

## India: FORUM-ASIA denounces the rejection of the bail plea of human rights defenders

(Kathmandu/Bangkok, 30 October 2018) – The Asian Forum for Human Right and Development (FORUM-ASIA) condemns the rejection of bail plea from human rights defenders Sudha Bharadwaj, Arun Ferreira, and Vernon Gonsalves. The Pune Sessions Court rejected the plea on 26 October. FORUM-ASIA believes that the rejection is an unreasoned reaction merely based on the accusation of their alleged links with the banned Communist Party of India-Maoist; no other substantial evidence was presented in the court.<sup>1</sup>

The three, along with activists Varavara Rao and Gautam Navalakha, were arrested on August 28 in connection with the Bhima-Koregaon violence, which led to clashes across Maharashtra State early this year.<sup>2</sup> The rejection order of the Pune Court does not take into account that Sudha Bharadwaj and other four accused in the Bhima-Koregaon incident were never named in the First Information Report which was initially lodged against some Hindutva leaders. The Report was ignored and no case was pursued against the Hindutva leaders.

It is unfortunate that the rejection of their bail plea has come in line with the position of the Maharashtra government, which is allegedly backed by the central Government of India and has been notoriously targeting and intimidating human rights defenders and activists critical of the state. It is notable that those arrested in connection with the Bhima-Koregaon incident have been prominent lawyers, activists and academics that have been defending the rights of minorities, peasants, workers and other marginalised communities in India. The arrested activists have been charged under the vague Indian Penal Code and Unlawful Activities Prevention Act (UAPA), which are often misused by the government to harass human rights defenders and dissidents, denying fair trials and other fundamental rights, including the right to freedom of expression.

FORUM-ASIA believes that the rejection of bail plea on 26 October and the allegations made against the five human rights defenders in relation to the Bhima-Koregaon case are fabricated due to their critical stance against the government on the human rights situation in India. Extending solidarity and support to the activists facing continued reprisals from the State, FORUM-ASIA strongly urges the Government of India to immediately release Sudha Bharadwaj, Vernon Gonsalves, Arun Ferreira, and all other accused human rights defenders in the case, and withdraw the fabricated First Information Report lodged against them.

<sup>1</sup> [Activists arrest - Bail plea of Sudha Bhardwaj, Vernon Gonsalves: veracity of letters questioned](#)

<sup>2</sup> [India: Stop the crackdown on human rights defenders in India and release them immediately](#)

Reiterating the responsibility of the State to respect people's fundamental rights to freedom of speech and expression, FORUM-ASIA calls on the Government of India to stop the targeted attacks on human rights defenders, criminalisation of their work and suppression of their voices. FORUM-ASIA would also like to remind the Government of India the August 2018 observation by the Supreme Court of India in relation to the same case that dissenting voices and opinions are the 'safety valve'<sup>3</sup> of democracy. And, putting a lid on the safety valve will only lead to catastrophic consequences.

**About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 67 member organisations in 21 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.*

**For further information, please contact:**

- [sasia@forum-asia.org](mailto:sasia@forum-asia.org), South Asia Programme, FORUM-ASIA

<sup>3</sup> [SC says dissent is 'safety valve' of democracy, orders house arrest for 5 human rights activists](#)