

12 October 2020

India: Human rights defender Stan Swamy detained by National Investigation Agency

On 8 October 2020, human rights defender Stan Swamy was detained by the National Investigation Agency (NIA) in Ranchi, Jharkhand in connection with the Bhima Koregaon case. On 9 October, he was transferred to Mumbai, Maharashtra, and remanded in Talaja jail. The 84 year old human rights defender was originally named as a suspect in the case in August 2018, after his home was raided by Pune police and in 2020, has already been summoned multiple times for lengthy interrogation by the NIA.

[Stan Swamy](#) is a human rights defender and Jesuit priest, based in the State of Jharkhand, who defends the rights of Adivasi indigenous people. He is the founder of the **Vistapan Virodhi Janvikash Andolan**, an all-India platform to secure and protect the land rights of Dalit and Adivasi peoples. Stan Swamy has been a prominent advocate against the forced displacement of Adivasi communities, which typically occurs for development purposes or for mining mineral rich lands. He is a champion against the systemic discrimination and violence against the Adivasi community. Swamy notably documents and advocates against the arrest of Adivasi youth, who are frequently accused of being Naxalites or Maoists. A petition filed by the defender in a public interest litigation case against the mass detention of Adivasi youth is still pending before the Jharkhand High Court.

On 8 October 2020, at approximately 8pm, Stan Swamy was arrested from his home by NIA officers, and taken to the NIA office in Ranchi. Despite objections from numerous human rights groups regarding the significant risk to his health in the context of the COVID-19 pandemic, on 9 October 2020, Swamy was transferred 1,700 kilometres to the NIA offices in Mumbai, where he was produced before a magistrate and remanded in Talaja jail.

The defender has previously been interrogated for a combined 15 hours in relation to the Bhima Koregaon case; from 27 to 30 July and 6 August 2020. On 6 October 2020 he received fresh summons for interrogation by the NIA in Mumbai which he declined on account his age, the risk to his health under the Indian Government's own guidelines on high risk individuals and the fact that he had recently already been interrogated at length. The defender requested to be questioned via video-conference, which was denied.

Stan Swamy has been previously targetted by Indian authorities, especially law enforcement, for his human rights work. In July 2018, a [First Information Report](#) (FIR) was filed against the defender linked to his involvement with the Patalgadi Movement, a peaceful people's movement advocating for land rights. In August 2018, his home in Ranchi was raided by officers from the Pune police, who confiscated items including digital devices from his room. The devices have yet to be returned, and are being used to build a false narrative against the defender. In July 2019 the defender's home was raided again, reportedly linked to the Bhima Koregaon case.

The arrest of Stan Swamy forms part of a dangerous pattern, of legal and police persecution of defenders. The Bhima Koregaon inquiry, in which 15 human rights defenders¹ are in prison, relates to violence that broke out in the town of Bhima Koregaon on 1 January 2018. For over two years, Indian authorities have used the Bhima Koregaon inquiry to target well known human rights defenders, including lawyers, academics, poets, journalists and community leaders; Imprisoning,

1 <https://www.frontlinedefenders.org/en/case/human-rights-defender-hany-babu-arrested>;
<https://www.frontlinedefenders.org/en/case/arbitrary-detention-three-human-rights-defenders>;
<https://www.frontlinedefenders.org/en/case/arrest-sudha-bhardwaj>

harassing and intimidating them for speaking out on human rights abuses. In January 2020, the [investigation was transferred](#) from the Pune police to the centrally controlled NIA, in a reported attempt to prevent the newly elected State Government in Maharashtra to appoint a separate inquiry which would investigate whether human rights defenders were being targeted by the investigation. Since the NIA took over the case, seven more defenders - [Anand Teltumbde](#), [Gautam Navlakha](#), [Hany Babu](#), [Sagar Tatyrao Gorkhe](#), [Ramesh Murlidhar Gaichor](#), [Jyoti Jagtap](#) and now Stan Swamy have been jailed.

Front Line Defenders condemns the arrest and treatment of Stan Swamy and is deeply concerned about his transfer to and incarceration in Mumbai. Front Line Defenders believes that the arrest, interrogation and raids are directly linked to his peaceful human rights work advocating for justice and accountability of oppressed and vulnerable communities. Such actions may have a chilling effect on the work of all human rights defenders advocating against forced dispossession, arbitrary arrest and police violence towards minorities and indigenous groups.

Front Line Defenders urges the authorities in India to:

1. Immediately release human right defender Stan Swamy and drop all charges against him;
2. Ensure that Stan Swamy's health is not put at further unnecessary risk in the context of the COVID-19 pandemic and ensure he is provided with full, unfettered alternative access his lawyers, if physical meetings cannot take place;
3. Cease all targeting and judicial harassment of Stan Swamy and all human rights defenders charged in connection with the Bhima Koregaon case, which appear to be related to their legitimate human rights work;
4. Guarantee in all circumstances that all human rights defenders in India including those defending indigenous rights, are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.