



State of Siege



Report on Encounters and Cases of Sexual Violence in Bijapur and Sukma districts of Chhattisgarh



Coordination of Democratic Rights Organisations
Women Against Sexual Violence and State Repression
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MEMBER ORGANIZATIONS OF THE FACT FINDING TEAM:

CDRO: Association for Protection of Democratic Rights (APDR), West Bengal; Civil Liberties Committee (CLC), Andhra Pradesh, Telengana; People's Union for Democratic Rights (PUDR), Delhi; Committee for Protection of Democratic Rights (CPDR), Tamil Nadu
&
Women Against Sexual Violence and State Repression (WSS)



PREFACE

On 14 January 2016, a combined team of Coordination of Democratic Rights Organizations (CDRO), Women Against Sexual Violence and State Repression (WSS), conducted a fresh fact-finding in the Sukma and Bijapur districts in Chhattisgarh. Initially the objectives of the fact-finding mission was to investigate cases of encounter killings, supposed “surrenders” by Maoists and atrocities against tribal women in the villages in the intervening period of 3 months since the last fact-finding of WSS. However, the intensity and frequency of reported attacks, that the team learnt of once they were in the area, compelled them to limit the focus of the fact-finding to events that happened in the course of one week, between the 11th and the 15th of January.

In order to cover as many incidents as possible, the fact-finding team was split into two groups. The first team investigated cases of fake encounters in Peddajojer village in Bijapur district while the second team investigated cases of large scale sexual violence, torture and looting in Kunna, a village in Sukma district and Nendra village in Bijapur district.

The team met villagers and relatives of those killed in the police encounter in Peddajojer village, and the families affected by large scale violence in Kunna and Nendra village. In terms of officials, the team met the Deputy Superintendent of Police Bijapur District, Dharendra Pati; District Collector, Yashwanth Kumar, Chief Executive Officer of Bijapur Zila Panchayat, Abhishek Kumar Singh, the Deputy Superintendent of Police of Bairamgarh, Sahu, District Collector and Superintendent of Police, Bijapur.

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INTRODUCTION

Bijapur district of Chhattisgarh, carved in 2007 and covering 675 villages of tribals, dalits and Muslims, holds several distinctions. It is one of the most sparsely populated districts in Chhattisgarh with a population of about 2,55,000, whose density of population decreased from 35 per sq. km in 2001, to 30 per sq. km in 2011. It has one of the highest sex ratios in India, at 982 females per 1000 males, but the second lowest literacy rate at 40.86%, and extremely high levels of malnutrition. Bijapur has been at the centre of a civil war fought by the state to wrest control over tribal land and natural resources, earning itself the moniker of the 'biggest grab of tribal lands since Columbus'.

Sukma district has an area of 5635.79 sq km. with 379 villages in the area. It touches the border of Orissa in the East, Kanta block in the South, Chhindigarh block in the North, Kuakonda and Katekalyan block in the west. Adivasis are the major inhabitants of this area. Gondi and Halbi are the main dialects of the region but Oriya is also understood in this Block. Town Sukma is the administrative Head Quarter of District Sukma.

Along with Dantewada and Bastar, Bijapur is rich in iron ore deposits. In 2005, the state government entered into a Memorandum of Understanding (MoU) with Tata Steel for the exploitation of these iron ore deposits. Similar Memorandums of Understanding were also later entered into with Essar Steel. In addition, the National Mining Development Corporation (NMDC) has also been conducting mining of these iron ore deposits. The Virgius Xaxa Committee Report of 2014 notes that the terms of these memorandum of understanding "change the relationship between the state and the corporation, and the state and project affected people." Despite constitutional protections in the Fifth Schedule, and the Panchayat Extension to Scheduled Areas Act (PESA), which empowers tribal communities to assume control over and preserve their traditional rights over natural resources, states have taken upon themselves the obligation to acquire these lands and hand them over to corporations free from all encumbrances.

It is in the pursuit of clearing resource-rich lands of their traditional users and occupants for the benefit of corporations that state-sponsored vigilantism and militarization has accelerated in the region since 2005. The first of these endeavours was the Salwa Judum, portrayed as a spontaneous uprising of tribals against the excesses of the banned Communist Party of India (Maoist), but which was in fact militarized by the state. The mass violence, rapes, burning of villages and displacement from the Salwa Judum have been documented in the 2006 report of PUCL (Chhattisgarh), PUCL (Jharkhand), PUDR (Delhi), APDR (West Bengal) and IAPL, *When the State Makes War on its Own People*.

In 2009, the central government further intensified its clampdown on 'left-wing extremism' in tribal areas to accelerate the exploitation of the mines by launching Operation Green Hunt

along the borders of Chhattisgarh, Jharkhand, Andhra Pradesh, Maharashtra and Odisha. Comprised of the Central Reserve Police Force, the Commando Battalion of Resolute Action (CoBRA), and the Chhattisgarh Police. The Indian Express reported that more than 48,000 personnel are deputed in Chhattisgarh, with 25 CRPF battalions and two CoBRA units as of May 2015- numbers which have been steadily increasing thereafter. The Operation combines strategies of raids, encounter killings, forced 'surrenders' of civilians passed off as Maoists and rampant sexual violence of the civilian adivasi population to achieve its objectives. The scale of these violations have been documented by the 2015 report of PUDR, *War and the Lightness of being Adivasi: Security Camps and Villages in Bijapur, Chhattisgarh*. The heavy militarization, killings and rapes have been a tactic to compel mass displacement of tribes from their settlements so that the land can be made available to corporations for mining activities.

Operation Green Hunt has been supplemented by the new face of vigilante groups in the region, after the Salwa Judum was ordered to be disbanded by the Supreme Court in 2011 vide the judgment in Nandini Sundar v. State of Chhattisgarh- the Samajik Ekta Manch. Portrayed again as a spontaneous collective of citizens against Maoists, called the 'single largest internal security threat' by Manmohan Singh to justify Operation Green Hunt. It is no secret that the Samajik Ekta Manch operates in collusion with the paramilitary forces deployed in the region. Since its inception, the Samajik Ekta Manch has unleashed relentless harassment and intimidation of civilians, activists, lawyers and journalists in the region in an effort to further disempower and displace the population. Apart from Samajik Ekyta Manch, another offshoot of the Salwa Judum is the Naxal Peedit Sangarsh Samiti. This organization claims to represent people affected by naxal violence, however more often than not they support State violence against adivasis in the name of security operations. Along with repression by the security forces even progressive laws are being dismantled to aid in the eviction of adivasis from Chhattisgarh. In 2006, the UPA government passed the Forest Rights Act (FRA), which recognized the right of forest-dwelling communities to use, manage and conserve forest resources that they live on and cultivate. The landmark legislation, despite some drawbacks, instituted a democratic process by vesting this control in the gram sabhas. However, recent actions by the Chhattisgarh government have grossly undermined the FRA, by summarily cancelling lawfully vested community rights of tribals, even though there is no such provision in the FRA which permits the government to take such action. The Ministry of Environment and Forests has also issued Guidelines which permits the entry of private corporations on 'degraded' forest land, limiting the rights of communities to 10-15% of these patches.

The bus stops in Bijapur offer a capsule of the life and times in the region. Massive hoardings with the image of the Chief Minister Raman Singh, sit comfortably next to posters of 'Encounterer Shankar', a new movie glorifying police encounters. These swanky bus stops are used commonly by police and security personnel to take shelter from the sun and rain. Huge armoured vehicles on roads dotted by camps of security forces make no secret that one is in the most militarized region in India today.

This report continues documenting the narrative of violence and displacement in Chhattisgarh in the name of development, by reporting on the findings of the encounter killings and sexual violence in the villages of Peddajoer, Nendra and Kunna in January 2016, and the apathy of state institutions to provide redress and protection.

FAKE ENCOUNTERS AND SEXUAL VIOLENCE

The use of fake encounters and sexual violence by the security forces is increasingly becoming a tool in the war which the State is waging against the adivasis of Chhattisgarh. The strategy chosen by Chhattisgarh state to silence resistance and protest of villagers is by adopting unconstitutional and violent methods.

Encounters have become a routine practice of the Indian state and its security forces. However encounters are nothing but planned and pre meditated murders which need to be exposed for what they are. Considering the serious nature of encounters, what emerges as more distressing is that the version of the police and security forces is accepted as true without any inquiry. This report attempts to question the 'authentic' version provided by the police by giving alternative accounts. The emergence of other versions necessitates an investigation into the role of the security forces in Chhattisgarh.

