

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights of Indigenous Peoples**

Ref.: AL IND 3/2024  
(Please use this reference in your reply)

5 August 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the rights of Indigenous Peoples, pursuant to Human Rights Council resolutions 52/4 and 51/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arbitrary arrest and detention of women human rights defender Suneeta Pottam**.

Ms. **Suneeta Pottam** is an Adivasi woman human rights defender who, from a young age, has worked to promote the rights of Adivasis, as well as the rights of women and girls in India. She is a founding member of the Mulwasi Bachao Manch, which advocates for the rights of the Adivasis, and documents violations of their human rights by state and corporate actors. Ms. Pottam is the head of the branch of the group in Bijapur District, Chhattisgarh. She is also a member of the Executive Committee of the People's Union for Civil Liberties (PUCL) in Chhattisgarh, and a member of Women against Sexual Violence and State Repression, a national organisation.

Multiple prior communications have been addressed to your Excellency's Government concerning alleged retaliation against human rights defenders promoting the rights of the Adivasis (see AL IND 5/2023, AL IND 14/2021, AL IND 12/2021 and AL IND 10/2021). We thank your Excellency's Government for its reply to the communication IND 10/2021 (dated 5 January 2022), but remain concerned about the situation.

According to the information received:

In 2016, Ms. Pottam filed a petition at the Chhattisgarh High Court challenging alleged extrajudicial executions of civilians by members of India's armed forces in Bijapur District. From this time on, she has continued to speak out about the human rights situation in Chhattisgarh, and been subjected to intimidation, harassment and threats of arrest by police as a result. She reported acts of retaliation before national instances in September 2016, January 2018, June 2018 and 2020.

On 9 April 2024, Ms. Pottam was surrounded by plainclothes policemen in Bijapur, Chhattisgarh. The policemen, allegedly from the specialist District Reserve Guard, claimed without providing documentation that Ms. Pottam had been summoned by their senior officer, and attempted to drag her towards their vehicle, seizing her phone as they did. Ms. Pottam was able to escape and fled into the nearby office, where she was followed by the policemen. Ms. Pottam then requested the policemen present a warrant for her arrest and recovered her phone. The policemen, who were unable to show any such

warrant, remained on the premises for approximately 2 hours before leaving.

On 3 June 2024, Ms. Pottam's residence in Raipur, Chhattisgarh, where she had gone to study, was raided by the Bijapur District Police. The human rights defender was violently dragged from her residence and brought to an unmarked car. No warrant was presented, and the police did not inform Ms. Pottam why she was being arrested. Despite female police being present, Ms. Pottam was grabbed by male officers. During the arrest, she was slapped, hit on the thighs and had her clothes torn. Despite informing the police officers that she needed sanitary pads, Ms. Pottam was not allowed to return to her residence to collect them. She was then driven 450 km from Raipur to a police station in Bijapur. She was subsequently presented before the Chief Judicial Magistrate, who informed the human rights defender five criminal cases had been registered against her. She was remanded in police custody and brought to the women's prison in Jagdalpur, Chhattisgarh.

As of the finalization of this communication, Ms. Pottam remains detained, and has since been informed of seven further accusations against her, bringing the total to twelve accusations registered in 3 separate police stations. The accusations included multiple allegedly baseless allegations, including murder, damage to government property and membership of the Communist Party of India.

Without wishing to prejudge the accuracy of the above-detailed allegations, we express our serious concern at the violent arrest and continuing detention of Ms. Pottam, as well as the accusations made against her, which we fear to be acts of retaliation for her legitimate human rights work, aimed at silencing her criticism of alleged human rights violations committed by the state and to ensure impunity for any such violations. We are further concerned about the targeting of Adivasis, their leaders, human rights defenders and journalists, for their legitimate and peaceful human rights activities. We wish to express our most serious concern about what appears to be a pattern of acts of violence against the above-mentioned Indigenous Peoples.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the factual and legal basis for the arrest of Ms. Pottam, and information as to how her arrest was compatible with India's international human rights obligations, in particular ICCPR article 9.
3. Please provide information on the measures undertaken to ensure that

minority human rights defenders, and in particular human rights defenders working for the protection and promotion of the rights of persons belonging to scheduled castes and tribes in India, are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution, intimidation, harassment and violence, in full respect of their civil and political rights.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

José Francisco Cali Tzay  
Special Rapporteur on the rights of Indigenous Peoples

## Annex

### Reference to international human rights law

In connection with above mentioned allegations, we would like to refer your Excellency's Government to articles 9 and 19 of the International Covenant on Civil and Political Rights, ratified by India in 1979, which refer to the right to liberty and security of person, including freedom from arbitrary arrest and detention and the right to freedom of opinion and expression.

Concerning article 9, which guarantees the right to liberty and security of person, the Human Rights Committee, in its general comment No. 35 interpreting the article's scope, has underscored the arbitrariness of any arrest or detention without a legal basis and further held that an arrest or detention may be arbitrary irrespective of its being authorized by domestic law. In the same comment, the Human Rights Committee stated that the notion of "arbitrariness" introduced in article 9 should be broadly interpreted to include elements of "inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality."<sup>1</sup> The Committee also held any arrest or detention carried out as punishment for the legitimate exercise of the rights as guaranteed by the Covenant to be arbitrary.

Article 19 of the ICCPR provides guarantees the right of all persons to freedom of expression, encompassing the freedom to seek, receive and information information and ideas of all kinds. Any restrictions on freedom of expression must be strictly limited and meet the high threshold set out in article 19(3) of the Covenant, following which any limitations must be determined by law and conform to the strict tests of necessity and proportionality. As underlined by the Human Rights Committee in its general comment No. 34, attacks on persons because of the exercise of their freedom of expression, including in the form of arbitrary arrest, cannot under any circumstance be compatible with article 19. As highlighted by the Committee, persons engaged in gathering, analysing and reporting on human rights are frequently subjected to such acts of intimidation because of their activities.

We would also like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

In particular, we would like to refer to articles 1 and 2, which state that everyone has the right to promote and to strive for the protection and realization of human rights and that each State has a prime responsibility and duty to protect, promote and implement all human rights.

We would further like to refer to articles 6(b), which states that everyone has the right, individually or in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; 6(c), which states that everyone has the right, individually or

---

<sup>1</sup> Human Rights Committee, *General Comment No. 35 – Article 9 (Liberty and security of person)*, CCPR/C/GC/35, para 12.

in association with others, to study, discuss, form and hold opinions on the observance in law and in practice of all human rights and fundamental freedoms and to draw public attention to these matters; and 9(3)(a), which states that everyone has the right individually and in association with others, *inter alia*, to complain about the policies and actions of individual officials or governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means.

Finally, we would like to draw attention to article 12 of the Declaration, and in particular paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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 Declaration.