HUMAN RIGHTS WATCH

“Being Neutral is Our Biggest Crime”

Government, Vigilante, and Naxalite Abuses in India’s Chhattisgarh State

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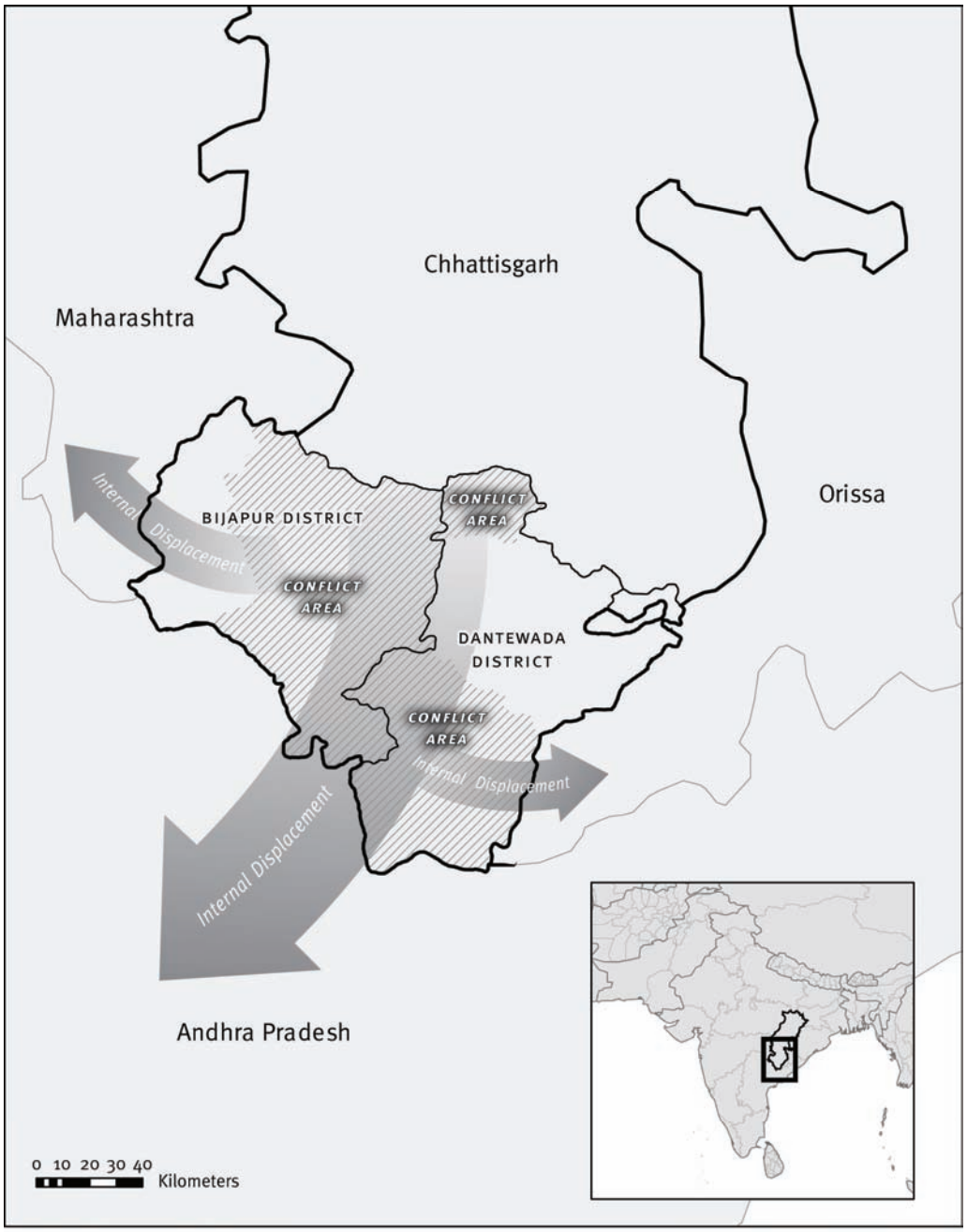

