

# Campaign to Uphold the Right to Dissent, Defend, Organize

**Release Falsely Accused Human Rights Defenders NOW!**



**Release the Bhim 5 + 5 NOW!**

## **28 August 2018**

- Sudha Bharadwaj (advocate, labour & human rights defender)
- Gautam Navlakha (civil liberties activist)
- Arun Ferreira (advocate, human rights defender)
- Vernon Gonzalves (advocate, human rights defender)
- Varvara Rao (poet)

## **6 June 2018**

- Shoma Sen (academic, women's rights activist)
- Rona Wilson (prisoners rights activist)
- Sudhir Dhavale (Marathi poet),
- Mahesh Raut (anti-displacement activist)
- Surendra Gadling (advocate, human rights defender)

## **Homes raided on 28 August 2018**

- Anand Teltumbde (Professor, Writer, Ambedkar scholar)
- Father Stan Swamy (Adivasi rights activist)
- Professor K. Satyanarayana (Professor, Ambedkar scholar)
- Susan Abraham (Lawyer)
- Kumaranth. ( Journalist)
- Kranti Teluka (Photo Journalist)

## **Homes raided on 18 April 2018**

- Jyoti Jagtap (Kabir Kala Manch)
- Harsha liPotdar (Kabir Kala Manch)

In synchronized raids across five states on 28<sup>th</sup> August 2018 Pune Police arrested five prominent human rights defenders, lawyers, cultural, social and political activists, while the homes of 6 others were raided. These arrests follow the 6<sup>th</sup> June 2018 arrests of another five who were also top lawyers, academics, writers, Human Rights activists and researchers. All the Bhim 5 +5 have been labelled as Maoists and arrested for supposedly inciting violence on 1<sup>st</sup> January 2018 after the Elgaar Parishad was held in Bhima-Koregaon near Pune on 31<sup>st</sup> December 2017. Even a cursory look at the work of those arrested and raided - human rights defenders, trade unionists, etc. - makes it a clearly sinister attempt to stifle dissent, legal defence and collective action.

The police seized mobile phones, laptops, pen drives, and books on Ambedkar, Marx from all the 11 whose homes were raided. In addition, they took their passwords for email ids and social media accounts such as Twitter, Facebook, Whatsapp, Instagram. Even Adv Sudha Bharadwaj's daughter was asked to hand over her social media passwords.

The 5 arrested have been linked to FIR 004/2018 at Vishrambagh Police Station in Pune in which none of them have been named!

The raids and subsequent arrests has triggered a chilling effect far and wide. The gross illegalities committed, including the illegal manner of searches and arrests, papers shown to the activists in Marathi, clerks in the Municipal Corporation of Pune travelling all the way from Pune to sign documents and thus, superseding the need of independent panchas- raise serious questions about the motive behind these arrests. Further, the midnight court interventions, the media trial and presentation of so-called evidence by way of unsigned letters by the Pune police in press conferences, and the continuing house arrests after the intervention of the Supreme Court- has successfully diverted the attention of masses from pressing economic issues.

All the arrested have been linked to the Elgaar Parishad (A Clarion Call for an Assembly) which was a program held at Shaniwarwada Fort in Pune on 31<sup>st</sup> December 2017, to commemorate the 200<sup>th</sup> anniversary of the battle of Bhima Koregaon on 1<sup>st</sup> January, the next day, organised

under the leadership of two retired judges with over 250 organizations, including several Ambedkarite organisations, Left Activists, cultural and other organisations.

On 1<sup>st</sup> January every year lakhs of Dalits visit a memorial pillar at Koregaon Bhima village, nearly 30 kms from Pune, to celebrate the anniversary of a battle that took place in 1818 when a small contingent of Mahar Dalit soldiers as a part of the British Army, defeated the numerically superior army of Peshwa Bajirao II, whose regime was noted for its exploitative policies against members of the oppressed castes. On 1<sup>st</sup> January this year, innocent Dalits who had gathered at Bhima Koregaon for offering their salutation to the victory pillar, were attacked by people holding saffron flags.

On 02.01.2018, an FIR was lodged by a person present on the site of the violence on the previous day, stating that the violence was led by Milind Ekbote (Executive president of Samasta Hindu Aghadi and Gau Raksha Abhiyan) and Sambhaji Bhide (founder of the Shivpratishtan Sanghatana, former member of RSS, proclaimed as Guruji by Prime Minister Narendra Modi), and their upper caste associates.

As an afterthought, 7 days after the violence, FIR No. 4/18 was lodged by one Tushar Damgude (a man who has openly professed his admiration for Sambhaji Bhide on Facebook), alleging that the violence was a result of inflammatory speeches, some of which happen to be Marathi translations of lines from Bertolt Brecht's play, The Good Person of Szechwan. It mischievously brings in the Naxal/Maoist angle to the violence, by stating that members of one of the organisers have faced an inquiry into their alleged Naxal links on a previous occasion.

Initially the police were investigating the FIR of 2<sup>nd</sup> January. The Maharashtra Government has stated on affidavit that Ekbote was an active participant in the attacks on 1<sup>st</sup> January 2018 in response to his anticipatory bail application in Supreme Court. Yet, the Pune police did a U turn and has shifted focus to FIR No. 4/18, claiming that members of the outlawed Communist Party of India (Maoist) used the platform to provoke Dalit sentiments and incite violence and that this was part of a larger Maoist conspiracy to cause chaos and destabilise India.

