

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on minority issues

Ref.: AL IND 7/2025

(Please use this reference in your reply)

7 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9, 50/17 and 52/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest of Adivasi human rights defender Mr. Raghu Midiyami in February 2025 and the re-arrest of woman human rights defender Ms. Suneeta Pottam in April 2025 in the Bastar region of Chhattisgarh state.**

Mr. **Raghu Midiyami** is a prominent Adivasi human rights defender who has been actively engaged in organizing peaceful gatherings to safeguard the rights of Adivasi communities in the Bastar region of Chhattisgarh. He is one of the founding members of the indigenous community organization Moolvasi Bachao Manch (MBM), a platform led by Adivasi youth that since 2021 has advocated for the rights of the Adivasis, documented violations of their human rights by state and non-state actors and led protests against state militarization and forcible acquisition of indigenous lands. Mr. Midiyami played a central role in organizing these peaceful demonstrations addressing human rights issues affecting the community, including land rights, arbitrary detentions and extrajudicial killings.

Ms. **Suneeta Pottam** is an Adivasi woman human rights defender and the co-founder of MBM. From a young age, she has been working on the promotion of the rights of Adivasis and the rights of women and girls in India. She has been speaking out about the human rights situation in Chhattisgarh and violations against her community, including extrajudicial executions, arbitrary detentions and sexual violence.

We previously raised concern about the arbitrary arrest and detention of woman human rights defender Suneeta Pottam in AL IND 3/2024. We thank your Excellency's Government for its reply (dated 27 June 2025) to this communication. However, we remain concerned about the ongoing detention of Ms. Pottam and the new accusations brought against her.

Furthermore, 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 AL IND 10/2021, dated 5 January 2022, and we regret not receiving a reply to the other communications.

According to the information received:

Mr. Raghu Midiyami

In May 2021, following the establishment of a Central Reserve Police Force (CRPF) camp on a community land, protests began in Silger village, in Sukma District in the Bastar region of Chhattisgarh state. Reportedly, the CRPF camp was established without the consent of the village council (Gram Sabha), violating the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) and of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA). On 17 May 2021, the police reportedly fired upon peaceful protesters, killing three people.

Between 2021 and 2024, the MBM organized about 30 peaceful sit-ins and other advocacy actions across the Bastar region, coordinating the community's resistance to the militarization of Adivasi lands and human rights violations in the area. Mr. Midiyami has reportedly been the target of surveillance and intimidation by the authorities since the start of this mobilization.

On 30 October 2024, the MBM was declared an "unlawful organization" under section 3 of the Chhattisgarh Special Public Security Act (CSPSA). The notification of the ban, which reportedly became known to the public only on 18 November 2024 after being published in the Gazette on 8 November 2024, reportedly cited the platform's alleged opposition to state-led development initiatives as well as allegations of "threats to public order" and "internal security".

On 22 November 2024, Mr. Midiyami formally challenged the ban in a letter to the state government, refuting the allegations made against the group, asking for the lifting of the ban, and reiterating the peaceful nature of the activities of MBM.

On 27 February 2025, Mr. Midiyami was forcibly taken into custody by officials of the National Investigation Agency (NIA), while he was undergoing medical treatment at Dantewada District Hospital following a serious road accident. He was reportedly due to sign a petition challenging the ban of MBM on that day, which the High Court later dismissed on 5 May 2025. The arrest is allegedly linked to a First Information Report (FIR) registered in 2023 pertaining to a cash seizure case in which two other MBM members were arrested. However, there is reportedly no factual connection between that case and the allegations against Mr. Midiyami.

The following day, he was brought to court and booked under sections 10, 13(1), 13(2) and 40 of the Unlawful Activities (Prevention) Act (UAPA) and sections 8(1), 8(3) and 8(5) of the CSPSA, relating to "membership and management of an unlawful organization", "committing or abetting unlawful

activity” and “raising funds for a terrorist organization”. The arrest memo reportedly cites Mr. Midiyami’s role in forming MBM and using this platform to oppose the establishment of police camps and resist the expansion of state-led projects. It also allegedly notes that his detention is necessary to prevent the continuation of such activities.

Shortly after his arrest, the court was informed of Mr. Midiyami’s medical condition following the accident, and reportedly instructed jail authorities to provide appropriate treatment. However, in the following weeks, Mr. Midiyami’s condition allegedly deteriorated, with the wounds on his legs becoming infected and his finger, crushed in the accident, still requiring surgical intervention.

On 25 March 2025, the NIA requested he remains under police custody for two weeks for further interrogation. On 27 March 2025, doctors at Dimrapal Hospital recommended surgical cleaning and stitching of his wounds, which reportedly did not happen.

On 9 April 2025, the NIA Special Court in Jagdalpur, Chhattisgarh, gave Mr. Midiyami seven days police custody. He was transferred to Raipur, Chhattisgarh, despite his continued poor health and untreated injuries from the road accident.

On 24 May 2025, ninety days after Mr. Midiyami’s arrest, the prosecution requested to extend the human rights defender’s pre-trial detention by an additional 90 days under the UAPA. The NIA Special Court reportedly granted the extension on the same day the request was filed. Under the ordinary criminal procedure, authorities are required to complete the investigation and file a charge sheet detailing the specific offences, evidence or alleged act committed by the accused within 90 days from the arrest. In case they fail to do so, the accused becomes entitled to statutory bail. Under the UAPA, however, it is possible to seek an extension of pre-trial detention for up to 180 days, if certain legal safeguards are fulfilled, including the submission of an independent report by the public prosecutor, proof of concrete progress in the investigation, and a justification of why the investigation could not be completed within the given time. In Mr. Midiyami’s case, such requirements were reportedly not complied with, but the extension was granted anyway.