Chhattisgarh: Conflict Areas and Resultant Internal Displacement

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Location of government-run Salwa Judum camps

Note: Two official camps – Jayanagar and Jailbada Camps are not shown on the map

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Glossary/ Abbreviations

Abhiyan	Campaign
Adivasi	Literally meaning "original habitant," a term used to refer to indigenous tribal communities in India
Anganwadi	Government-run early childhood care and education center under the Integrated Child Development Services Scheme
Ashram school	Government-run residential school in rural areas
Bal sangam	Village-level Naxalite children's association
Block	Administrative division. Several blocks make a district
CAF	Chhattisgarh Armed Force, under the control of the Chhattisgarh state government
CNM	Chaitanya Natya Manch, a street theater troupe organized and managed by Naxalites
CPI (Maoist)	Communist Party of India (Maoist), a prominent Naxalite political party
CRPF	Central Reserve Police Force, paramilitary police under the control of the Indian central government
Dalam	Armed squad of Naxalites
Dalit	Literally meaning "broken" people, a term for so-called "untouchables"
DGP	Director general of police
District	Administrative division. Many districts make a state
District collector	Highest district-level administrative officer
Director general of police	Highest police official in the state

Gram Panchayat/ Panchayat	Literally meaning "assembly of five," a term used to refer to the village-level councils of elected government representatives
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IED	Improvised explosive device
IRB	Indian Reserve Battalion, paramilitary police under the control of the Indian central government
ITDA	Integrated Tribal Development Agency
Jan adalats	"People's courts" organized by Naxalites
Jan militia	Armed informers who travel with dalams
MHA	Ministry of Home Affairs
NCPCR	National Commission for the Protection of Child Rights
NHRC	National Human Rights Commission
Patel	Village headman
PLGA	People's Liberation Guerrilla Army, standing army of CPI (Maoist) party
Sangam	Village-level Naxalite association
Sarpanch	Village official—head of the gram panchayat
SHRC	State Human Rights Commission
SP	Superintendent of Police
SPOs	Special police officers, auxiliary police force
Superintendent of police (SP)	Highest district-level police officer
Tribe/tribal	Term used to refer to indigenous people in India

I. Summary

> *We often wonder what sins we committed to be born at this time. Our lives are impossible. Naxalites come and threaten us. They demand food and ask us to help them with information about police movements. Then the police come. They beat us and ask us for information. We are caught between these people. There is no way out.*
> — A resident of Errabore, a government-run camp, January 2008

In Chhattisgarh state in central India, a dramatic escalation of a little-known conflict since June 2005 has destroyed hundreds of villages and uprooted tens of thousands of people from their homes. Caught in a deadly tug-of-war between an armed Maoist movement on one side, and government security forces and a vigilante group called Salwa Judum on the other, civilians have suffered a host of human rights abuses, including killings, torture, and forced displacement.

The armed movement by Maoist groups often called Naxalites spans four decades and 13 states in India. They purport to defend the rights of the poor, especially the landless, dalits (so-called "untouchables"), and tribal communities. Their repeated armed attacks across a growing geographical area led Prime Minister Manmohan Singh in 2006 to describe the Naxalite movement as the "single biggest internal security challenge ever faced" by India.

Naxalites have maintained a strong presence in southern parts of Chhattisgarh since the 1980s. Although many indigenous tribal communities living in these areas support Naxalite interventions against economic exploitation, an escalating pattern of Naxalite abuses, including extortion of money and food, coerced recruitment of civilians, and killings of perceived police informants or "traitors," has gradually alienated many villagers.

In June 2005 popular protests against Naxalites in Bijapur district in southern Chhattisgarh sparked the creation of Salwa Judum, a state-supported vigilante group aimed at eliminating Naxalites. Salwa Judum's activities quickly spread to hundreds

of villages in Bijapur and Dantewada districts in southern Chhattisgarh. With the active support of government security forces, Salwa Judum members conducted violent raids on hundreds of villages suspected of being pro-Naxalite, forcibly recruited civilians for its vigilante activities, and relocated tens of thousands of people to government-run Salwa Judum camps. They attacked villagers who refused to participate in Salwa Judum or left the camps.

