

To,

The Chairperson
National Human Rights Commission
Delhi

16.2.2016

Re: Complaint No. 920/33/17/2015-WC regarding sexual violence on women in Bastarin October 2015 by security forces; more such incidents in January as security forces are emboldened by no action by administration against perpetrators of sexual violence

Sir,

This is with reference to our complaint No. 920/33/17/2015-WC, regarding gang-rape by security forces of Lakshmi D/O Mutta, Lekam Jogi and others, Bijapur district, Chhattisgarh. This is to inform you of two more such heinous incidents of sexual violence in January 2016.

We had met the Registrar (Law Division) on 23rd December to submit a complaint of sexual violence on women of 5 villages, including Pedagelur and Chinnagelur of Bijapur district, Chhattisgarh in October 2015 (ANNEXURE 1). The reply of NHRC dated 18.1.2015 to our above complaint mentions that the Commission had already taken suo motu cognizance in the matter in case No. 823/33/17/2015-wc and our complaint no 920/33/17/2015 was to be put up along with Case No. 823/33/17/2015-wc on 1-2-2016 (ANNEXURE 2).

The details of this incident are as follows:

- i. **In Pedagelur and Chinnagelur of Bijapur district** - incidents of sexual violence against women were perpetrated by security forces, between 19th/20th and 24th October 2015, during search operations.

Gang Rape of:

- (i) Laxmi D/o Mutta, 14 years, R/o Patel para Peddagellur, on 21st October, was grazing cattle with other women when she was chased by the security forces. Overpowered and blindfolded, she was raped by at least three people before she became unconscious.
- (ii) Lekam Jogi, four-months pregnant woman, on 21st October, was stripped by the security forces, repeatedly dunked in the stream, and then gang-raped. The security forces had also removed their clothing and gotten into the stream while raping her.

- (iii) There is evidence that there are other incidents of rape which need to be investigated as well.

Sexual assault – sexual abuse of several other women – such as stripping, lifting up of lower clothing, tearing blouse, beating on thighs and buttocks, threat to push chillies into vagina, squeezing of breasts of two women who were breast feeding their child. In some cases women were chased out of their houses, and the policemen went in, removed their clothes and lay down and asked the women to come in and sleep with them if they wanted to sleep in their own homes.

Beating – women were chased, pushed to the ground, beaten with batons, including those carrying children.

Looting – of property, chicken, money. Destruction – burning of some houses.

When the affected villagers, including the women went to Basagudathana a few days after these incidents to file a complaint, they were beaten up and chased away and no complaint was registered then.

Subsequently, women's group members who had gone on a fact-finding in November met the Collector and ASP and narrated the incidents to them, upon which they were asked to get some of the affected women to testify. The women's group brought four women who testified before the Collector, SP and ASP of Bijapur district, on 1st November, with the help of a translator.

On the same day 1st November 2015 FIR was lodged at Kotwali, Bijapur, the concerned local police station. Relevant sections from IPC and POCSO Act (Protection of Children against Sexual Offences) have been invoked including Section 376 (2) (c) of IPC that specifies punishment for a rape by armed forces in the area where they are deployed and Section 6 of POCSO related to aggravated sexual assault (ANNEXURE 3). The demand to include Prevention of Atrocities against the Scheduled Castes and Scheduled Tribes Act was not heeded to on the grounds that while the victims are STs, there is no identification of the perpetrators and to which community they belong to.

That NHRC has taken suo moto cognizance of the October incidents is re-assuring and we welcome this intervention. Unfortunately there has been no further action by the NHRC since then. The state government also has not taken action further to registering the FIR. This has emboldened the security forces to carry on their reign of sexual terror against women as they seem to believe that they are free to carry on as before. They have unleashed a second round of sexual assaults in January.

The details of these incidents are as follows:

II. Incidents in Village Kunna, Pedapara, Block Chhindgarh, District Sukma, during combing and search operations on 12th January. On 15th January the affected people of Village Kunna, Pedapara, met the Bastar Commissioner and presented him a collective complaint.

