

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: ASA 20/010/2008 (Public)

Date: 14 May 2008

India: Concern over the arrest of filmmaker and human rights defender T.G. Ajay in Chhattisgarh

Amnesty International is concerned over the apparently arbitrary arrest of T. G. Ajay, a film-maker and human rights defender who has been documenting problems faced by *adivasi* (indigenous) communities in protecting their rights, in the central Indian state of Chhattisgarh.

Ajay is the second human rights defender to be arrested under the Chhattisgarh State Public Security Act, 2005 (CSPSA), in the state. He is a member of the state executive committee of the People's Union of Civil Liberties (PUCL).

Ajay is being held in Raipur jail, where Dr. Binayak Sen, general secretary of the state PUCL and a physician working on access to health for *adivasis*, today completed one year of imprisonment. Dr. Sen now faces a trial on charges of aiding a banned Maoist organisation, the Communist Party of India (Maoist).¹

On 5 May, Ajay was arrested at his residence at Superla in Bhilai and charged at the Bilaspur High Court under Section 124A of the Indian Penal Code (sedition) and Sections 3, 4 and 8 of the CSPSA.

Amnesty International has reason to believe that the charges against Ajay are politically motivated. Ajay has been actively engaged, since 2004, in documentation of human rights violations as part of the PUCL's ongoing efforts to protect the rights of *adivasi* communities in the face of escalating violence in the Bastar-Dantewada area of Chattisgarh between banned Maoists and *Salwa Judum*, an armed anti-Maoist militia campaign widely regarded as supported by the state government. The PUCL has been instrumental in bringing to light unlawful killings of *adivasis*, sexual assault of *adivasi* women, abductions and forced displacement.

On 22 January 2008, following the arrest of a woman Maoist in Bastar-Dantewada, the Chhattisgarh police searched Ajay's residence and seized his computer hard disk. On 26 March, Ajay filed a petition in the High Court seeking its return.

Amnesty International calls on the Union and Chattisgarh governments

- to ensure Ajay's prompt and fair trial in accordance with international standards of fairness.

¹ Amnesty International, India: Chattisgarh government detains human rights defender, refuses to arrest police officials suspected of involvement in unlawful killings of *adivasis*, AI Index: ASA 20/013/2007, 24 May 2007. See

<http://www.amnesty.org/en/library/asset/ASA20/013/2007/en/dom-ASA200132007en.html>

- to take concrete measures to ensure that human rights defenders in Chhattisgarh are not subject to harassment or intimidation and enjoy all the rights enshrined in international law.

Background

Since 2005, Chhattisgarh, especially the Bastar-Dantewada forest area, has experienced an escalation of violence between the Maoists and the *Salwa Judum*. Civilians have been routinely targeted on both sides, resulting in at least 300 deaths. Also, 30,000 *adivasis* displaced from their homes continue to live in special camps where they face increased risk of violence. The Chhattisgarh state government claimed that it enacted the CSPSA to take action against the Maoists.

The CSPSA allows for arbitrary detention of persons suspected of belonging to an unlawful organization or participating in its activities or giving protection to any member of such an organization.

Human rights organizations in India have demanded the repeal of CSPSA as it contains several provisions which violate international human rights law:

- Vague and sweeping definitions of “unlawful activities” for which organizations may be rendered “unlawful”, such as “uttering words... which propounds the disobedience” of “established law and its institutions”. Such definitions enable the government to arrest and detain individuals, as well as seek their punishment, on grounds that may not be clear to them, in violation of the principle of certainty in criminal law, reflected in Article 15 of the International Covenant on Civil and Political Rights, to which India is a state party;
- Threats, as a result, to other key human rights including freedom of expression and association, provided in Articles 19 and 22 of the ICCPR, respectively;
- All offences under the CSPSA are “cognizant and non-bailable”; hence all those charged under the Act are detained, often for months, before being tried. In Dr. Sen’s case, he was detained on 14 May 2007, his trial commenced on 30 April 2008 and is currently adjourned till 23 June 2008.

Public Document

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