Naxalites have retaliated against this aggressive government-supported campaign by attacking residents of Salwa Judum camps, and abducting and executing individuals they identified as Salwa Judum leaders or supporters, police informers, or camp residents appointed as auxiliary police.

Neither the government nor Naxalites leave any room for civilian neutrality. Seeking protection from one side leaves area inhabitants at risk of attack by the other. Local journalists and activists who have investigated or reported abuses by Salwa Judum and government security forces have been harassed and described as "Naxalite sympathizers" by the Chhattisgarh state government, and live in fear of arbitrary arrest under the Chhattisgarh Special Public Security Act, 2005.

Even though some officials acknowledge that Salwa Judum's activities have exacerbated the violence, resulting in loss of civilian life and property, the Indian central and Chhattisgarh state governments have failed to prevent or stop these abuses or hold those responsible accountable. In April 2008 the Supreme Court of India ordered the National Human Rights Commission (NHRC) to investigate complaints of abuse.

While there is hope that the NHRC will conduct a thorough investigation of abuses by both sides, many analysts believe that unless the Indian central and state governments acknowledge and remedy their failure to uphold the rights of tribal communities, the Naxalite movement will continue to grow. The governments must immediately address the human rights and humanitarian catastrophe that has resulted from their policies in Chhattisgarh and hold all those responsible accountable.

Government and Salwa Judum abuses

The Indian central and Chhattisgarh state governments claim that Salwa Judum is a "voluntary and peaceful initiative by local people against Naxalites." Human Rights Watch, however, found overwhelming evidence of direct state involvement in Salwa Judum and the group's involvement in numerous violent abuses.

Over a period of approximately two-and-a-half years, between June 2005 and the monsoon season of 2007 (June to September), government security forces joined Salwa Judum members on village raids, which were designed to identify suspected Naxalite sympathizers and evacuate residents from villages believed to be providing support to Naxalites. They raided hundreds of villages in Bijapur and Dantewada districts, engaging in threats, beatings, arbitrary arrests and detention, killings, pillage, and burning of villages to force residents into supporting Salwa Judum. They forcibly relocated thousands of villagers to government-run makeshift Salwa Judum camps near police stations or paramilitary police camps along the highways. They also coerced camp residents, including children, to join in Salwa Judum's activities, beating and imposing penalties on those who refused.

Although Salwa Judum's raids were most frequent between June 2005 and mid-2007, they continue to carry out violent attacks in reprisal against former camp residents who have returned to their villages. There have also been reports of government security forces executing persons suspected of being Naxalites and labeling the executions "encounter killings," falsely implying that the deaths occurred during armed skirmishes.

Police arbitrarily detain individuals as suspected Naxalites, interrogate them, and in some cases, subject them to torture. Chhattisgarh police have recruited camp residents including children as special police officers (SPOs), an auxiliary police force, and deploy them with other paramilitary police on joint anti-Naxalite combing operations. This has exposed underage SPOs to life-threatening dangers, including armed attacks by Naxalites, explosions due to landmines and improvised explosive devices (IEDs), and Naxalite reprisal killings.

Since 2006 local nongovernmental organizations (NGOs) have reported the recruitment of underage SPOs by the Chhattisgarh police. The Chhattisgarh state government maintains that it has now removed all children from its ranks. Some officials claim that the recruitment occurred because many villagers did not have proper age records. However, Human Rights Watch found that there continues to be no procedure or scheme for systematically identifying, demobilizing, and reintegrating underage SPOs. The lives of underage SPOs who have not been identified and reintegrated remain at risk.

These ongoing human rights abuses have resulted in a massive internal displacement crisis that is yet to be addressed by the Indian central or concerned state governments. By December 2007 around 49,000 villagers had been relocated to at least 24 camps in Bijapur and Dantewada districts, while many others had fled to safer parts of Chhattisgarh. An estimated 65,000 villagers had fled to adjoining states of Maharashtra, Orissa, and Andhra Pradesh to escape the conflict. Roughly 30,000-50,000 have settled in Andhra Pradesh.

