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Human rights situations that require the Council's attention

Written statement* submitted by Association pour l'Intégration et le Développement Durable au Burundi, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



India: Human Rights Defender Stan Swamy

Stan Swamy, a Jesuit priest and a human rights defender died in custody at the age of 84, after 270 days of arbitrary detention. Despite his critical health condition, his age, and having tested positive for Covid-19, the authorities systematically denied him bail and adequate treatment.

Stan Swamy was a prominent human rights defender who founded the Jesuit social research and training centre “Bagaicha” in Ranchi, Jharkhand State, in 2005, to defend the rights of the Adivasi indigenous communities, fight against their forced displacement and denounce discrimination and illegal acquisition of their lands.

Officials of the National Investigation Agency (NIA) arrested him without a warrant on October 8, 2020, at his residence in Ranchi, Jharkhand. The day after, he was transferred to Mumbai, Maharashtra State, and was imprisoned in Taloja jail near Mumbai on politically motivated charges under the draconian Unlawful Activities (Prevention) Act (UAPA). The authorities wrongly claimed he had participated in anti-caste violence that took place in Bhima Koregaon, in Maharashtra State, on January 1, 2018. The UAPA allows for detainees to be held in judicial custody without charges for up to 180 days and restricts their access to bail.

At the time of his arrest, Stan Swamy suffered from advanced Parkinson’s disease and had a fragile health condition. Yet, the authorities disregarded his health needs while in detention and refused to provide him adequate medical care, increasing his risk of contracting Covid-19. By November 2020, his bail application had not yet been considered and his health had dramatically deteriorated. Stan Swamy was unable to hold a glass, fell on multiple occasions, and had a hearing impairment.

In March 2021, the NIA Court in Mumbai denied him bail, arguing that there was sufficient evidence to prove his involvement in “deep-rooted conspiracy”. The overcrowded Taloja jail lacked adequate medical facilities, doctors, and nursing staff. By keeping Stan Swamy detained, the authorities violated his right to be treated with dignity and humanity, his right to personal liberty, and his right to health, which is all guaranteed under international law.

On May 28, 2021, in view of Stan Swamy’s poor health conditions, the Bombay High Court ordered his transfer to the Holy Family hospital, where he tested positive for Covid-19. Despite his health condition, his medical bail hearing was repeatedly postponed until July 5, 2021. However, Stan Swamy could not attend the July 5 hearing because he passed away on the same day.

Together with Stan Swamy, 15 human rights defenders have been detained under the UAPA in relation to the Bhima Koregaon case. Most of them are over 60 years old, have serious health conditions, and are at heightened risk of Covid-19 infection.

We request this Council to urge the release all human rights defenders arbitrarily detained in the country to avoid more needless deaths.