Sexual Violence in Chhattisgarh is reaching alarming levels. The combing operations of the security forces inevitably involve large scale sexual violence against adivasi women. The police on the other hand refuse to file even an FIR, thus all the energy of women is directed into getting their complaints heard. The purpose of sexual violence then is not just to humiliate, but also display physical control over the body of the subjugated by male security forces.

What fuels this vicious cycle of encounters and sexual violence is the impunity granted to the armed forces. The report then highlights the breakdown of justice and mechanisms of redressal in Chhattisgarh.

Peddajoer village

On reaching Bijapur, on 16 January, the fact finding team learnt through local newspapers that four naxalites were killed in an encounter on the 15 January 2016. The alleged encounter took place in Peddajoer village in Bijapur district. Investigating this latest encounter became the top priority and on the 17th the team visited Peddajoer.

To reach Peddajoer one has to pass through Redii village and Chinnajoer village. Reddi village is 20 minutes by jeep from Bijapur district. Peddajoer is 7 km from Chinnajoer and 20 km from Reddi village. Reddi village has a grocery store, a school and right to next to it a well-fortified security camp. Reddi village is a place from where nearby villages get their provisions. From Chinnajoer village a dense forest track leads to Peddajoer village. The encounter of the four villagers took place in the middle of the dense forest path beginning from Chinnajoer village.

Enroute to Peddajoer village the team saw several people coming from Chinnajoer village. Upon enquiry the team learnt that the villagers were heading to some areas of Andhra Pradesh and Telangana to work in the harvesting of annual chili crop which is one of their main sources of livelihood.

The bodies of those killed in the encounter were brought to the village two days after the encounter and coincidentally the team reached Peddajoer village on the same day. The atmosphere was of grief and sorrow and the team found it difficult to interact with the villagers in such a situation. However the team tried to talk to villagers and the families of the deceased. Their account dismantles the police and newspaper version of the encounter and the representation of those killed as 'dreaded naxalites'

The alleged encounter

On the 15 January, around 7 in the morning 3 young men and 3 minor girls from Peddajoer village were on their way to Reddi Village to buy provisions. The three men were Majji Budram, Oyam Munna, Madkam Pandu, all approximately in their early twenties. Of the three girls two were 9 and 10 years old, the third girl, Oyam Tulasi was 13 years old. Budram was a farmer, with ten acres of land. He was married in November. Oyam Munna was also a farmer but worked in a brick kiln as well. Madkam Pandu was a farmer, he has three children. Oyam Tulasi, a minor, never went to school. She has three sisters and two brothers. (See Annexure 1)

When these six people reached the middle of the forest path connecting Chinnajoer and Peddajoer, they were ambushed and fired upon by the security forces. It is important to note that all six were unarmed civilians. While the three men and Oyam Tulasi were killed, the other two girls managed to escape to the village and warn the villagers. Subsequently these two girls went in hiding fearing for their lives.

Upon seeing these two girls and hearing the sound of gunshots the villagers rushed to the scene of the encounter but the villagers could not find any bodies. The villagers later learnt that the security forces had taken away the bodies to Bijapur General Hospital. In complete violation of National Human Rights Commission (NHRC) guidelines the post mortem on the bodies were done at the hospital without proper identification of the bodies. No video recording of the post mortem was done and the police did not conduct any inquest at the site of the encounter.

When the villagers went to the Bijapur hospital demanding the bodies of those killed, the police refused to hand over the bodies unless they pay Rs. 4000 per body, as transportation charge. It is only after villagers protested that the police relented and returned the bodies in a state vehicle. The bodies were finally brought back to Peddajoer on the 17 January.

The team was also able to have a look at three of the bodies. Budram's bodies had bullet marks on the left shoulder, lower jaw, abdomen, left hand, left side of the chest. Oyam Munna's body also had several bullet marks. Bullet marks on his forehead, right side of the chest, behind his right ear indicate that he was shot from close range. Tulasi's body had bullets pierced across her chest, lower abdomen and foot. The two other girls also received bullet wounds, one girl got hit on the ankle, and the other one had bullet injuries on her stomach and arm. The villagers told us that bullets had pierced Madkam Pandu's body through the front side.

It becomes clear from the team's investigation that those killed were ordinary villagers who were engaged in agriculture and not Maoists as claimed by the police. They were killed at point blank range. The account of the villagers then indicates a picture of brutalisation mingled with anger at the treatment received from the State and security forces. This fake encounter shows the State's intention is to create a climate of fear by granting impunity to the security forces to terrorise and kill.

Nendra and Kunna village

The second fact finding team visited Nendra and Kunna villages which are in Bijapur and Sukma districts respectively. We learnt about combing operation being carried on in both these villages between 11 and 14 January. As part of their combing operations the security forces were involved in several incidents of rape, harassment, murder and looting. Some of

these incidents, narrated by the villagers, are listed below

Kunna Village

The fact finding team went to Kunna village on the 16 January too. Kunna falls under Thana Kukanaur, Sukma district, Tehsil Chhindgarh. The team also visited Chotegadam village which is two kilometers from Kunna. Chotegadam village comes under P.S. Tongpal, Block Katekalyan, District (undivided) Dantewada. A combing operation by the DRG, CRPF, COBRA (around 500 to 600 troops) was going on from 11 January in this area. The forces camped in the area from 11 to 14 January. The team visited two hamlets in Kunna and one hamlet in Chotegadam.

The forces initially took over the school premises but later occupied homes of people. The forces would eat the rations and livestock of the people and head out for search operations during the day. Several soldiers had covered their faces with a black cloth, making it impossible to identify them. However, villagers recognized a few surrendered Naxals – Budhru, Kiran and Kamlesh, who were accompanying the forces.

Sexual Violence

During the first two days many women were sexually assaulted and two women were raped (names are being withheld). While sexually assaulting the women, the forces would also accuse them of being naxalites. In Peda para one woman was stripped by the police, her upper cloth was removed and police 'sat' on her and abused her with filthy language. In the same para another woman had her blouse torn, and was made to do sit ups. She was ridiculed for not having children and asked to sleep with them. A young girl was stripped by the police. Women were dragged out of their homes and pushed towards the school where they were molested. In another house a woman's undergarments were burnt, with a phone number '9589117299', and writing on the wall saying they could call for security.

In Chotegadam village, three young girls were sexually assaulted and threatened with rape. A 14 year old girl was disrobed and her mother was also beaten. Some women used the term "sat on me" to describe the assaults they underwent. There is a sense that the women are talking about being raped but they are afraid to pursue the matter further.

The team went to Maharani Hospital in Jagdalpur and met 2 other women from the village. Admi, 22 years and Kartami Gangi 60 years were beaten up and sustained injuries. These women were admitted to the hospital by Soni Sori.

TESTIMONIES OF WOMEN FROM KUNNA

"Members of the security forces touched me on my stomach, back, legs, thighs... I was not wearing anything at all, and was feeling very ashamed and upset. I started crying. And they hit me more because I was crying. I was scared that they would kill me and say I was a Naxalite".

"They pushed me in my house and threw me on the ground. They tore all my clothes. They touched me everywhere. Later they took me to the school ground and there whatever little clothes were left on my body, that also they tore apart. We kept saying that we don't know where the Naxalites are. They kept pushing the girls inside the school. In front of everyone, they touched our bodies in the wrong way. Sexual insults were being hurled from all sides".

"They kept saying that you all feed the Naxalites. They made us sit in a line and kept hitting us with dandas. When I said I don't have a child, they said that come inside, we'll give you a baby. I was very scared that they will do something wrong with me".

Arrests and Detention

On 12 January, in the evening 5 women from Peda para and 22 men, from various paras of Kunna village were taken into custody. 10 people from Peda para, which included the 5 women afore mentioned were taken to Pushrash camp, which is 9 km from the village. On the way to the camp they were constantly beaten. These 5 women were also stripped and sexually assaulted in a house while being taken. Irama, Devashram and Soma from Karma Gondi para were detained at Kukanar thana.

While the ten detained from Peda Para were released later the same evening, the three boys of Karma Gondi Para were kept for three days and made to sign on a blank piece of paper before being released. The 16men of other paras were also eventually released within the next 2-3 days. On 14 January however three more persons were arrested by the police.