Three years after the forcible relocation of local populations into camps and the exodus from Chhattisgarh to neighboring Andhra Pradesh began, neither the Indian central nor the Chhattisgarh and Andhra Pradesh state governments have developed a comprehensive policy to provide these displaced persons with protection and assistance. Most displaced persons have lost their homes, their land, most of their livestock, and their primary means of livelihood—agriculture. Those living in government-run Salwa Judum camps survive in cramped conditions and typically lack even the most basic sanitation and health care facilities. There are few opportunities for employment in the camps, leaving many residents with little or no income. While the Chhattisgarh state government initially provided regular free food rations to residents in some of the camps, in some instances those rations have been cut back or eliminated. Human Rights Watch also found that additional displaced persons live in unofficial settlements and so-called government permanent housing in Bijapur and Dantewada districts, which have access to fewer services than camps that are acknowledged by the Chhattisgarh government.

Villagers who fled to Andhra Pradesh also often live in dire circumstances. Many had no financial resources to purchase or rent land when they fled, and thus settled in forested areas. Saying that these settlements are illegal, Andhra Pradesh forest officials have repeatedly evicted villagers, often using excessive force and destroying their homes and personal belongings. One hamlet that Human Rights Watch visited has been destroyed nine or ten times since January 2007. Forest officials have forcibly relocated many displaced families without prior consultation with them. As a matter of policy, the Andhra Pradesh government denies to these displaced persons the benefit of government welfare schemes such as food subsidies and rural employment guarantees on several grounds, including that they are not "local residents."

The experience of some villagers from Etagatta illustrates the nature of the Salwa Judum campaign and its impact. Government security forces and Salwa Judum members raided Etagatta, a 50-household village in Dantewada district, in the summer of 2006. One eyewitness told Human Rights Watch that the attackers came without warning, beat villagers, and took away their belongings, including their livestock. Salwa Judum members and government security forces then burned all the 50 houses in the village. According to the eyewitness,

> Salwa Judum people and police killed about 15 people from the village—5 women and 10 men. All of them were adults, about my age—in their 30s. They slit the throats of five people, one was a woman. I knew these five people well … There was no reason why they should have killed them. They attacked whoever fell into their hands … I cremated two of them. They raped and killed Ungi who was about 13 years old. They also repeatedly raped [name withheld]. First they raped her in the village and then they took her to the police station, raped her, and then released her.

The same villager reported that Salwa Judum members and government security forces also forcibly took about four men and ten women from his village. He said that while all the women later returned, the men did not. He never learned what happened to them.

Frightened, many villagers hid for several days in the jungle. Salwa Judum members and government security forces returned, found them there, and attacked them again. Finally, the villagers fled to Andhra Pradesh with the hope of reaching safe ground.

As soon as they settled in Andhra Pradesh, however, forest officials burned their hamlet, saying that it was illegal because it was located on forestlands. Describing the treatment meted out by forest officials in Andhra Pradesh, the villager said,

> Forest officials used to beat us. About 12 to 20 of them would come in their vehicles, drag us out from our huts, and beat us. They beat both men and women, and abused us—"*choothiya, bhosda, sala* [derogatory terms], you have come here and cut forests." Sometimes, they used to come two or three times a day … They burned our huts about five or six times and each time we rebuilt them. Until we rebuilt the huts, we used to live under the trees in the forests.

Eventually, with the help of local residents, those displaced from Etagatta resettled to a safer part of Andhra Pradesh. However, much to their dismay, they found that Salwa Judum members from across the state boundary tracked them down. Salwa Judum members came to their new hamlet in mid-2007 in search of villagers from Chhattisgarh. The local sarpanch (village official) misled the Salwa Judum members by telling them there were no recent arrivals in the area. Still, displaced villagers from Etagatta live in constant fear.

