



# INTERNATIONAL ASSOCIATION OF PEOPLE'S LAWYERS

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## PRELIMINARY OBSERVATIONS AND FINDINGS OF THE IAPL TEAM ON THE HUMAN RIGHTS SITUATION IN CHHATTISGARH, INDIA PARTICULARLY OF THE ADIVASIS IN THE BASTAR REGION

As an international group of human rights lawyers from various countries, especially where exploitation is most severe, human rights violations are most widespread and the peoples' struggles are most intense, the International Association of People's Lawyers supports the rights and struggles of peoples all over.

The IAPL has members coming from Afghanistan, Brazil, Belgium, India, Nepal, Philippines, the Netherlands, and Turkey and has observers or has established solidarity linkages with lawyers from Argentina, Australia, Bangladesh, Canada, Colombia, Congo, Cuba, Japan, Germany, Greece, Mexico, South Korea, North Korea, Spain, United Kingdom and The United States.

The IAPL has been invited by its Indian chapter to visit, observe and report on the situation in Chhattisgarh. Accordingly, the IAPL invited its members and formed a fact finding team with participants coming from Belgium, Brazil, the Netherlands, the Philippines, Turkey and India. It traveled and visited Raipur, Jagdalpur, Dantewada, and surrounding rural areas between 22<sup>nd</sup> October to 26<sup>th</sup> October 2007.

We spoke with different actors in the district, including the Superintendent of Police of Dantewada, a Deputy of Prisons, human rights lawyers, scholars, representatives of NGO's and other international organizations, such as *Medecins sans Frontieres* and officials of a program supported by the United Nations International Children's Emergency Fund or UNICEF. The delegation also tried to set an appointment with

opposition leader Mahendra Karma, reportedly the founder of Salwa Judum, but was unable to meet him.

The fact-finding mission included visits to the “internally-displaced persons or IDP camp” in Dornapal and the abandoned villages in Penta and Dubbattota where they were able to personally interview a number of tribal people. It also went to the Chhattisgarh High Court and the Raipur Jail to see and speak with lawyers and persons detained.

The Mission also examined previous reports and commentaries by human rights organizations, women’s groups, doctors, and experts on the ongoing conflict in Chhattisgarh.

The Mission was able to generally confirm these reported human rights violations and aims hereby to contribute to break the silence that surrounds the situation of tribal people and on related issues.

The Mission observed a widespread and systematic involuntary displacement of villages. Since the creation of the so-called Salwa Judum campaign in June 2005, tribal people have been forced to leave their villages and move to several ‘relief camps’ in Bastar and Dantewada.

Without prejudice to a final and complete report on its Mission, the following concerns us deeply:

### **7. An illegal, violent and aggressive *modus operandi***

The Salwa Judum campaign intends to concentrate tribal people in Dantewada in so called “relief camps” with the acquiescence and even blessings of the Chhattisgarh state. Only a few villagers reportedly moved voluntarily to the camps. Those that refused to leave their villages have apparently been forced by Special Police Officers (SPO), militias from the Salwa Judum campaign that did not hesitate to use coercion, threats, intimidation, deception and violence for this purpose. Serious atrocities have been reportedly committed by these forces. The Indian state bears responsibility for these and should disallow paramilitaries or vigilante groups.

The IAPL Mission came to know of several reports of people that have been killed, threatened or harassed, of women violated, of children being recruited to the SPO, of houses being burnt, and of properties looted in villages.

The Salwa Judum campaign is characterized by widespread intimidation. The Mission observed a discernible fear by villagers and especially camp inhabitants to speak out freely. People are obliged to abandon their village under the threat of being considered a member or supporter of the armed group Naxalites and being treated that way.

Both the Indian state and representatives of the Salwa Judum seem to utilize arbitrary criteria of persecution. Critics and dissenters of the Chhattisgarh state regime and its policies are considered allies of the Naxalites and are therefore persecuted.

This to us is possible under the conditions of “terrorist laws” like the “Chhattisgarh Special Public Security act”, “Unlawful Activities Prevention Act” and “National Security Act” which have wide definitions of what can be deemed “unlawful activity.”