The police and security forces have highly vague and demeaning ways of checking if one is a Naxalite. Having a tan on one's leg, points to Naxal involvement since according to the forces, a Naxalite will own a chappal. Kartami Kosi was accused of being a Naxalite. She was beaten up even though she told them she owned a simple pair of chappal. Secondly the police also squeeze the breasts of women to check to see if they were lactating. The assumption is that those who did not have young children were Naxalites. Podiyami Jogi w/o Ganga was beaten with sticks and was subjected to this humiliating procedure by the forces. When a woman was not lactating she would be told that the soldiers could help her conceive.

Intimidation, Torture and Looting

In Gondi para, in the same village, Sukma district, 21 year old Lalu Sodi was beaten severely by the forces, he succumbed to his injuries. The incident happened on the 12 January; he died on the 14 January. The villagers have not reported this murder fearing persecution by the security forces. The body was cremated without any complaint having been filed. On the 13th another individual Yoga Sori s/o Sori Lakka, from the same village was beaten badly and as a result could not walk properly.

A dam is being constructed near Kunna village and some villagers working on the dam site on the 12 January were fired upon by the forces. The munshi who lives in Kunna village, was present at the dam site when the firing started was caught and beaten. A ball was taken from one boy's schoolbag and shown around as a bomb alleging that the village houses Naxals. A rocket launcher was also used in Peda Para; it fell on a villager's cow and killed it.

Chotegadam village also witnessed a similar pattern of loot and destruction. Not only were livestock consumed but locks of houses were broken, wires, bulbs and implements to cut meat were also stolen. In one of the houses a soldier was checking a rice sack, when his gun went off accidentally injuring him in his foot. At the time of the incident there was only a woman present in the house along with her children. She showed a piece of cloth with which the soldiers wound was tied. The floor still had blood drops when this jawan hurt himself from his own gun. The forces took a villager's bike and rushed the injured jawan to a hospital. However to the local press the security forces claimed that this soldier was injured in firing by Maoists thus the forces attempted to turn this incident to one of a Maoist attack. The bike of the villager had not yet been returned.

These incidents are only a few examples of the kind of violence the security forces inflicted on the villagers (See annexure 2 for more details). Many older people were also severely

beaten by the forces in Kunna. With the villages having been emptied of fishes and poultry, everyday life has become difficult for people. On interacting with the women the team observed that they were so distressed from this occupation that many of them could not eat properly and were still unable to recover from the trauma.

Kunna village is also not new to visits by the security forces. According to the villagers since 2008 the security forces have been crossing Kunna village to move further into the mountains. Even back then the forces mistreated the villagers, and looted their homes. However this time looting, torture and sexual violence occurred on a large scale.

Nendra village

The second team which visited Kunna reached Nendra village, Basaguda thana area of Bijapur district, on the 17 January. Nendra village consists approximately of 98 households and is spread over four paras. Four to five batches of police and security forces (CRPF, DRG, Koya) were conducting search and combing operations. As soon as they entered the village they started firing indiscriminately. The men of the village fled immediately because staying back would have meant either being killed or being implicated in false cases. (See Annexure 3)

The modus operandi followed in Kunna village was repeated in Nendra as well. The security forces occupied the village for four days and unleashed violence on the women. The security forces take over houses near water sources, large courtyards, homes which have protective hedge or they build log hedges themselves. During the day, they went for search operations in the nearby hills and jungle, but came back by evening to stay the night in the village, and continued their plunder and torture.

Sexual Violence

Over thirteen instances of gang rape were reported by the women (all names being withheld in this report). There were others who preferred not to speak of it publicly, and did not want to register a complaint. Many other women were disrobed, molested, subjected to verbal abuse. Incidents of sexual violence have been reported from all paras of the village. Most of the rapes took place late in the evening or early in the morning.

All rapes were gang rapes with many of the rapes happening simultaneously. At least four to five groups of men at different homes committed rapes. One would keep watch, some would pin down the woman and another would rape her. Some rapes took place when the women pleaded with the forces not to take their poultry and rations. Older women tried to help women who had been raped, sometimes even confronting the security forces, but even these women were targeted. In one case a mother and her daughter were raped in the same room. Women's faces were also covered with a towel or even a mosquito net when rapes took place. The security forces threatened the women with dire consequences if they made any complaints.

The local police respond to accusations of rape by stating that forces are always on alert for landmines thus they cannot rape. However if forces can cook, sleep and drink alcohol in these villages then the forces can certainly commit sexual violence.

Torture and Looting

The security forces also looted rations, consumed poultry (around 200 birds and 40 goats), and slaughtered goats causing huge economic loss to the already impoverished villagers. The

forces also consumed rice which the villagers had saved for their journey to parts of Andhra for chilli harvesting. When women asked the security forces for money for the rations they had consumed the women were beaten up with lathi and rifles. Older people were also beaten. The soldiers tore up clothes, blankets and threatened to destroy the village hand pump. Some of the items stolen from houses of various people are listed in Annexure 3.

According to villagers, the forces always hold them accountable for any Naxal incident without any proof. The forces not only threatened to burn down the houses with children inside but also threatened the women with the kind of violence they experienced during the time of Salwa Judum. Nendra was one of the epicentres of the Salwa Judum campaign. After Nendra the security forces reportedly moved to villages across the hill from Nendra, like Surnar, Dalla and Malipad. There is a strong fear that this kind of violence must have been repeated in these villages too.

While the police and security forces kept their faces covered, the women heard Gondi and Hindi being spoken by the men. The women recognised some men who had worked for Naxals earlier but had surrendered now. The women also spoke of Yogesh, Pandu, Mangesh, Rahul and Motu as being involved in these incidents. Rahul was identified as the son of Markam Muikya, who lived in Nendra village itself.

What emerges as more distressing is that accounts of violence by the security in Nendra come three months after large scale looting and sexual violence on women in Peddagellur village which is in Bijapur itself. From October 19-24, 2015, security personnel had occupied Peddagellur and raped women, looted houses. Apart from Peddagellur, women from Pegdapalli, Chinnagelur, Gundam and Burgicheru were also sexually assaulted by security forces. Women were hit with batons, rifles, even their heads were banged against the ground.

In Peddagellur the district collector was forced to file an FIR on 1 November 2015 and order an investigation of the security forces in Chhattisgarh due to public pressure by women's organizations and civil and democratic rights groups. The filing of the FIR in the Peddagellur case was the first case in the country, after the amended rape law (2013) allowed for the indictment of central and state security forces (Section 376 2c, IPC). However, no serious action has been taken so far. As the second chapter points out this apathy and hostility was reflected in the State's response in the case of Nendra as well.

TESTIMONIES OF WOMEN FROM NENDRA VILLAGE

"They covered my face with a black cloth and pushed me to the ground. One of them held me by my chest. The other raped me. They pressed my legs down with their shoes...Later several women took me to their camping site at the boring well and confronted them, they denied it and threatened us saying that we are falsely accusing them. They said they would repeat what they did to us during the time of the Salwa Judum."

"They threw me on the floor. They took off my clothes, tore my blouse and squeezed my breasts. One of them raped me and said, "You give food to the Naxals. We will set fire to your homes. You're lucky it's day time. If it was night, we would kill you..."They took my chickens and left."

"They took four kilos of rice from my home and promised to pay me. They also took four chickens. I told them we sell chickens to buy clothes and asked them not to take them. When I told them this and asked for money for the rice, they threw a fishing net over my face and pushed me into the house...One of them held my legs down another my shoulders. A third raped me..."

STATE'S RESPONSE

In all these instances of violence, whether in Peddajojer or Nendra the response of the State shows hostility and utter disregard for the lives of people. Instead of upholding the rule of law the State is complicit with the security forces in violating civil rights.

Peddajojer

The fact finding team met the DSP, Dharendra Patil of Bijapur, on the 18 January to discuss the team's findings on the encounter. However, the DSP's response was "it has to be proved by the Executive Magistrate". The team also presented the case of fake encounter to the District Collector, Yashwanth Kumar, only to hear him say "we will look into the matter".

The annexure provides an account of encounters in Chhattisgarh. The information reveals that encounters are becoming more and more frequent in Chhattisgarh. What is lost in the rhetoric of killing Maoists is that there can be no justification of encounters in any situation. The State cannot assume absolute power over the life of an individual and avoid the due process of law. However in Chhattisgarh where an undeclared war is waged by the State for the land of the adivasis, extra judicial methods are adopted to eliminate dissent.

Impunity of the security forces

The villagers told the team members about various atrocities which the security forces perpetrate. According to one villager they beat first before asking any questions, they harass women, eat whatever little provision the villagers have. A villager who escorted us to Chinnajojer, and who works as a cook in a school told us how he was beaten by the security forces and accused of feeding the Maoists. The impunity with which the security forces loot, assault men, sexually assault women seems to be their standard practice.