Abuses by Naxalites

The Naxalites are responsible for numerous serious abuses. They claim to be leading a popular "people's war," including by seeking equity and justice for the poor, especially tribal communities. Nevertheless, their methods include intimidation, harassment, threats, beatings, looting, summary executions, and other punishment of villagers who either refuse to cooperate with them or are suspected of being police informers. They also forcibly demand money, food, and shelter from villagers, recruit children as soldiers for use in military operations against government forces, and use landmines and IEDs that have caused numerous civilian casualties.

Naxalites conduct public trials in what they call jan adalats (people's courts) to punish, including by execution, suspected police informers or alleged traitors. The accused are denied any right to legal counsel, independent judges, or right to appeal. Jan adalats are also used to target village leaders and wealthy landowners. For example, Naxalites bring landowners before such a court and ask them to hand over a portion of their assets for redistribution among poorer villagers; those that dare to oppose the ruling are beaten.

The most frequent complaint against Naxalites is their extortion of food and money. Some villagers reported that Naxalites forced them to donate food grains even when it left them unable to feed their own families. In other cases, Naxalites have threatened to kill villagers who refused demands for money. They also collect "fines" from villagers who refuse to attend their meetings.

Naxalites recruit and use children in military operations. It is CPI (Maoist) (a prominent Maoist political party) policy and practice to use children from age 16 in their army. Children between ages six and twelve are enlisted into bal sangams (children's associations), trained in Maoist ideology, used as informers, trained in the use of non-lethal weapons like sticks, and gradually "promoted" to other Naxalite wings–chaitanya natya manch or CNMs (street theater troupes), sangams (village-level associations), jan militias (armed informers), and dalams (armed squads) before age 18. Some children who are able-bodied and fit are directly recruited into dalams. Children in sangams, jan militias, and dalams are trained in the use of weapons, including landmines.

Children in jan militias and dalams directly participate in armed exchanges with government security forces. Children in bal sangams, CNMs, and sangams do not directly participate in hostilities, but are nevertheless open to armed attacks by government security forces during anti-Naxalite combing operations. Naxalites attack and sometimes kill family members and friends of armed cadre members who desert.

Naxalites have retaliated violently against the operation of Salwa Judum. They have attacked Salwa Judum camps, killing many civilians. Individuals who participate in

Salwa Judum, particularly Salwa Judum leaders and camp residents appointed as SPOs, are also vulnerable to Naxalite reprisals. Naxalite retribution against SPOs is particularly vicious. In some cases, Naxalites have reportedly mutilated the eyes and genitals of SPOs killed during their attacks.

Naxalites have abducted, tortured, and executed villagers whom they believed were Salwa Judum supporters or their family members. Villagers who left voluntarily or were forced into Salwa Judum camps fear being assaulted or killed by Naxalites in retaliation if they attempt to return to their villages. Human Rights Watch has information about 45 people who were killed for allegedly supporting Salwa Judum.

The Naxalites use landmines and IEDs frequently to attack government security forces. These attacks escalated after Salwa Judum began in June 2005. Between June 2005 and December 2007, Naxalites carried out at least 30 landmine and IED explosions, often using remote trigger mechanisms. Although these explosions are largely targeted against government security forces, they also killed and injured civilians on numerous occasions.

They have deliberately destroyed dozens of schools, ostensibly to prevent their use for police operations. Human Rights Watch gathered information about 20 schools that Naxalites destroyed, most of them after Salwa Judum started.

Key Recommendations: The need for protection and accountability

The Indian central and Chhattisgarh state governments have an obligation to provide for the security of the population against crimes by Naxalites. However, government measures to maintain law and order must be in accordance with international human rights law. Instead of combining principled security measures with effective steps to address problems faced by tribal communities and the resentments that have made it easier for the Naxalite movement to recruit supporters, government authorities have subverted international human rights norms. Authorities have not only supported abusive Salwa Judum vigilantes but also have provided effective immunity from prosecution to persons responsible for abuses. This has perpetuated widespread human rights abuses for over three years, and has led to a growing displacement and humanitarian crisis, especially for tribal communities.

