemocratic and repressive actions of the present government. As members of democratic organizations from across the country, we strongly condemn this effort to silence the people of Jharkhand using sedition and other such draconian laws.

- Immediately set up independent commission of judicial enquiry to investigate Khunti rape & Ghaghra pathalgarhi case
- Immediate withdrawal of all police and security camps in Kochang, including the camp in Kochang school
- Withdraw the illegal notification dated 21 February, 2018 issued by the Ministry of Environment, Forest and Climate Change about declaring eco-sensitive zone in 398 villages in Palamu Tiger

Reserve and Belta National Park for violating the Forest Rights Act, Wildlife Protection Amendment Act, 2006 and PESA.

- Cease all attempts that prevent the exercise of forest rights of the adivasis living within the Betla Tiger Reserve
- Immediately stop all efforts of land acquisition, forced displacement and relocation in Schedule V areas and ensure adherence to PESA, FRA, CNTA and all other laws and provisions for the protection of adivasi rights to land, forests and resources
- Immediately withdraw sedition, waging war, conspiracy cases against 20 social activists of Jharkhand. Also withdraw multiple cases of sedition, waging war, conspiracy and other offenses against gram pradhan and villagers from Jharkhand

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