Kunna village

The police resisted attempts to file FIR by the women of Kunna village. On 14 January these women accompanied by activists could not file FIRs in the police station at Sukma because of the presence of massive police and security force on the roads. The police officials in the adjoining Dantewada district refused to lodge the FIRs. On 15 January, Soni Sori and Shalini Gera, a human-rights lawyer, accompanied the victims to the Bastar Commissionerate in the town of Jagdalpur to help with registering the FIR. The Commissioner directed the IG, SP and Collector to conduct an immediate enquiry into the incident. The FIR was finally filed on 27th January, 2016 after a torturous process by activists and the women of Kunna village.

Nendra

On 18 January members from the fact finding team along with 12 women of Nendra went to the Collectorate to bring to his attention the incidents in Nendra. Some of the women were accompanied by their children. The team met Abhishek Kumar Singh, the Chief Executive Officer of Bijapur Zila Panchayat, who acted insensitively during a meeting with the team members and dismissed the filing of an FIR because it was not a matter of national security. However the Collector ordered statements to be recorded both at the SDM's office and at the police station. The SI from Bijapur PS and the SDM came to record statements after receiving

the Collector's orders. The SDM however took another round of testimonies saying he was dissatisfied with the first and thus two rounds of testimonies were given by each woman

Even after their statements were recorded, the police refused to lodge an FIR. The Deputy Superintendent of Police of Bairamgarh, Sahu told the team members that the matter must be investigated before registering an FIR. This is in clear violation of Section 154 of the CrPC which makes it mandatory for a police officer to file an FIR on receipt of any information of a cognizable offense such as rape, molestation, disrobing. By refusing to file an FIR any public servant is culpable under Section 166 A(c) of the IPC. On being confronted by the team members on this account, the DSP said that instead of an FIR a complaint can be filed since his seniors were not present at the moment. The thana level officials also have the power to file FIRs. However the Thana in charge of Basaguda, Sharad was unwilling to file an FIR and spoke instead of naxal violence.

On bringing the response of the above mentioned officials to the Collector, he assured the team members that the FIR would be filed once the SP returns. After the team members managed to contact the SP by telephone, the SP responded by saying he would discuss the matter in person with the team members. On the second phone call the SP refused to file an FIR citing discussion with senior officials.

On 20 January the 12 women and various activists supporting them wrote an appeal to the district collector. The letter emphasised that the allegations made by the women were of cognizable offences, making it mandatory by law to file an FIR in such cases. By this time the local media started reporting on this incident The SP and the Additional SP also received calls, texts, emails from concerned people. The team also learnt of a three member team from the National Commission for Women (NCW) visiting Bijapur on 21 January to investigate sexual violence in Peddagellur. The police tried to prevent the fact finding team from meeting the NCW members. However the members from the fact finding team met the NCW delegation on 21 January while the NCW delegation met 9 of the complainants on 22 January.

It is only after the appeal to the District Collector and the local media highlighting news of these women outside Bijapur PS, along with the pressure caused by the presence of the NCW that the police were pressurised to register an FIR on the 21 January. The police operated in clear violation of the Supreme Courts orders and these women were forced to spend four days waiting outside the police station.

The FIR was filed under sections 376(2)(c), 376(2)(a)(iii), 376D, 354, 354B, 323, 395 of the IPC. The medical examination of the women was completed on 22 January. The women left for their villages after testifying twice once to the SDM and also to the police. However the police has asked for another round of testimonies and would prefer to record it either in their villages or in Bijapur. Both these options are very problematic. If the testimonies take place in the village, the police will invariably turn up with security forces. Given that the security forces are the accused, it is possible that women will not be able give their testimonies freely. The inability to testify freely occurred in the Peddagellur case as well. Testimonies in Bijapur will also be affected by the presence of various groups (for example Naxal Peedit Sangarsh Samiti) which are hostile to the presence of these women. Section 157 of CrPC states that investigations in case of rape must take place at a place of the survivors choosing. The investigation must also take into account the security of these women.

While the activists were waiting for NCW members they were met by a group of people

who claimed to be affected by Naxal violence. Some of these protesting villagers were ex Salwa Judum members. These people followed the team and defended the actions of the security forces. They also hurled allegation of “Maoists supporters” at the activists. This group seemed to be receiving help and support of the police. They were ferried back and forth in vehicles which seemed to be police vehicles. Their movements were not restricted by the police in any way, indicating police complicity in these ‘protests’. In Nendra the police actively tried to delay filing of the FIR hoping to tire the women out. The women already were far away from their homes and as pointed out earlier had to look after children they had brought along. In fact three children were diagnosed with malaria in Bijapur. Once this tactic failed the police tried to harass the activists of the fact finding team with the help of local people.

Thus the State machinery displayed utter insensitivity towards these women but also every attempt was made to deny justice to the women of Nendra. Women are especially becoming targets in this escalating war and as a consequence sexual violence has become institutionalised and normalised.

Attack on Journalists

On 9 February journalist Malini Subramaniam, a journalist with Scroll, was harassed at her home by 20 odd men. These people raised slogans against Malini, calling her a Naxali. Later at 2:30 in the morning stones were thrown at her home. According to Malini her call to the Bastar SP Rajendra Das was disconnected and elicited no response. However what is even more shocking is that the Chhattisgarh police refused to file an FIR the next day and it was registered only two days later. This group of people was identified by Malini as belonging to an organization called Samajik Ekta Manch. This group was formed to ‘counter’ the Maoist violence in Bastar region. This group also has the full support of the police. Two men from this organization had also visited Malini’s home on January 10 and warned her not to write against the police. Malini’s landlord was also called for questioning by the police and intimidated into asking Malini to vacate her premises. These tactics by the police forced Malini to leave Chhattisgarh. Malini has investigated several instances of atrocities on adivasis in Chhattisgarh by the security forces, including sexual violence, fake encounters and fake surrenders.

Malini’s case is not an isolated one, earlier in 2015, two journalists Santosh Yadav and Somaru Nag were also arrested by the Chhattisgarh police. While Santosh Yadav, a journalist with Dainik Chhattisgarh, reported on harassment of adivasis by the police, Somaru Nag, who works with Rajasthan Patrika writes on issues affecting adivasis. For their critical reporting both these journalists were accused of being Maoists by the police. Santosh Yadav was arrested on 29 September and booked under Chhattisgarh Public Safety Act (PSA) and the Unlawful Activities (Prevention) Act. In fact a year before his arrest, Yadav was harassed continuously by the police. Yadav was also under pressure by the police to become an informer. Somaru Nag was arrested on 16 July . His family alleges that he was tortured in custody

In December 2015 the Chhattisgarh police had allegedly circulated cartoons on social media sites depicting journalists as Maoists. Earlier in 2009, two journalists Anil Mishra of Nai Duniya and Yashwant Yadav of Navbharat were asked to reveal their sources by police for a report on the murder of villagers by the security forces. In 2011 Lingaram Kodopoi was arrested by the police for allegedly raising funds for Maoists. The police were also forcing him to become a Special Police Officer (SPO). Such instances of harassment and intimidation are numerous in the State which already has a dismal record of human rights. SRP Kalluri, IG Bastar Range has played an instrumental role in silencing journalists. In 2010, when three journalists were threatened in a pamphlet issued by an

organisation, Danteshwari Adivasi Swabhiman Manch, Kalluri defended the actions of this organization.

Very little information on Chhattisgarh is reported by national dailies. The role of local journalists becomes of paramount importance in exposing the grim conditions in the State and creating public awareness. The backbone of any healthy democracy is fearless, independent journalism and one way to ensure this is to make sure journalists are given a safe environment to work in. Yet in Chhattisgarh draconian laws like CPSA are used by the Government against journalist to create a climate of fear. Thus it seems that silencing journalists has become a part of governmental policy. Moreover the actions of the Chhattisgarh police reveal a tacit support for mechanisms meant to silence the press.

CONCLUSION

It would not be an exaggeration to say that the people of Chhattisgarh are living in a state of siege. Helplessness, terror and disruption of everyday life, which define a state of siege are echoed in the narratives present in this report. Heavy military presence, frequent combing operations which end in occupation of villages and subsequent sexual violence on women, torture and economic destruction leading to impoverishment reflects the grim reality of life in an undeclared war zone. Sadly the villagers of Chhattisgarh have been struggling against this state of siege for many years. This report holds multinational and national mining corporations responsible for this situation.