The internationally recognized United Nations Guiding Principles on Internal Displacement (UN Guiding Principles) state that government authorities have the primary responsibility to establish conditions, as well as provide the means, which allow displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. They also state that government authorities should develop resettlement and reintegration packages in consultation with the displaced population.

In keeping with its international human rights obligations:

- The Indian central and Chhattisgarh state governments should take all necessary and appropriate measures to end unlawful Salwa Judum activities, end all government support to Salwa Judum, including the provision of weapons, and end all participation by government security forces in Salwa Judum operations, including raids and reprisals.
- The Chhattisgarh state government should initiate serious and independent investigations of individuals responsible for carrying out or ordering human rights abuses, regardless of rank, and prosecute as appropriate.
- Consistent with its constitutional obligation to ensure state compliance with the Constitution, the Indian central government should call upon the Chhattisgarh state government to immediately investigate and prosecute individuals, including senior government officials, implicated in serious human rights abuses in Dantewada and Bijapur districts. The Indian central government should also express its willingness to conduct an investigation upon a request by the Chhattisgarh state government.
- The Chhattisgarh state government should end deployment of special police officers for paramilitary operations against Naxalites.
- The Indian central, Chhattisgarh, and Andhra Pradesh state governments should ensure, in accordance with the UN Guiding Principles, that internally displaced persons are protected against attacks or other acts of violence, and that they are provided without discrimination, safe access to essential food and potable water, basic shelter and clothing, and essential medical services and sanitation.
- The Indian central, Chhattisgarh, and Andhra Pradesh state governments should establish conditions for and facilitate the safe return or resettlement

of camp residents and other displaced persons who voluntarily choose to return to their villages or relocate to another part of the country, and restore or provide government facilities in these villages.

- The Indian central government should ensure that Andhra Pradesh government officials immediately stop the destruction of IDP hamlets, illegal forced evictions, forced relocation of displaced persons, and confiscation of their property.
- The Indian central government should immediately develop a national scheme for identification, release, and reintegration of children recruited by armed groups or police, in consultation with governmental, nongovernmental, and intergovernmental organizations, and in accordance with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

The CPI (Maoist) party should immediately:

- End abuses—such as killings, threats, extortion, and the indiscriminate use of landmines and IEDs—against civilians, including individuals who have participated in Salwa Judum, camp residents who served as SPOs, and police informers.
- Issue and implement policies guaranteeing safe return for villagers who wish to leave Salwa Judum camps and return to their villages.
- Stop recruitment of children under age 18 into Naxalite wings including armed wings. Release all children and give those recruited before age 18 the option to leave.

II. Methodology

This report is based on research conducted by Human Rights Watch in Khammam and Warangal districts of Andhra Pradesh, and Bijapur, Dantewada, and Bastar districts of Chhattisgarh between November 2007 and February 2008. These locations are most affected by the conflict between Naxalites, Salwa Judum, and government security forces, and were chosen based on literature review and background interviews with independent researchers, local NGOs, journalists, and lawyers who had either studied the conflict in Chhattisgarh or assisted victims of the conflict.

During the course of the investigation, Human Rights Watch interviewed 235 people, including:

a) 69 displaced persons who fled from 18 different villages from Bijapur and Dantewada districts, and settled in 17 villages in Khammam and Warangal districts;
b) 71 camp residents (including former camp residents) from seven Salwa Judum camps and one government permanent housing site in Bijapur and Dantewada districts, including 50 civilians, three Salwa Judum leaders, and 18 SPOs;
c) 10 former Naxalites including two former child dalam (armed wing) members.

Human Rights Watch also interviewed 15 government officials in Chhattisgarh and Andhra Pradesh, including the district collectors (the highest district-level administrative post) of Dantewada and Bijapur districts, the superintendent of police of Dantewada district (highest district-level police officer), the director general of police (highest ranking state-level police official) of Chhattisgarh, the divisional forest officer of Bhadrachalam division in Khammam district, and the sub-collector of Khammam district.

