

URGENT ACTION

DETAINED JOURNALIST BEATEN FOR PROTEST

Police in Chhattisgarh, a state in Central India, used batons to beat detained journalist Santosh Yadav and seven other prisoners for protesting against the quality of food served in the Jagdalpur central jail. Santosh Yadav's relatives say they have not been allowed to see him since the incident.

Santosh Yadav and seven other prisoners were, according to family and media reports, beaten by state police after they peacefully protested about the quality of food at the jail on 2 November. On 3 November, police authorities registered a criminal case against Santosh and the seven other pre-trial detainees in relation to the protest, accusing them of offences including 'rioting'.

His brother, Jitender Yadav, has said that the family only heard about the beating on 4 November when Santosh called from a hospital. The prison authorities have yet to provide a reason for their refusal to allow the family to visit Santosh. Amnesty International has not been able to make contact with the prison authorities. The extent of Santosh Yadav's injuries remain unclear.

Santosh Yadav was arrested on 29 September 2015 and is being held under the Chhattisgarh Special Public Security Act and the Unlawful Activities (Prevention) Act. It is believed that he is being targeted for his work among Indigenous Adivasi communities in Bastar district, Chhattisgarh, and that the allegations against him are fabricated.

According to his lawyer and family, this is not the first time Santosh has been mistreated, as he was stripped and humiliated by the state police in June 2015 and tortured on 30 September 2015. Santosh Yadav told Amnesty International in August 2016 that he had received threats to his life from an inmate.

Chhattisgarh state has the most overcrowded prisons in India. In 2015, the occupancy rate of prisons in the state was, on average, over 233 per cent. In 2015, India's national auditor said the Chhattisgarh government had failed to provide prisoners access to sanitation and a hygienic environment.

Please write immediately in English or your own language:

- Calling on Chhattisgarh authorities to immediately drop charges filed against all prisoners solely for protesting against prison conditions, and launch an independent investigation into the beatings;
- Immediately and unconditionally release Santosh Yadav and drop all pending charges against him, and pending his release, ensure he is given regular access to his lawyer and family;
- Ensure that all prisoners in the state are treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners, and are not subjected to torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 22 DECEMBER 2016 TO:

Chief Minister of Chhattisgarh
Raman Singh
Civil Lines
Raipur
Chhattisgarh – 492 001
India
Fax: +91 771-2221306, 2331000
Email: mail@cmo.cg.gov.in
Salutation: Dear Sir

Director General of Police
Giridhari Nayak
Chhattisgarh Home Guard & Civil
Defence, Mana
Raipur
Chhattisgarh – 492 001
India
Fax: +91 771-2418607
Email: dgrai.hgcd-cg@gov.in
Salutation: Dear Sir

And copies to:
Jail Superintendent
Amit Shandilya
Jagdalpur Central Jail
Civil Line
Jagdalpur
Chhattisgarh – 494 001
Email: jdrjail@gmail.com

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 224/15. Further information: <https://www.amnesty.org/en/documents/ASA20/2653/2015/en/>

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ADDITIONAL INFORMATION

Santosh Yadav was arrested in 2015 for allegedly being involved in rioting, criminal conspiracy, murder, and being part of the banned Communist Party of India (Maoist) armed group, among other offences. The Unlawful Activities (Prevention) Act uses sweeping and overly broad definitions of 'acts of terrorism' and 'membership' of 'unlawful' organizations. Pre-charge detention under the law can extend to 180 days, far beyond international standards. The Chhattisgarh Special Public Security Act also contains broad and vaguely worded definitions of 'unlawful activity'. The UN Special Rapporteur on Human Rights Defenders has called for the repeal of both laws.

Activists and human rights defenders in Chhattisgarh frequently face false charges and imprisonment for highlighting the human rights situation in the region. Human rights groups have highlighted several instances where laws have been abused, with the use of fabricated evidence and false charges, to detain activists defending the rights of Adivasi communities and peacefully exercising their rights to freedom of expression and association. Since 2015, human rights defenders have also faced harassment and attacks from self-styled vigilante groups.

The state police has been openly hostile to journalists, lawyers and others working on human rights violations. On 23 October, India's Central Bureau of Investigation filed charges against police personnel for attacking and burning Adivasi villages in the state in March 2011. Two days later, police and other security force personnel burned effigies of human rights defenders in protest, including one of Nandini Sundar, a sociologist who had filed a petition before India's Supreme Court on the arson attacks. On 7 November, the Chhattisgarh police said they had filed a case of alleged murder against Nandini Sundar in connection with the killing of an Adivasi man by members of a Maoist armed group.

Torture violates Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party. India signed the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1997, but is yet to ratify it. India's Supreme Court has ruled that the right to life and personal liberty under Article 21 of the Indian constitution includes the right to be free from torture and other ill-treatment.

Name: Santosh Yadav
Gender m/f: m

Further information on UA: 224/15 Index: ASA 20/5114/2016 Issue Date: 10 November 2016