As mentioned in the introduction, a number of MOUs have been signed by the Chhattisgarh government with various mining companies. These investments are being resisted by the people of Chhattisgarh. In this scenario the Chhattisgarh government and the Central Government have taken on the task of protecting corporate interests and investments.

The State claims to be the protector of law and order but this very same State refuses to follow the very same laws which it claims to be upholding. So the Fifth Schedule which is meant to prevent alienation of adivasis from their lands is done away with. Security forces operate in Chhattisgarh with complete impunity. Thus sexual violence, fake encounters, fake surrenders, plunder of villages is a frequent occurrence. However even basic redressal mechanisms like filing an FIR has become such an arduous task. As this report highlights filing a FIR against security forces is almost impossible. Things have reached such a condition that to recover bodies of those killed by security forces, the police ask for bribes from families. Thus the hope for justice remains elusive.

On the other hand lawyers, activists, journalists who stand by victims of this state of war are hounded, driven out or attacked by the police and State sponsored organizations like the Samajik Ekta Manch. Isha Khandewal and Shalini Gera who are associated with Jagdalpur Legal Aid Group, a lawyers' collective taking up cases of villagers in Chhattisgarh were given by notice by the administration to find alternate accommodation and forced them to leave. Journalist Malini Subramaniam was intimidated by the police and local goons and forced to leave. Soni Sori, an activist helping villagers affected by State violence was herself attacked and threats were issued to her family members.

FAKE SURRENDERS

The Chhattisgarh police claim that 182 Maoists have surrendered since November 2015 (Indian Express , March 12, 2016). The Union Ministry of Home Affairs claimed that 395 Maoists surrendered up to September 30, 2014. Out of which 221 surrendered in Bastar alone. Thus it seems that surrenders are becoming frequent in Chhattisgarh. However in 2015, in Sukma district, at a public function, the Chhattisgarh police tried to pass off villagers not affiliated to the Maoists in any way as surrendered Maoists. Thus the reality of surrenders in Chhattisgarh is not really straight forward but needs to be examined.

The Bastar police in a press note called these surrenders a “non-violent revolution against the Naxals”. However behind this rhetoric lie stories of villagers being picked up on charges of being Maoists and then passed off as surrendered militants. According to an Indian Express report dated 8 December, 2014 between June 1 and November 28, 2014 a total of 377 alleged Maoists surrendered in Bastar division. However the report states at least 270 of the 377 are actually ordinary villagers or routine criminals and cannot be termed “surrendered Maoists. Further not one of the 377 surrendered with a weapon, and no one has got the post-surrender relief or rehabilitation. The police are also accused of pocketing money meant for surrendered militants.

What is interesting to note is that from January 2012 to May 2014, only 29 surrenders took place. Soon after Bastar IG SRP Kalluri took charge in 2014, the number of surrenders in Bastar increased. With Kalluris arrival all those who had been living peacefully in their villages were told that the police had a warrant against them. They were asked either to surrender or get arrested and face jail time. Thus the only choice available to ordinary villagers is either to play along and avoid antagonizing the police or run away. Those who speak out against this drama of fear and entrapment are silenced. For example on 20 December 2014, a village ex-sarpanch Mukka Kawasi was arrested for speaking to media on fake surrenders and failure to register FIRs.

The police is able to conduct this charade only because of the impunity it has received from a Government which desperately wants to believe it is winning the war against Maoists. Truth and ordinary villagers unfortunately become casualties in this enthusiasm for surrenders.

The intensification of the attacks on adivasis is part of a stepped up offensive i.e. ‘MISSION 16’ by the State to hand over the lands to mining companies as soon as possible. The aim of ‘MISSION 16’ is to wipe out the Maoists by the end of the 2016 and the State government has identified Bijapur, Sukma and Dabhaha districts for the implementation of this operation. This campaign to “clear” the “naxal affected areas” involve large scale area domination exercises by the security forces which result in increasing incidents of sexual violence, fake encounters, torture and looting.

While more than forty thousand forces are deployed in Chhattisgarh there are plans to increase paramilitary presence further and to build new training schools for the army. The State government has written to Ministry of Home Affairs seeking battalions of Nagaland’s Indian Reserve Battalions for their effectiveness in jungle warfare. Mock drills were carried out by helicopters on 13th October 2015 in Bijapur district by the air force and there is a strong fear that the air force will be used in anti-Maoist operations. Apart from increasing deployment of troops, new vigilante groups like Samajik Ekta Manch, Naxal Peedit Sangarsh Samiti are patronized by the government to create a hostile environment. Plans are also on to revive Salwa Judum by Mahendra Karma’s son Chavindra Karma in the form of Vikas Sangarsh Samiti. Thus ‘Mission 16’ seems to be working on all fronts to achieve its desired end.

The State is intent on escalating its war on ordinary adivasis and this report brings out the strategies it adopts, either through occupation of villages, fake encounters or supporting vigilante groups, to create a climate of fear and terror.

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DEMANDS

Based on the fact finding conducted by the team and the subsequent developments in Chhattisgarh we demand the following:

1. Punish those responsible for the fake encounter in Peddajoer village
2. Punish the security forces responsible for large scale sexual violence and torture in Nendra village and Kunna village
3. Those responsible for the attack on Soni Sori be brought to justice
4. Harassment of journalists, lawyers and activists should be stopped immediately
5. Action be taken against Vigilante groups like Samajik Ekta Manch who work with full protection of the police
6. Scrap all MOUs entered into with mining companies leading to displacement and destruction of villages
7. Stop operation Greenhunt and remove all paramilitary forces from Chhattisgarh

ANNEXURE 1

Details of the Peddajoer fake encounter that took place on 15 January 2016

| S.No | Name | Age | Occupation | Bullet injuries |
|------|--------------|------------------|-----------------------------------|--|
| 1. | Majji Budram | Approx 25-30 yrs | Farmer | Bullet marks on the left shoulder, lower jaw, abdomen, left hand, left side of the chest |
| 2. | Oyam Munna | Approx 25-30 yrs | Farmer, also worked in Brick Kiln | Bullet marks on forehead, right side of the chest, behind right ear |
| 3. | Madkam Pandu | Approx 25-30 yrs | Farmer | Details not known. |
| 4. | Oyam Tulasi | 13 yrs. | N.A. | Bullets pierced across chest, lower abdomen and foot |

ANNEXURE 2

Details of violence and looting in Kunna and Chotegadam village -the forces camped in the village from 11th to 14th January 2016

| S. No | Residence | Incident |
|-------|---------------|---|
| 1. | Peda para | 5 women and 5 men from Peda para and 16 men from other paras were taken to custody. The people from Peda para were taken to Pushrash camp. These 5 women were also stripped and sexually assaulted. |
| 2. | Gondi Para | Irama, Devashram and Soma were kept for three days at Kukanarthana |
| 3. | Kunna village | Three people arested |
| 4. | Gondi para | 21 year old Lalu Sodi s/o Sodi Lakma beaten severely by the forces, succumbed to his injuries. |
| 5. | Gondi para | Yoga Sori s/o Sori Lakka beaten badly and could not walk properly. |
| 6. | Kunna village | Admi, 22 years beaten badly |
| 7. | Kunna village | Kartami Gangi about 60 years beaten badly. Right hand is |

| | | |
|-----|---------------|--|
| | | probably fractured with swelling in her thigh and injuries in her lower back |
| 8. | Peda para | Jogi, about 70 years, had her necklace, ear rings and Rs. 1500 were snatched away. She was slapped and beaten with lathis on her back and legs. |
| 9. | Peda Para | Mangli, about 75 years old was beaten when she refused to part with her livestock |
| 10. | Peda Para | Korea about 25 year old was beaten on her back and legs. |
| 11. | Kunna village | Rations were taken from MarakkaPdiyami's house. |
| 12. | Kunna village | Barsilrme's chickens and rations taken. |
| 13. | Kunna village | 5 kg. rice, one oil can and one kg. potatoes stolen from Kose |
| 14. | Kunna village | Mobile worth Rs. 6500 and Rs. 500 cash stolen from Undaveti's house |
| 15. | Kunna village | KoyamiDhule lost Rs. 2500 cash, 10 chickens and rations. |
| 16. | Kunna village | Rs. 1140 was stolen from one man's house. |
| 17. | Kunna village | Podiyami Jogi w/o Gangahad her jewelry, 2500 rupees and 10 chickens stolen. She was beaten with sticks and her breasts were also squeezed by the forces. |
| 18. | Kunna village | Firing on people at a dam site |
| 19. | Kunna Village | 2 women raped |
| 20. | Peda Para | A woman stripped by the police, her upper cloth was removed and police 'sat' on her and abused her with filthy language. |
| 21. | Peda para | A woman had her blouse torn, and was made to do sit ups |
| 22. | Peda para | A young girl stripped by the police |
| 23. | Chotegadam | Three young girls sexually assaulted |
| 24. | Chotegadam | Kosa s/o Ingalu was beaten with the rifle butt |
| 25. | Chotegadam | Budra s/o Joga was beaten a lot. |
| 26. | Chotegadam | Budra s/o KirmaKowasi, about 15 years old, was beaten on his back and arms. |
| 27. | Chotegadam | BodhaKosi about 48 years old was badly beaten |
| 28. | Chotegadam | Documents such as caste certificate, voter card were taken from Kosa s/o Kosa's house |
| 29. | Chotegadam | Bheema's bike has not been returned. |
| 30. | Chotegadam | Theft of pigeons, hens, cocks and goats, wires, bulbs and implements to cut mutton from various houses |

