

Statement on the death of human rights defender Father Stan Swamy

We are deeply saddened by the death in custody of Fr. Stan Swamy, 84 year-old Jesuit priest and human rights defender, on 05 July 2021, eight organisations said today. Stan Swamy was repeatedly denied bail, and died at the Holy Family Hospital, in Mumbai, India having been placed on ventilator support the previous day due to breathing difficulties and oxygen level fluctuations. The defender spent 9 months in jail under the anti-terror law, the Unlawful Activities Prevention Act (UAPA), denied bail and medical care in jail, and only transferred to a hospital when his condition became critical on 29 May.

Stan Swamy has been a dedicated advocate for the rights of Adivasi people, especially in the State of Jharkhand. He founded the *Vistapan Virodhi Jan Vikas Andolan*, an all-India platform to secure and protect the land rights of Dalit and Adivasi peoples, and was a prominent advocate against the forced displacement of Adivasi communities, typically occurring in the context of development and the mining of mineral-rich lands. He spoke out against the systemic discrimination and violence directed at the Adivasi community and he notably documented and advocated against the arrest of Adivasi youth, who are frequently accused of being “Naxalites” or “Maoists.” It is this work, that is his legacy, and also the reason for sustained reprisals against him. He has supported and inspired the most marginal and vulnerable communities to seek redress against violence and discrimination. His persecution and eventual arrest are direct reprisal for his peaceful work.

On 08 October 2020 the National Investigation Agency (NIA) in Ranchi, Jharkhand arrested Stan Swamy for alleged links to the violence that took place in Bhima Koregaon on 01 January 2018. 15 other prominent human rights defenders have been falsely accused and jailed in this case. Months prior to his arrest Stan Swamy was interrogated for nearly 16 hours by the NIA ostensibly linked to the case. We stand by Stan Swamy and other defenders accused and held under trial in this case, and believe they are being deliberately targeted for their human rights work. On 09 October, Stan Swamy was transferred 1,700 kilometres away from his home to Mumbai, Maharashtra, and remanded in the overcrowded Taloja Central Jail.

At the time of his arrest Stan Swamy was already suffering from Parkinson’s disease, significant loss of hearing in both ears, and other serious underlying health issues. Initially jail authorities denied him warm clothes and a sipper cup which he needed due to the effects of Parkinson’s disease. Bail was effectively out of reach due to the UAPA, and courts declined to intervene despite his age, illness, and the threat of Covid-19. On 22 October 2020, a special NIA court denied his interim bail plea filed on medical grounds. This is despite the pandemic and national moves to reduce congestion in prisons, as well as the Supreme Court of India’s own directives in this regard.

Throughout his time in detention Stan Swamy’s health gradually regressed. In the second week of May 2021 the defender’s lawyers again petitioned the court for his release on the grounds that he was suffering from Covid 19-like symptoms. At a hearing on 21 May 2021 Stan Swamy explained to the judge via video-link that when he arrived at the prison, his bodily systems “were very functional,” but over the 7 months he had spent in prison, “there has been a steady, slow regression” of his health. This request for bail was again denied.

Stan Swamy was eventually transferred from Taloja Central Jail to the Holy Family Hospital on 28 May 2021, when his condition had worsened severely. He tested positive for Covid-19 on 30 May. Throughout the month of June he remained in a critical condition, and was moved to the Intensive Care Unit. On Sunday 04 July he suffered a cardiac arrest, and was moved to ventilator support. In the days prior, he had expressed deep concern and worry regarding the bail hearing scheduled for 6 July 2021. The hearing was brought forward to 2.30 pm on 5 July. Stan Swamy died on an hour before his hearing, at 1.24 pm on 05 July.

His death in custody, and the continued incarceration of other defenders is a tragic indictment of India's human rights record, and of the global community's human rights commitments. India sits on the United Nations Human Rights Council and the Security Council, which carry specific human rights commitments. The international community, have failed to move beyond rhetoric in holding human rights standards as benchmarks of engagement. The EU's private diplomatic efforts on his high-profile case, including during the recently-resumed closed-door local human rights dialogue, ostensibly failed.

This must be a wake-up call for the international community to finally put human rights at the centre of all aspects of their bilateral relationship with India. We particularly call on the EU and member States, to implement the numerous commitments undertaken in the EU Guidelines on Human Rights Defenders, the EU Action Plan on Human Rights and Democracy, and many others. Standing united and without compromises by the EU's founding values¹ will be the only way to secure the release of many other human rights defenders arbitrarily held in India before they meet the same fate as Stan Swamy.

Stan Swamy penned a letter to his friends and colleagues in January 2021 to express his gratitude for the solidarity shown by people, to mark 100 days of him being in custody. "*At times, news of such solidarity has given me immense strength and courage, especially when the only thing certain in prison is uncertainty.*" We continue to stand in solidarity with Stan Swamy and we call for full accountability for his death. His spirit, courage and kindness will not be forgotten and will continue to inspire.

Amnesty International

CIVICUS: World Alliance for Citizen Participation

CSW

FIDH, in the framework of the Observatory for the Protection of Human Rights Defenders

Front Line Defenders

International Commission of Jurists

International Dalit Solidarity Network

1 Article 2 Treaty on European Union: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."; Article 21(1) Treaty on European Union: "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."