

Ms. María Arena Chair of the Subcommittee on Human Rights (DROI) European Parliament

December 9, 2020

Dear Ms. Arena.

We are a group of development and international organisations linked to the <u>Society of Jesus</u> and we are present throughout India, with numerous educational and social institutions, working with the most disadvantaged people and groups.

As we closely monitoring human rights developments across the country and we publicly advocate in favour of the respect for fundamental rights, we are writing to you to express our deep concern about the deteriorating situation of the rule of law and democracy that India has been experiencing for the last few years.

We know that you are aware of this and would like to thank you for your <u>statement</u> on October 5, 2020. We would like to bring to your attention the detention of **16 human rights defenders in connection with the Bhima Koregoan case** under the draconian Unlawful Activities Prevention Act (UAPA) in relation to an incident that took place in India in December 2017. As a result, human rights defenders have been unjustly imprisoned. This action is part of the current Indian government's intention to stifle those individuals or groups who express any dissent with its policies.

We would like to draw particular notice to the Jesuit priest Fr. Stan Swamy SJ, arrested on October 8, 2020 in Ranchi (Jamshedpur) and transferred to Taloja Prison, Mumbai, on October 10, 2020. Stan Swamy SJ has been falsely accused of having links with Maoists, and of having participated in the Bhima Koregaon incident, where he denies having been. Please see a video of Fr. Stan Swamy, recorded two days before his detention.

Fr. Stan Swamy is 83 years old and a sufferer of Parkinson's Disease. He is also hard of hearing and uses aids in both ears. Last year he underwent surgery for appendicitis in Bengaluru and in January this year and fractured his hand in January 2020. He is thus in a vulnerable physical state and especially because of his advanced age has been under medical observation and special diet. His captivity has in no doubt impaired his health for the last month and a half, this is especially concerning because of the Covid-19 pandemic. He was denied bail – which was based on humanitarian grounds - on October 23, 2020. In these weeks, his lawyers have filed an appeal to the High Court and have applied for his release on bail based on the substantive grounds of the case.

Stan Swamy has worked for four decades for the rights of indigenous peoples (Adivasis) in the states of Jharkhand, Chattisgarh and Madhya Pradesh. He was Director of the Indian Social Institute Bengaluru, from 1974 to 1991. He subsequently served as Director of the Jharkhandi Organization for Human Rights, a Jesuit Social Centre in Chaibasa, - which works among the 'Ho' tribes, from 1991 to 2000. In 2000, he moved to Ranchi, where he founded in 2006 a new

social Centre, known as Bagaicha, which continues to work for the rights of tribal people in central India through research studies, documentation, training and establishing solidarity with tribal movements. Among others, he founded the Persecuted Prisoners Solidarity Committee (PPSC), which documented, studied and published the fabricated cases filed against thousands of tribals languishing in jails. All of them were accused of links with Maoists, although they had opposed mainly the land grabbing by mining companies and other corporates. Based on the findings, he filed a Public Interest Litigation in the Ranchi High Court demanding speedy disposal of the cases. Today, Fr. Stan is accused of the same case of links with Maoists, as those tribal leaders.

The case of Fr. Stan Swamy SJ and the human rights defenders has provoked a great mobilization throughout India. At the international level, numerous church personalities and international organizations have spoken out on the issue. Please find hereto the letter from the President of the Jesuit Conference of Asia, and the <u>statement</u> issued by the Social Justice and Ecology Secretariat of the Society of Jesus. Furthermore, the High Commissioner for Human Rights, Ms. Michelle Bachelet, has declared in her <u>press release</u> of October 20, 2020 that:" most recently, the 83-year-old Catholic priest, Fr. Stan Swamy SJ, a veteran activist involved in the defense of the rights of marginalized groups, was arrested and remains in detention, despite his delicate state of health".

We know of the European Union's strong commitment to democracy and to safeguarding the fundamental rights of individuals. We also know of the strong ties of the European Union with India. We are aware of the great work of the European Parliament's Subcommittee on Human Rights for safeguarding human rights and human rights defenders worldwide.

We therefore ask you to address the deteriorating situation in India and the situation of human rights defenders and:

- Intercede with the Indian authorities, at the highest level, for the immediate release of Father Stan Swamy based on humanitarian grounds.
- Should you consider it appropriate, issue a resolution highlighting the deteriorating situation of democracy in India and asking for the safeguarding of rights of law-abiding citizens and human rights defenders.

We would like to thank you for your attention and the steps and initiatives you can take. Our office will contact you for further information and follow up. Further information can also be found in the Jesuit conference of South Asia <u>website</u>. Should you require any further information or clarification, please do not hesitate to contact us.

Yours sincerely,

Maria del Mar Magallón, Fundación ALBOAN, Spain

Martin Maier SJ, Jesuit European Social Centre (JESC), Brussels

Katrin Morales, Jesuitenmission Austria

Klaus Väthröder SJ. Jesuitenmission Deutschland

Patrick Jutz, Christian Life Community, Freiburg, Germany

Xavier Jeyaraj SJ and Valeria Méndez de Vigo, Social Justice and Ecology Secretariat, Society of Jesus, Rome