ANNEXURE 3

Details of torture,looting and violence in Nendra village in incidents that happened from 11 to 14 January 2016

| S.No. | Name | Incident |
|-------|------------------------|---|
| 1. | Madva Hungi w/o Joga | beaten by security forces |
| 2. | Karam Bheeme w/o Korsa | beaten by security forces |
| 3. | Karam Hidme w/o Masa | beaten by security forces |
| 4. | Kalmu Bheeme | beaten by security forces |
| 5. | Karam Aeti w/o Sukku | slapped on her face and back |
| 6. | Markam Nandi w/o Kosa | was attacked withlathis on her legs. Swelling on both legs the initial few days. She couldn't walk ten days after the incident, her right leg had an inflammation |
| 7. | Muiya, 60 years | Beaten by security forces |
| 8. | Kawasi Ungi | Rs. 5000, rice and chicken stolen |
| 9. | Karam Aeti | Rs. 10,000 cash, oil worth Rs1200, two quintals of dal, 40 chickens, moong dal, one gold necklace, silver jewelry, 4 urns for water, 1 goat stolen and |
| 10. | Marvi Ungi | chickens and rations including rice stolen |
| 11. | Markam Ungi | An oil can stolen |
| 12. | Kakkem Mangli | 4 chickens, goats and 8 sacks of rice stolen |
| 13. | Kosa | one pant; 50 Kg. rice and 4 chickens; one goat; garlic and onions stolen |
| 14. | Choma Umra | 2 chickens stolen |
| 15. | Rahme Uikey | 4 chickens, some rice and spices stolen |

| | | |
|-----|--|---|
| 16. | Akin Bheeme | 2 chickens stolen |
| 17. | Karam Ungi | 4 chickens and 35 kg rice stolen |
| 18. | Kuwasi Hunga | 10 chickens and masalas; Rice stolen |
| 19. | Markam Nandi | 2 goats stolen |
| 20. | Kalmu Lakhme w/o Bheema | 3 chickens and sheets stolen |
| 21. | Kosa Masi | 10 chickens, rice, masalas, onions and chillies, oil stolen |
| 22. | Marwi Yoga | 14 chickens, 10 kilos rice, moong dal, tomatoes and other vegetables stolen |
| 23. | Karam Pandey | 5 chickens stolen |
| 24. | Kowa Sidme, Uika Bundi, Oika Boodu, Madwi Jogi | food rations, poultry and other things were looted |
| 25. | Sixteen women from various paras | gangrape |

ANNEXURE 4

Memorandum sent to Chhattisgarh Chief Minister by Women Against Sexual Violence and State Repression (WSS) on attack on Soni Sori

To
Sh. Raman Singh,
The Chief Minister,
Chhattisgarh.

(Through the Resident Commissioner of Chhattisgarh Bhawan, New Delhi)
Dt. 22nd February, 2016

Sir,

The attack on SoniSori is part of a larger campaign of State violence in Bastar; Under the guise of anti-Naxal operations, the security forces are indulging in rape and plunder. Teams of women activists have documented three cases of mass sexual violence in the past three months, where security forces have entered villages in Sukma and Bijapur- stripping women, conducting gangrapes, looting their food supplies, and destroying their homes and granaries. The number of “encounters” is increasing, people are “disappearing” from villages, only to show up in the list of “surrendered” or “arrested” Naxalites several days later as press clippings and testimonies recount. The local police and administration are talking in one voice of “clearing” the area within one year.

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The very serious issue of the attack on the Adivasi Political Activist, SoniSori happened on 20th February night on her way to Geedam. Recently, Soni attempted to file an FIR against the IG (Bastar) SRP Kalluri for instigating people to boycott and physically harm her. Chhatisgarh government, Administration and Police are using organisations like SamajikEktaManch as instruments of oppression against adivasis and others and IG Kalluri's presence in Bastar is only increasing the atmosphere of terror. Attack and threats on Soni have taken place along with the hounding of other women journalists, lawyers and human rights defenders in Chhatisgarh. In the name of fighting Naxals, the adivasi villagers are complaining of false cases, false encounters and arresting of innocent villagers. And continuous hounding of people who are bringing this out – be it journalists like SamaruNaag, Santosh Yadav and MaliniSubramaniam, political parties like adivasi Mahasabha, Congress or Aam Aadmi Party or Advocates of Jagdalpur Legal aid Group. Direct, indirect sponsored violence is also taking place. The Hon'ble Supreme Court of India has also taken a stand and banned sponsored violence like SalwaJudum.

We, the undersigned, concerned individuals, organisations and movements condemn the violence happened in last six months in Bastar and also condemn the cancellation of tribal rights over Forests for mining in other parts of the state. To bring peace in Bastar it is necessary that the state should take action to restore people's trust in Law and order by respecting their constitutional rights. We demand that:

1. Immediate action should be taken against the people behind the attack on SoniSori.
2. Journalists, Lawyers, Social and Political activists should be allowed to work fearlessly.
3. Immediate independent enquiry into the rape cases and violence taken place against the non – violent, innocent villagers in the name of fighting Naxals.
4. Bastar Administration should be allowed to work independently without any interference of the Police.
5. The state should stop diluting laws to provide space for the companies for mining.

Thanking You,

ANNEXURE 5(i)

PUDR's open letter to the Chief Justice of India for immediate intervention into physical attacks and eviction drives against women activists by police and vigilante groups in Chhattisgarh

To,
The Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi - 110201 (India)

22nd February 2016

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Honourable Sir,

We wish to draw your attention to the recent incident of physical attack on AAP leader, SoniSori, by unidentified men near Geedam town on the night of 20th February 2016. The attackers threw some black substance on her face which caused immediate burns and pain. Consequently, she has had to be hospitalized. This attack comes close on the heels of the eviction drives against lawyers Shalini Gera and IshaKhandelwal of Jagdalpur Legal Aid Group (JagLag) and journalist MaliniSubramaniam. All three have been given notice to find alternate accommodation. There is also news of a similar eviction drive against Bela Bhatia, an independent scholar and activist.

It is obvious that these attacks are part of a wider campaign launched by the police along with state sponsored vigilante groups such as the SamajikEktaManch and NaxalPeeditSangharshSamiti. Undoubtedly, such harassment is not new and these incidents fall in line within the longer history of intimidation that have been carried out against inconvenient individuals who have spoken against the state. SoniSori has personally experienced this brutal history, and the honourable apex court had intervened in her matter and granted her permanent bail in February 2014. Like in the past, the present attacks are part and parcel of the state's strategy of silencing dissent, particularly since there is an accelerated offensive in South Bastar. In the last six months the war strategies have escalated and even the air force has been roped in for 'strafing'—a technique of aerial bombing—over a specified area in Bijapur on 13th October 2015. As area domination exercises, the security forces have raided villages and arrested people. The coming months have been dubbed as "Mission 2016" and intensified operations are expected in Bijapur, Sukhma and Darbha districts. Already the statistics are staggering as the police has reported 23 encounter deaths and 50 arrests for the month of January alone.