The following incidents are narrated in this complaint (ANNEXURE 4)

1. Hadme w/o Deva Kartam was stripped by the police, her “waist string” was broken, her upper cloth was removed and police sat on her and abused her with filthy language.
2. Kartami w/o Bhuiyan was badly beaten, her right hand was injured, right thigh and lower back has got swelling.
3. Hadpi w/o Lakhma had her blouse torn, and was made to do sit ups. She was asked why she does not have children, and told that if she slept with them, she would have babies. When she started crying, she was beaten with a thorny stick.
4. KartamiKosi d/o Budhva was stripped by the police. They made fun of her breasts and then beat her badly.
5. Podiyami Jogi w/o Ganga was dragged out of her house. She has injuries on her face and body. Her husband and children were picked up and taken to Gadiras Camp. When she said her child is small, she was told to milk her breast. A policeman came and milked her breast. Her necklace, ear rings and Rs. 1500 were snatched away.
6. Apart from this, many other women were also beaten and insulted. Rice, hens, cash and ornaments were also looted. A grenade was also thrown so there was a fire.
7. 29 people had been taken into custody by the security forces, three were released, they are also badly injured.
8. Police has claimed that there was an encounter in the village during which one police man was injured. Actually when that policeman entered a house, his foot got entangled in a sack and his weapon went off accidentally injuring him. All the villagers are aware of the incident.

In this complaint a demand has been made for a judicial enquiry and medical help has also been sought. The Commissioner has given a written Notice to the IG, SP and Collector on the complaint and directed them to conduct an immediate enquiry into the incident (ANNEXURE 5).

III. Women of Nendra village, Veerapur Panchayat, Basagudathan between the 11th and 14th of January, 2016 were similarly subjected to rape, sexual violence and looting of poultry and rations, beating and verbal abuse by the security forces during their searching operations. On 18th January sixteen villagers including 8 rape survivors travelled to the district headquarters to lodge their complaint and file an FIR with the intimation to the Collector and the Superintendent of Police (ANNEXURE 6A). The T.I.refused to lodge an FIR in the absence of the SP. The FIR in this case was finally lodged only on January 22nd(ANNEXURE 6B).

We annex for your perusal an independent account of these incidents by well-known Delhi University academic, Professor NandiniSundar (ANNEXURE 7).

We wish to bring to your attention that these are not isolated instances of sexual violence against a few women in one village – from the description above it clearly emerges that it is becoming the norm in this conflict area – there appears to be a targeted and systemic recourse to terrorize, to intimidate, and subjugate the villagers in the area. While the above incidents are those that have come to light, there could be several others that may not be getting reported.

That this occurs in conflict areas has been acknowledged and documented by international human rights organisations, who have expressed concern that in the world over, violence against women is used as a weapon to humiliate and subjugate that society. The United Nations Security Council in its Resolution 1325(2000) has expressed concern over the fact that *‘civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, and increasingly are targeted by combatants and armed elements’*, and urges Member States *‘to ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary’*.

This resolution emphasizes *‘the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls’*.

A matter of equal concern is the refusal to register the complaints of the affected women by the T.Is in the first place, and total lack of action by all the state authorities in the cases where FIR has been registered. Till date no steps have been taken by any official or government authority either to investigate into the complaints or to prevent such inhuman incidents from happening. In this respect we wish to point out that it is next-to-impossible for these women to approach the very same *thana* from where security forces are involved in raping and assaulting them to file complaints. Yet, women are coming forward bravely to do so, but not getting any justice.

We wish to bring to your notice also the fact that there have been attempts by some local groups to intimidate into silence local journalists who write about these human rights violations, and lawyers who take up cases of these violations and are assisting women to file complaints (ANNEXURES 8, 9, 10 and 11). We have annexed a pamphlet which gives an indication of this intimidation (ANNEXURE 12).

Such developments, namely repeated instances of sexual violence on women with impunity, and intimidation of civil society members, call for urgent measures to stop

these from recurring. Action must be immediate and must be visible on the ground. Women's rights, their bodily autonomy and dignity are being violated with complete impunity. Any delay in strong action will lead to further humiliation and distress for the adivasi women of Bastar.

We urge the NHRC to take immediate measures to send a strong message that the NHRC and other authorities are aware of these brutalities being perpetrated by security forces and to also take immediate steps to stop this inhuman, humiliating treatment of women that is a matter of great shame for us all as a civilized society and nation.

We urge the National Human Rights Commission to take immediate steps to:

1. To hold a public hearing in Chhattisgarh, preferably in the Bastar area on the human rights violations occurring there;
2. To ensure that all the complaints detailed above are investigated by an independent special investigation team, preferably from outside Chhattisgarh.
3. To ensure that action is promptly initiated on the FIRs filed in the incidents of October 2015 including suspending the concerned policemen to facilitate fair enquiry;
4. To ensure that action is promptly initiated against the security persons involved in the incidents of sexual violence in January 2016 including suspending the concerned policemen to facilitate fair enquiry.
5. To ensure that the complainants and survivors are not harassed, pressurized or victimized for reason of making the above complaints.

Yours

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