A well known case brought to the attention of the Mission is the one of Dr. Binayak Sen, a socially-committed pediatrician and civil-rights activist, who is presently under detention for criticizing the state’s policies. The IAPL delegation attempted to visit Dr. Sen in jail to verify his condition and know whether his rights are being respected. The IAPL submitted a formal request to visit but was not allowed by the prison officials.

The simulation of “encounters” is reportedly another method widely used by the Salwa Judum. The IAPL Mission was able to speak to a victim of such practice of fake encounters like a certain Kowasi Baman and his brother who come from Nyapara village.

The IAPL shall closely monitor these particular cases as well other cases of similar nature and import.

We were also informed by certain sources that Central Reserve Police Force (CRPF) wear civilian attire during military operations in areas reportedly controlled by the Naxalites. This openly puts at risks civilians and non-combatants.

## **2. Inhuman conditions in camp**

Life conditions in the “relief camps” are close to inhuman. We saw with our own eyes that camp inhabitants are given small parcels on which they have to construct primitive and cramped houses. Before the tribal people were forcibly placed in these hamlets, their villages were well organized entities that benefited from a productive agricultural activity. But they were obliged by the Salwa Judum to leave their homes and fields for an uncertain life in the camps.

There are reports that a number of tribal people were forced or deceived to come to the camp. The majority of those we were able to speak expressed to us their earnest wish to go back to their villages, residences, farms and livelihood. Camp inhabitants who attempt to leave the hamlets are intercepted, returned to the camp and even punished.

Camp life is a virtual detention.

The existence of the camps are in our opinion in violation of the rights to travel, to choose one’s abode and to live in their own villages, and their freedom of movement recognized under national and international laws and instruments.

The IAPL witnessed scores of children living in the camps, a high percentage of which are reportedly unaccompanied by their parents. We were informed that there have been several cases of children in resident schools that have been deported to the camps without the consent or the knowledge of their parents.

## **3. An uncertain future for tribal people**

The inhabitants of Chhattisgarh are confronted with uncertainty in the long term. Several inhabitants of the IDP camps expressed their serious anxiety about their

future. Although they are now temporarily being fed by the camp authorities, they have no certainty about how long ration cards will be provided. Their houses and farms are abandoned. They don't know when to return to their villages and what they will find upon their return. Credible information that the Mission received indicates that most of them have lost the right to their lands since they do not register their lands.

In actuality, the conditions and programs in the camps do not provide real and sustainable opportunities for empowerment. They even encourage indolence despite superficial showcase projects and gimmickry. The Salwa Judum is exploiting the poverty of the tribal people and their vulnerable state to entice them to join their ranks.

The Mission received information and data from various sources validating reports of atrocities committed especially by the militants of the Salwa Judum that constitute serious violations of human rights and international humanitarian law.

The IAPL wants to mention in particular the 1966 International Convention on Civil and Political Rights (ICCPR), the Convention on the Rights of Children, the 1949 Geneva Conventions, its 1977 Protocols as well as the universal principle of the inherent right of peoples to self-determination.

## **Recommendations**

The IAPL strongly criticizes the aforementioned actions of the Salwa Judum campaign and the role of the Indian government in it. The IAPL urges the Indian government to immediately realize the following:

- Respect human rights and international humanitarian law in the Chhattisgarh conflict and in other similar places and make accountable the violators
- Stop the Salwa Judum campaign and all related and similar persecution of political dissidents based on broad anti-terrorism measures that should be repealed or amended

- Dismantle relief camps immediately, allow people to freely return to their villages and respect their right to self-determination particularly to directly benefit from any economic activity in their areas
- Provide immediate assistance for their reintegration, rehabilitation, indemnification and compensation
- Allow the conduct of more comprehensive, thorough, independent international fact-finding missions with access to all camps and abandoned villages and other parts of the conflict to supplement the observations and findings of other individuals and groups
- Improve the life conditions of tribes in Chhattisgarh state and adequately address their health, educational and employment needs and provide their other basic social services
- Protect lawyers and other human rights defenders involved in helping the tribal people from harassments and threats and those questioning the illegal practices in this regard
- Allow the United Nations Special Rapporteurs on Indigenous Peoples, on Extrajudicial Killings, Arbitrary and Summary Executions and other concerned international bodies to visit and look into the practice of creating “internally displaced persons” and widespread reports of human rights violations.

**27 October 2007, New Delhi, India.**