The fallout of this "mission" is not easy to assess as the affected villages are remote and the residents are brutalized and intimidated. A WSS (Women Against Sexual Violence and State Repression) team which visited Bastar in November 2015, highlighted repeated acts of gang rapes, looting and other acts of physical violence in five villages in Bijapur district between 19th and 24th October 2015. A recent team of WSS and CDRO (Coordination of Democratic Rights Organization) members have documented similar incidence of sexual violence and physical attacks in Sukma and Bijapur districts and instances of fake encounter and shooting of minors in Bijapur district, between 11th and 16th January 2016. Most importantly, anyone questioning the war or investigating the atrocities committed by men in uniform is being silenced. It is a manifestation of our times that while the adivasis residing in the shadow of security camps have been attacked, plundered, thrown behind bars and left to fend for themselves, those who question and counter, are harassed and silenced. The administration has adopted the time-tested method of labelling critics as sympathizers in a bid to intimidate them. 'Lists' have been created and watches and vigils have been mounted. The recent eviction drives and physical attacks fit in with this larger design aimed against all human rights defenders who have assisted victims and families in filing complaints.

For almost a year, the pressure has been mounted on these activists to desist them from questioning the state. In April 2015, when the present IG Bastar Range, SRP Kalluri, held a press conference he warned that certain 'NGOs' and individuals were aiding Maoists in the

name of helping adivasis. On 1st August 2015, he issued an excommunication call against AAP leader, SoniSori and activist LingaKodopi after they had done a detailed fact-finding into a fake encounter in Nahadi village in Dantewada district on 29th July 2015. He particularly blamed SoniSori for the murder of a local trader in Geedam town on 1st August as he alleged that she was passing on the names of traders to the Maoists who were behind the attack. The defamation campaign gathered force when two journalists, Someru Nag and Santosh Yadav, were arrested for aiding Maoists. The flagrant disregard for the rule of law is evident from the fact that Nag, an adivasi journalist, was kept in illegal detention for three days before being shown as arrested in July 2015 and Yadav was harassed and even stripped and threatened with torture, well before he was arrested in September 2015. In tandem, the JagLag lawyers were victimized by the bar association of Bastar district which illegally tried to prevent local lawyers from assisting them on the pretext that they were not registered with the local Bar Council. The brazenness with which they attempted to pass this illegal resolution speaks volumes about the situation in South Chhatisgarh where most lawyers have closed ranks with the administration.

While the present context is a worrying one, we believe that it is a logical consequence of the undeclared war which the state has been waging for over a decade. In this context, we would like to reiterate our reasons for seeking your immediate intervention.

1. As a war-zone, South Chhattisgarh has witnessed innumerable cases of state excesses and the administration has taken all steps to prevent journalists from investigating and writing about them. Towards this end, Mr SRP Kalluri has played significant roles as SP and SSP Dantewada, from 2009 to 2014 and as IG Bastar Range from 2014 onwards. In 2010, when three journalists were publicly named and threatened in a pamphlet issued by an organisation, Danteshwari Adivasi SwabhimanManch, MrKalluri defended the warning and stated that the organization had been formed by the police for the benefit of adivasis. On account of vigilantism and police harassment, two of the three journalists were forced to relocate. Hence, the present harassment of MaliniSubramaniam is not new; it is part of the process that began half a decade ago when a woman video journalist was evicted from her residence in 2011 for documenting how villagers were seeking compensation for development work in Rajnandgaon district.

2. Lawyers have been prime targets for defending adivasi rights, not only in Bastar but also elsewhere, especially Surguja. In March 2008, advocate Satyendra Chaubey of Ambikapur was arrested from his residence as the police alleged that he was a Maoist supporter and had taken up the case of a Maoist undertrial. Equally, lawyers who choose to defend adivasi villagers against state atrocities are harassed. Advocates Amarnath Pandey and DP Yadav of Surguja were foisted with a false case when they represented a victim of custodial rape in 2007. Since Mr Pandey had also filed a petition against the fake encounter of Narayan Khairwar who had been dressed in uniform and shot dead by police in 2006, he was targeted by SRP Kalluri, the then SP of Balrampur, the respondent in the above cases. Also, since the unofficial Operation Green Hunt is as much about hunting of resources as about finishing the Maoists, lawyers like Girju Kashyap, have been harassed for defending the rights of adivasis against corporate greed in Lohandiguda. Similarly, JagLag lawyers

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have been accused of aiding Maoists when they took up the case of Bhima Madkam, an adivasi villager who had been shot at by the security forces while protesting against the arrests of fellow villagers on 17th April 2015. Thus, the present eviction attacks are part of a larger history of hostilities against lawyers who are also human rights defenders.

3. In this all-out offensive against the adivasi population which includes children and elderly persons, women have been particularly singled out and sexually targeted. Given their poverty and lack of resources, adivasi women of Bastar have little control over their destinies. Most of their menfolk have been killed, arrested or forced to become fugitives in a bid to escape state terror. Along with having to build their precarious lives, these women have been left to fight repeated sexual attacks perpetrated on them by men in uniform. Justice eludes them entirely as sexual offences have been institutionalized and routinized. Impunity is structured at all levels as sexual offences are never acknowledged and perpetrators are never punished. Accusing a man in uniform of sexual offence is not easy and till now only one FIR has been filed in Bijapur PS, on 1st November 2015, under S.376(2)(c) of the amended IPC (punishment for rape by personnel belonging to the armed forces in their deployed areas), for the 2015 October gang-rapes in Bijapur district. In such a context where assaults on women abound, the present orchestrated attacks point to the state's desperation in silencing women activists who have challenged the manufactured lies and untruths.

4. Greater force has been used in evicting and intimidating activists who are either local or who have worked among the adivasis for a long time. The present attack on Soni Sori recalls the eviction of Himanshu Kumar from Dantewada in 2010. A Gandhian who had worked extensively among the adivasis for long years, Kumar earned the ire of the state and of the Salwa Judum after he filed 522 complaints on behalf of villagers (between 2005 and 2009). First, his ashram was razed to rubble in May 2009 and he was told that he had illegally occupied government land. No records were ever proffered to prove this illegality. Next, Kumar rented a house but his landlord, a government employee, was threatened. Despite this, Kumar continued to raise his voice against Operation Green Hunt. Soon, his aides Kopa Kunjam and Sukhnath Oyami were arrested in December 2009 and compelled to leave. Finally, his planned Padyatra was cancelled and Kumar found himself on the run, particularly since he had petitioned the apex court against the excesses committed by the security forces and Judum members, in October 2009. Kumar was forced to flee Dantewada once and for all. Since nothing has deterred the state from committing these excesses, the technicians of war have had the time to master the strategies of harassment, intimidation and eviction.

For over a decade, the state has held that unless the Maoists abjure violence, it will continue to unleash its violence. This monopoly over violence is gilt edged and guilt free as it is accompanied with rewards and promotions and unattended with any punishments. Since this war has never been acknowledged, the gamut of illegalities committed by the custodians of law and order has rarely been prosecuted. It is in this context that the activism of lawyers, journalists, social and political activists located in the war-zone becomes important as they not only provide the much needed support to victims of war,

but also create the democratic space for debating and discussing the validity of this war. They remain our channels of information as their documentation, litigation and social activism provide the bulwark for the democracy that has been eroded and corroded by the war. If the state officials and their collaborative forces choose to harass and evict them, then the price of this war will be much greater. It will cost us our democracy.

We urge you to take exemplary steps to ensure safety of lawyers, journalists and activists in these lawless times where the state has failed the adivasis entirely. But for the exemplary work done by these activists, the adivasis would have little hope in claiming their right to legal redress.

DeepikaTandon and MoushumiBasu
Secretaries, PUDR

ANNEXURE 5 (ii)

Additional facts regarding Open Letter to the Chief Justice of India for immediate intervention into physical attacks and eviction drives against women activists by police and vigilante groups in Chhattisgarh

To,
Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi-110 201 (India)

26th February 2016

Honourable Sir,

In continuation with our previous petition dated 22nd February 2016 seeking your intervention into the above matter, we would like to furnish some additional facts which have emerged in the interim and which add to our existing apprehensions about the situation in Bastar.

1. Intensification of harassment of women activists: Besides the shocking attack on Soni Sori on February 20th, 2016 for which she is undergoing treatment in Delhi, we have also learnt that the harassment of the two lawyers, Shalini Gera and Isha Khandelwal, is continuing as the district bar association has issued yet another resolution against them. There is also news of a police complaint filed against them in the last few days. The harassment is in tandem with what activist-academic, Bela Bhatia, is reportedly undergoing. On 23rd February, the SHO from Parpa PS with a uniformed personnel visited her residence. Although the official reason proffered was that of police protection, the fact that they photographed her and her house, and that two personnel in civilian clothes also visited her, casts doubts on the nature

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of the visits. We fear that the present harassment could well be connected to the fact that as a member of the WSS (Women against Sexual Violence and State Repression) team, she was the complainant in the Peddagellur incident for which an FIR was filed under the amended IPC on 1st November 2015, a point mentioned in our petition.