On 25 June 2025, the District Court rejected Mr. Midiyami’s bail application, effectively authorizing his continued pre-trial detention until 31 July 2025, which marks the maximum 180-day limit under the UAPA. Mr. Midiyami’s trial can reportedly only begin after this date.

Mr. Midiyami reportedly continues to be denied access to adequate medical treatment. As a result, his injuries have gotten worse and have begun to heal incorrectly. Mr. Midiyami and his lawyer have reportedly requested prison authorities to facilitate the necessary surgical operation multiple times. Despite this, no steps have reportedly been taken to ensure Mr. Midiyami’s access to appropriate medical treatment.

Ms. Suneeta Pottam

Since 2016, Ms. Pottam has reportedly been subjected to intimidation, harassment and threats of arrest by police on several occasions. Such acts of retaliation were reportedly linked to her human rights work and the exercise of her right to freedom of expression.

On 9 April 2024, plainclothes police officers in Bijapur, Chhattisgarh, attempted to drag her towards their vehicle claiming without providing documentation that she had been summoned by their senior officer. They were allegedly from the specialist District Reserve Guard. Ms. Pottam requested the policemen to present a warrant for her arrest, but they failed to provide such document.

On 3 June 2024, the Bijapur District Police raided Ms. Pottam's residence in Raipur, Chhattisgarh, and forcibly arrested her without presenting any warrant nor informing her about why she was being taken. She was brought to a police station in Bijapur, 450 kilometers from Raipur, and subsequently informed by the Chief Judicial Magistrate that five criminal cases had been registered against her. She was remanded in police custody and brought to the women's prison in Jagdalpur, Chhattisgarh. Seven further accusations were then registered against her, for a total of twelve accusations registered in three separate police stations. The accusations included multiple allegedly baseless allegations, including murder, damage to government property and membership of the Communist Party of India.

In the following months, Ms. Pottam was acquitted in nine of the twelve cases brought against her. Acquittals in the remaining three cases were reportedly expected in the subsequent period. However, she remained in continuous detention in Jagdalpur prison in Chhattisgarh state.

On 3 May 2025, Ms. Pottam was rearrested by the NIA in a new case under the UAPA and the CSPA, and transferred from prison to police custody. She was remanded to NIA custody until 9 May 2025 for interrogation. The arrest is based on the same FIR from 2023, which has been used to target other human rights defenders, including Mr. Midiyami. The FIR includes offences under sections 10, 13(1), 13(2) and 40 of the UAPA and sections 8(1), 8(3) and 8(5) of the CSPA. The allegations contained in the arrest memo are similar to those levelled against Mr. Midiyami and reportedly refer to her active membership of the MBM and her mobilization to oppose the establishment of police camps and state-led development projects in Bastar. The document allegedly also states that her arrest is necessary to prevent the re-occurrence of such actions.

The pre-trial detention period under the UAPA is set to expire on 31 July 2025.

Without prejudging the accuracy of these allegations, we would like to express our deep concern about the arrest of Mr. Raghu Midiyami in February 2025 and the re-arrest of Ms. Suneeta Pottam in April 2025 as well as their ongoing detention, which seem to be arbitrary and in retaliation for their legitimate and peaceful human rights work. We fear they have been targeted for exercising their right to freedom of

expression and right to freedom of peaceful assembly and association, with the aim of silencing their denunciation of alleged abuses and human rights violations committed by the State.

We are preoccupied by reports relating to the deteriorating conditions of Mr. Midiyami's injuries, which could risk resulting in long-term harm if not treated properly, and urge your Excellency's Government authorities to ensure that he urgently receives appropriate medical treatment.

We are also concerned that these arrests seem to be part of a broader crackdown on civil society and human rights defenders voicing concerns about militarisation and police violence against Adivasi communities, as well as on the broader community and their leaders, who are mobilizing to protect their land and livelihood.

We call on your Excellency's Government to immediately release human rights defenders Mr. Midiyami and Ms. Pottam, withdraw the accusations brought against them, and end the broader crackdown on members of the MBM and civil society in the region.

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 explain the factual and legal basis for the arrest of and ongoing detention of Mr. Midiyami and Ms. Pottam and the accusations brought against them, indicating how this is compatible with India's obligations under international human rights law, including with regards to the right to freedom of expression and the right to freedom of peaceful assembly and association. Please also indicate the measures undertaken to review these cases and provide details about the due process and judicial guarantees that have been made available to the human rights defenders.
3. Please provide detailed information about the conditions of detention, as well as physical and psychological health status of Mr. Midiyami and Ms. Pottam and the steps undertaken to ensure Mr. Midiyami's access to adequate medical treatment for his injuries.
4. Please provide information on the measures undertaken to ensure that human rights defenders, including human rights defenders working for the protection and promotion of indigenous peoples' and minority rights, are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution, intimidation, harassment

and violence.

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

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Nicolas Levrat
Special Rapporteur on minority issues

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 9, 10, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by India on 10 April 1979, which refer to the right to liberty and security of person, including freedom from arbitrary arrest and detention, the right to dignified treatment while in custody of state, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association. These rights are also guaranteed under articles 3, 9, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

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." 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 guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national

security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

Furthermore, the Special Rapporteur on the rights to freedom of peaceful assembly and of association indicated that “[t]he suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient” (A/HRC/20/27, para. 75).

We also would like to bring to your attention 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 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Additionally, we would like to refer to the following provisions of the UN Declaration on Human Rights Defenders:

- article 5(a) and (b), providing for everyone’s right, individually and in association with others, to meet or assemble peacefully and to form, join and participate in non-governmental organizations, associations or groups.
- article 6(b) and (c), which states that everyone has the right, individually and in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, and 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.
- article 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.

- article 12, paragraphs 2 and 3, which provide 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.