

## URGENT APPEAL - THE OBSERVATORY

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**IND 003 / 0311 / OBS 044**

Killing / Death threats

**India**

March 24, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in **India**.

### **Description of the situation:**

The Observatory has been informed by People's Watch of the killing of Mr. **Niyamat Ansari**, human rights activist engaged in the defence of workers' rights in Manika Block, Latehar District, State of Jharkhand, as well as of death threats received by his associate Mr. **Bhukhan Singh**. Mr. Niyamat Ansari was notably documenting cases of corruption related to the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)<sup>1</sup>.

According to the information received, on March 2, 2011, a group of armed men came to the residence of Mr. Niyamat Ansari, in the locality of Jerua, in the village of Kope. They took him away and reportedly brutally beat him for nearly one hour. After they left the village, members of his family found him unconscious and carried him by foot over a distance of ten kilometres, from Jerua village to Manika police station, where an ambulance was sent to bring him to Latehar Sadar Hospital. Mr. Niyamat Ansari died soon after reaching the hospital.

The armed men were allegedly also seeking Mr. Bhukhan Singh, but the latter was able to hide.

The killing of Mr. Niyamat Ansari is believed to be related to his work in favour of workers subjected to the MGNREGA and his denunciation of corruption in relation to this employment scheme in the State of Jharkhand.

On March 3, 2011, the police of Latehar recorded a First Information Report (FIR)<sup>2</sup>, based on the statements of the sister of the deceased, against seven private local contractors or their associates and against Mr. Sudarshan, a local Maoist leader belonging to the Koel Sankh zone of Communist Party of India of Pratappur block in Chatra district, also believed to be involved in the murder. To date, only one of the private contractors has reportedly been arrested.

On March 5, 2011, the local newspapers *Prabhat Khabar* and *Dainik Bhaskar* published a statement written by the South Latehar Sub-zonal Committee of the Communist Party of India, claiming responsibility for the murder, and warning Mr. Bhukhan Singh that if he remained under police protection, he would meet the same fate.

In an interview to the New Delhi newspaper *The Telegraph* dated March 21, 2011, Mr. B.K. Sinha, the Secretary of the Department of Rural Development of the Ministry of Rural Development, recognised that the killing of Mr. Niyamat Ansari was linked to his activities related to MNREGA. He announced that he would send a team of experts to Jharkhand to

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<sup>1</sup> MNREGA is an Indian job guarantee scheme which provides a legal guarantee for 100 days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage of US\$ 2.22 per day in 2009 prices. This act was introduced with the aim of improving the purchasing power of the rural people, primarily semi or un-skilled work to people living in rural India.

<sup>2</sup> A First Information Report is a written complaint filed at the police.

“see how the system worked and identify deficiencies” in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Scheme which, according to him, has been taken over by a contractors’ mafia allegedly behind the murder of Mr. Niyamat Ansari. Mr. Sinha also said that if his department was not satisfied with the investigations on the murder, it could ask a central agency to take over the case, as provided under Section 27(2) of the MNREGA.

The Observatory expresses its deepest concern about the killing of Mr. Niyamat Ansari, which merely seems to aim at sanctioning his human rights activities, and urges the Indian authorities to order an immediate, thorough and impartial investigation into his assassination, prosecute all those responsible and try them before a competent and impartial tribunal. The Observatory also calls on the Indian authorities to guarantee in all circumstances the physical and psychological integrity of Mr. Bhukhan Singh.

### **Background information:**

Since MGNREGA was launched in 2006, Mr. Niyamat Ansari and Mr. Bhukhan Singh have been working for the rights of workers subjected to the MGNREGA, particularly through the support of several cases of demands for unemployment allowance at the Latehar People’s Court, which were accepted in February 2009. In the framework of their legal activities in favour of these workers, Mr. Niyamat Ansari and Mr. Bhukhan Singh also collected information and investigated cases of corruption, especially by private contractors taking financial advantage of this employment system in Jharkhand.

In February 2011, Mr. Niyamat Ansari exposed a case of embezzlement of 250,000 Rupees (US\$ 55,280) from funds which should have been allocated to workers subjected to the MGNREGA in the village of Rankikala. On March 1, 2011, the day before the killing of Mr. Niyamat Ansari, a FIR was lodged against the former Manika Block Development Officer (BDO) and another local administration’s staff member suspected to be responsible for the scam. Later on, more than 200,000 Rupees were reportedly recovered from the former BDO.

### **Actions requested:**

The Observatory urges the authorities of India to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Bhukhan Singh and of all human rights defenders in India;
- ii. Order an immediate, thorough, effective and impartial investigation into the killing of Mr. Niyamat Ansari and death threats against Mr. Bhukhan Singh, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- iii. Put an end to acts of harassment and threats faced by defenders of social and economical rights in India, and more generally by all human rights defenders;
- iv. Conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
  - its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
  - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;

- its Article 9.3 (a) and (c), which states that “everyone has the right, individually and in associations with others, to complain about the policies and actions of individual officials and governmental bodies with regards to violations of human rights and fundamental freedom by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay [...] to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms”;
- and its Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

**Addresses:**

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- Dr. P. Chidambaram, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India. Fax: +91 11 2309 2979. Email: [hm@nic.in](mailto:hm@nic.in)
- Justice Kapadia, Chief Justice of India and RK. Raghavan, Chairman of the Special Investigation Team, Supreme Court, Tilak Marg, New Delhi -1, India. Fax: +91 11 233 83792, Email: [supremecourt@nic.in](mailto:supremecourt@nic.in)
- Justice K. G. Balkrishnan, Chairperson of the National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, India. Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: [covdnhrc@nic.in](mailto:covdnhrc@nic.in) ; [ionhrc@nic.in](mailto:ionhrc@nic.in)
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Please also write to the diplomatic representations of India in your respective countries.

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Geneva-Paris, March 24, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

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