2. Obstruction in filing of FIRs against guilty personnel: We believe that the harassment of the two lawyers has increased in recent times as they have helped in filing FIRs under the newly amended IPC which allows for filing of complaints against members of the armed forces deployed in the area for committing rape and gang-rape, and also for filing charges against sexual harassment. In this context, we would like to draw your attention to the additional information that we have gathered apart from the 1st November 2015 FIR mentioned above and in our petition. Two other FIRs have also been filed on 23rd January and 27th January 2016 at Bijapur PS and Kukanar PS, respectively. The first pertains to the incident at Nendra village (PS Basaguda, District Bijapur) where security forces had entered the village, looted homes and sexually assaulted, raped and gang raped women. The FIR under sections 376(2)(c), 376(2)(a)(iii), 376D, 354, 354B, 323, 395 of the IPC was filed with much difficulty on 23rd January as the police had initially refused to lodge it. The second instance pertains to the incident at Kunna village (PS Kukanar, District Sukma) where security forces entered the village and sexually abused and punished women and looted and raided their homes on 12th January 2016. Again, in this case too, the Adivasi Mahasabha (affiliated to the CPI) had to put immense pressure on the administration before the latter agreed to receive the complaint from the victims themselves.

3: Need for Prosecution: It is pertinent to point out that in the few cases cited above there is an urgent need for prosecution to commence. However, we are not sure whether the police has initiated investigations into them, or the fairness with which they would have proceeded. It also needs to be recognized that there are several instances of state excesses for which no FIRs have ever been lodged. Lack of information aids repression as an artificial normalcy is created out of absence or paucity of real information. Further, while we all believe that due process of law must prevail, we feel that the long arm of the law has receded into lawless times. Our apprehensions about the petitioners and countless victims are greatly increased as we fear for their lives and liberty.

We therefore request for your kind and urgent intervention in this matter.

Deepika Tandon, Moushumi Basu
Secretaries, PUDR

ANNEXURE 6

ENCOUNTERS AS REPORTED FROM 1ST OCTOBER 2015 TO 5TH FEBRUARY 2016 IN NEWSPAPER PATRIKA.

From 1st January to 30th December 2015 there were 162 incidents of encounters; 43 killed; 615 arrested; 318 surrendered. As a contrast in merely 128 days between 1st October 2015 and 5th February 2016 there are at least 31 killed (including 6 women).

Please remember these are only the encounters mentioned in the newspaper Patrika, they are mostly based on police handouts and need not be comprehensive. We have not included 6-7 + 16 more deaths in which the police claimed that the bodies were not recovered which would bring the total to 54.

| S.NO | DATE | SOURCE | DISTRICT | VILLAGE | NAMES | M | F | DESCRIPTION. WHETHER CHALLENGED? |
|------|------------|-----------------------|--------------------------|--|---|---|---|--|
| 1. | 04.10.2015 | Patrika 08.10.2015 | Bastar-Odisha Border. | Village Chandamota, 45 km from Darbha PS. | Pisa (woman) 6-7 males also claimed but bodies not found. | | 1 | |
| 2. | 04.10.2015 | Patrika 09.10.2015 | District Dantewada. | Village Nilavaya, Aranpur PS. | Bhimarao Mandavi. | 1 | 0 | Soni Sori and Bela Bhatia conducted a fact finding showing that the encounter was fake and the victim was an ordinary farmer |
| 3. | 03.11.2015 | Patrika 04.11.2015 | District Sukma. | Arlampalli. | Dudhi Bheema, Vetti Lachhu, Sodhi Muya. | 3 | 0 | Angry Villagers of Arlampalli gheraoed Dornapal PS claiming that they were villagers returning home after cutting crops. Manish Kunjam's statement. |
| | | Patrika 05.11.2015 | -do- | -do- | -do- | | | Congress (TS Singhdeo, Leader of Opposition and Kawasi Lakhma, Cong MLA of Sukma) demand enquiry. Kaawasi Lakhma's statement:- |

| | | | | | | | | | |
|-----|------------|---|---------------------------------------|--------------------------------|---|---|---|---|--|
| 9. | 31.12.2015 | Patrika 03.01.2016 | District Abujmahar. | Kutul area, Market day. | Lakhu Dandami & Kamlu Dandami Both having rewards of 1 lakh each. | 2 | 0 | 0 | |
| 10. | 05.01.2016 | Patrika 06.01.2016 | District Kondagaon. | Kudur. | Jatiram r/o Hedam (claimed to be LOS commander), LOS Memer Heldhar Kasiyap r/o Gudma, both claimed to be having 5 lakh rewards on their heads. Identified by Jaisingh also claimed to be having reward of 3 lakh on his head. | 2 | 0 | 0 | |
| 11. | 06.01.2016 | Patrika 07.01.2016 | District Bijapur. | PS Avapalli, Guttam forest. | Alleged LOS Member Kamla Podiyami with 1 lakh reward. | 0 | 1 | 1 | |
| 12. | 11.01.2016 | Patrika 12.01.2016 Physical source | District Bijapur, PS Farsegarh. | Sendra Panchayat. | Mangi (Lachmi?) of PS Gangalur? Claimed to be National Park LOS Commander. Newspapers say that he was not identified but he was most probably Gota Vinod of Village Sendra. | 1 | 1 | 1 | Joint operations of Maharashtra and Chhattisgarh. DSG ferried out in helicopters to Damarancha PS. Woman was in all likelihood a Maoist cadre but regarding the young man, his family members searched for him in Damarancha PS, Bijapur and Bhopalpatnam and only came to know on 14.01.2016 that he had been killed. |
| 13. | 14.01.2016 | Patrika 19.01.2016 | District Bijapur, PS Gangalur. | Hidmapara, Pidia. | Unidentified "Maoist". | 1 | 0 | 0 | |
| 14. | 15.01.2016 | Patrika 16.01.2016 | District Bijapur, PS Gangalur. | Peddajonjer. | Four unidentified persons killed including 1 woman | 3 | 1 | 1 | |
| 15. | 18.01.2016 | Patrika 19.01.2016 | District Sukma. | Kistaram jungles. | Claimed to be Kartam Deva of Gollapalli Jan Militia Platoon Commander | 1 | 0 | 0 | |
| 16. | 27.01.2016 | Patrika 28.01.2016 | District Dantewada | Lakhpal, Turrempara. | Bal Singh @ Kosa r/o Kankipara, Village Bade Gudra. Allegedly Commander Malangir Area Committee. Soornar Kosa, Madvi Kanaki. | 3 | 0 | 0 | Family members accepted that they are all associated with Maoists. |

| | | | | | | | | |
|--------------|---------------------|-----------------------|--------------------------------------|----------------------------------|---|-----------|----------|--|
| 17. | 30.01.2016 | Patrika 31.01.2016 | District Sukma, PS Polampalli. | Palamadgu. | Vanjam Shanti and Vanjan Pojje allegedly Palamdgu Area Janmilitia Members. | 0 | 2 | |
| 18. | 30.01.2016 | Patrika 31.01.2016 | District Bijapur, Avapalli. | Village Pudur, | Ramsu, claimed to be Teacher, LOS. | 1 | 0 | |
| 19. | 31.01.2016 | Patrika 01.02.2016 | District Sukma, PS Golapalli. | Vanjalvahi forest. | Dharma allegedly Singavaram RPC President and Vetti allegedly DAKMS Member & Janmilitia Member. | 2 | 0 | |
| | Month of January | Patrika 03.02.2016 | | | | | | Total in one month 23 (4 not accounted for in this list). |
| 20. | 04.02.2016 | Bhaskar 05.02.2016 | District Bastar. | PS Mardum, Karali hills. | Hidma | 1 | 0 | Family members of Hidma alleged that he was an ordinary farmer and family man, had been allotted Indira Aawas. Had been picked up on the night of 3 rd Feb from his house while having dinner. His dead body was found on the 4 th . |
| 21. | 04.02.2016 | Patrika 05.02.2016 | District Sukma. | Village Tekalpara, forest. | Kunjam Linga allegedly Jagargunda Area Committee Janmilitia Commander. | 1 | 0 | |
| TOTAL | | | | | | 25 | 6 | Total 31 (5 unidentified) 6 of them have been challenged. If we include 6-7 + 16 claimed to be killed then 53-54. |