In addition, Human Rights Watch conducted 51 interviews with lawyers, local journalists, and representatives from local and international NGOs, including

Vanvasi Chetna Ashram, People's Union for Civil Liberties, Forum for Fact-Finding, Documentation and Advocacy, Vanya, Gayatri Sangh Parivar, Bastar Tribal Development Society, CARE, MSF, and UNICEF (a UN agency).

Human Rights Watch had hoped to include the perspectives of persons arrested as suspected Naxalites, especially children, through in-person interviews. Unfortunately, this was not possible despite requests to the Dantewada police superintendent.

Due to security concerns, Human Rights Watch was unable to conduct interviews with villagers living in jungles and interior villages in Dantewada and Bijapur districts, and members of the CPI (Maoist) party. This report however incorporates the CPI (Maoist) party's position on the conflict by citing its press releases and its October 2006 letter to the Independent Citizen's Initiative, a fact-finding team from India.

Local NGOs providing services to villagers assisted Human Rights Watch in identifying victims and eyewitnesses to interview; we further developed contacts and interview lists through references from interviewees.

Most interviews were conducted individually, although they often took place in the presence of others. They lasted between one and three hours and were conducted in Hindi, Telugu, or Gondi, depending on the interviewee's preference. The Human Rights Watch team included researchers who are fluent in Hindi. In cases where the interviewees chose to communicate in Telugu or Gondi, the interviews were conducted with the assistance of independent interpreters selected by Human Rights Watch. Some interviewees reported information regarding their families, friends, and acquaintances. In the relatively few instances where interviews were conducted with several interviewees at once, they are cited as group interviews.

Cases of Salwa Judum and Naxalite abuses may be significantly underreported due to a number of methodological challenges, including villagers' fear of being identified, rightly or wrongly, as a Naxalite and therefore subject to interrogation or harassment by police, and, alternatively, their fear of reprisals by Naxalites or Salwa Judum members for reporting abuses.

Since most villagers keep track of time according to seasons, including agricultural seasons, in many cases interviewees were unable to give exact months for incidents. In some cases, interviewees described incidents with Indian festivals as time-indicators, or used their grade in school as a reference point. In this report, Human Rights Watch has in several cases provided approximate times based on such information from interviewees.

Human Rights Watch has used pseudonyms or withheld the names of almost all civilians, SPOs, and former Naxalites quoted in this report, consistent with our commitment to such individuals that their identity would not be revealed. Pseudonyms do not correspond to the tribe of the interviewee. Officials' names have been included where they gave permission for them to be used. Some NGO representatives requested that they or their organizations not be identified in order to protect themselves from reprisals by government and police, and identifying information has been omitted accordingly.

For security reasons, Human Rights Watch assured some interviewees that the location of the interview would not be disclosed. In this report, the names of most IDP settlements in Andhra Pradesh and some Salwa Judum camp names have not been disclosed, also at the request of interviewees who feared retribution.

The interviews have been supplemented by official data supplied by Chhattisgarh government officials in response to applications filed by NGOs or individuals under the Right to Information Act, 2005.

In addition to interviews with Chhattisgarh and Andhra Pradesh state government officials, Human Rights Watch requested information regarding issues raised in this report in letters to state government officials, copies of which are provided in Appendix II. Human Rights Watch did not receive any substantive response to these letters.

Terminology

Unless otherwise specified, Human Rights Watch uses the phrase "government security forces" to refer to one or more of the security force units deployed in the

region between June 2005 and June 2008: Central Reserve Police Force (CRPF), Indian Reserve Battalions (IRBs), Chhattisgarh Armed Forces (CAF), and SPOs. It is virtually impossible for a civilian to clearly differentiate between the different types of police and other security force units and many interviewees used the broad term "police" to refer to these different forces. Human Rights Watch is not in a position to independently verify whether raids described by interviewees were conducted by the CRPF, IRBs, CAF, SPOs, or some combination thereof, and has therefore simply reproduced what interviewees told us.