The Maharashtra Government in its affidavit has stated that 'Elgaar' is a corrupted version of the word 'Yalgaar' which means "the attack", whereas the word Elgaar means 'a clarion call'. By twisting words to succumb to their distorted narratives, and associating the same with Maoists, the Maharashtra Government has not only disrespected the association of Dalits, but has also shrouded the same in suspicion and contempt, adding to the oppression of Dalits. Hundreds of Dalit Bahujans who came to the streets in protest, were brutally attacked by the Police during "combing operations" and continue to be implicated in false cases filed against them. A report by Pune's Deputy Mayor Siddharth Dhende says that these pamphlets claimed that the history of Bhima Koregaon and of a neighbouring village were both wrong.

Simultaneously, there has been an attempt by the "favoured few" media channels to vilify these activists and dictate a false narrative around these arrests. Following the arrest of the first batch of Bhim 5, a letter revealing an alleged plot to kill the Prime Minister of the country was allegedly recovered from an electronic device of Rona Wilson. The channels passed their verdict through hashtags flashed across news and social media, even before a chargesheet had been filed. No new FIR has been filed about this plot and it is still being investigated by the Pune Police. The evidence has been produced in the Supreme Court for the first time on 19.09.2018. It had not been produced in the courts below during or immediately after any of the arrests. These include letters, which use Marathi or typically Marathi phrases, allegedly written by the arrested activists – people who don't speak or fully understand Marathi – as even acknowledged by the Marathi speaking Bench of the Supreme Court.

The investigations, being led solely on the basis of conjectures and premises, knee deep in anomalies and facilitated by a trial by media, demonstrate an ongoing witch hunt directed towards a clampdown on voices of dissent and rationality. On previous occasions also Arun Ferreira and Vernon Gonsalves had been arrested under UAPA, only to be acquitted after years of incarceration.

The Maharashtra Police has so far only arrested and defamed several activists, lawyers, human

rights defenders, whose only crimes are that they were working with Dalit and tribal groups and other sections of the working poor for the protection of their land, resources and rights, against enforced disappearances and defending those falsely accused and arrested as Maoists. While Milind Ekbote has been released on bail, Sambhaji Bhide has not even been interrogated. It is clear that the governments of India and Maharashtra are unsettled by the growing assertiveness of Dalits demanding their rights, dignity, the right to write their own history, their right to full citizenship. A relatively new trend that has emerged in all of this is the arrest of lawyers, representing these groups. Rajeev Dhawan, in his oral submissions in the Supreme Court asked in so many words, "since when did providing rigorous, good legal aid become the basis of an F.I.R.?" referring to the work of a legal aid group from Chhattisgarh, whose name has come in one of the letters.

These arrests mark a turning point in the use of state repression. What these arrests and detentions represent are not just the mere crushing of activities that are critical of the state or that all critique and questioning of the state can be deemed subversive and antinational. It represents something more sinister: that the legal work of human rights defenders (trade union activists, anti-displacement activists, lawyers, poets and writers etc) can be criminalized and deemed as terrorist activities that require the slapping of the draconian UAPA on human rights defenders. That all space for democratic dissent can be usurped by the State in the name of 'Public and National Security'.

These arrests and detentions bring into focus the moral dimension of illegitimacy of such state actions against citizens from all walks of life and backgrounds – from the peasants and villagers resisting land acquisition, minorities such as Dalits and Muslims, to activists, journalists, academics, lawyers, and human rights defenders.

There is an urgent need once again for the consolidation of a large number of democratic and human rights organizations, people's movements, trade unions, social, political and cultural activists and individuals on a single platform to not only demand the release of the Bhim 5+5 but also to demand for the repeal of all

laws that criminalize dissent, give cover to lynching in the name of cow protection etc. and to fight this state of undeclared Emergency!

When even the Supreme Court has proclaimed that "dissent is the safety valve of democracy" we believe that where people across India are repeatedly being denied the most fundamental of rights, it is our moral responsibility as citizens to protest arbitrary arrests and detentions, demand release of all who have been wrongfully incarcerated across the country, and defend the right to dissent, defend human rights and organize ourselves.

**There is an urgent need to consolidate and move towards a countrywide campaign to Uphold the Right to Dissent, Defend and Organize!**

**We call upon all democratic and progressive forces to join the campaign.**

**"Kis, Kis ko Qaid Karoge?"**

**"Who will you arrest next?"**

**Stop State Repression!**

**Restore Democracy!**

**Uphold the Right to Dissent, Defend, Organize!**

**Resist the Undeclared Emergency!**

Contact: [dissent.defend.organize@gmail.com](mailto:dissent.defend.organize@gmail.com)

*"Today, India is subjugated. It's people are slaves. This is the absolute truth. In this kingdom, to call a slave a slave, injustice an injustice, is sedition. This cannot be the rule of Justice. This forcible twisting of a truth into a lie, injustice into justice, night into day-can the Truth go on tolerating this? Can such rule last forever? It's been possible this long, maybe because the Truth was oblivious. But today the Truth is awakened-any awakened soul with eyes can see that for sure. Am I a rebel because I voiced the distressed cry of the Truth stricken by this unjust rule? Is it only my own crying? Or, is it the united, loud voice of the entire oppressed, Heaven and Earth? I know, the catadysmic roar of my voice is not mine alone-it's the cry of the suffering of the entire world. This cry cannot be silenced simply by intimidating me, even killing me. Suddenly, in someone else's voice, this lost message will be heard thunderously!"*

-Qazi Nazrul Islam, 'Deposition of a Political Prisoner'