Human Rights Watch found that some villagers who were forcibly relocated by Salwa Judum and government security forces are living in areas that are not recognized as camps by the government even though residents of these areas consider them camps. In this report, Human Rights Watch refers to such areas as unofficial camps.

In most places, this report refers to Dantewada and Bijapur districts that are now separate administrative divisions, each administered by a district collector. Until May 2007 Dantewada and Bijapur districts were part of one district—Dantewada, and administered by one district collector. Therefore, in some places, this report refers to Dantewada (undivided). It is important to note that most Indian fact-finding team reports were brought out before this administrative division; references to "Dantewada" in those reports would correspond to references to Dantewada (undivided) in this report.

Tens of thousands of people have been displaced from their homes by the conflict, either within Chhattisgarh, or into neighboring Andhra Pradesh or other states. Under international law, all are technically internally displaced persons (IDPs). However, government officials and others in the region typically use the term "IDP" to refer solely to individuals who have fled from Chhattisgarh into other states. This report follows this latter practice unless otherwise indicated.

Human Rights Watch follows the definition of child as given in the UN Convention on the Rights of the Child, 1989; all references to children in this report are references to persons below age 18.

III. Background

In 2006 Prime Minister Manmohan Singh described the Naxalite movement in India as the "single biggest internal security challenge ever faced" by the country.[1] He also stated that Naxalism is not merely a law and order problem, noting that it is directly linked to problems of underdevelopment, exploitation, lack of access to resources, underdeveloped agriculture, lack of employment opportunities, and other factors.[2] Tribal areas, he pointed out, being largely excluded from most public services, are the most deprived, and form a breeding ground for Naxalism.[3] According to the 2007 annual report of the Indian Ministry of Home Affairs, the Naxalite movement has spread across 13 states in India.[4]

Naxalism in India

An armed peasant uprising in May 1967 in Naxalbari (West Bengal) marked the beginning of the Maoist revolutionary political movement in India. The movement is named after the region and thus called the Naxalite movement. Unlike the conflicts in Jammu and Kashmir and the northeast, which are self-determination movements, Naxalites call for a total transformation of the existing political system to create a new social order ending what they see as the exploitation of marginalized and vulnerable communities. Naxalites carry out their political agenda through various means including armed attacks against the state. There are many different political groups that believe in the Maoist ideology and identify themselves as Naxalites, but chief among them is the Communist Party of India (Maoist) (CPI (Maoist)).

Broadly, all Naxalite cadres operate underground and are organized into two components—an armed wing and a political wing. The political wing is headed by a national level central committee. Naxalites organize their activities in villages

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[1] Prime Minister of India, Manmohan Singh, Addressing the Standing Committee of Chief Ministers on Naxalism, April 13, 2006.

[2] Ibid.

[3] Ibid.

[4] Ministry of Home Affairs, Government of India, "Annual Report 2007-2008," http://mha.nic.in/pdfs/ar0708-Eng.pdf (accessed May 13, 2008), Annexures IV and V.

through underground village committees. The village committees, in turn, conduct their activities through sangams (village-level associations). A sangam is the village-level administrative unit that spreads Maoist ideology, aims to increase the Naxalite support base, assists the armed wing, and organizes jan adalats (people's courts).[5] Sangams challenge and replace not only traditional tribal structures of village headmen and priests but also the *gram panchayats* (village-level councils of elected government representatives).[6] Naxalites also have street theater groups called chaitanya natya manch (CNM) that spread their ideology in villages.

The armed Naxalite wing consists of the standing army (the People's Liberation Guerrilla Army (PLGA)) and other smaller armed guerrilla squads that are assisted by groups of armed informers called jan militias. The army and guerrilla squads are generally referred to as dalams.

* * *

Naxalites wage a "people's war" not only by using methods such as organizing the poor to protest against exploitation, forcibly redistributing land, and opposing development projects that involve forcible displacement of marginalized communities, but also by attacking police stations to loot arms, destroying state infrastructure like railways, assassinating politicians, and extorting from businessmen.[7] These activities are crimes punishable under security and penal legislation in India.[8]

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[5] Rajat Kujur, "Left Extremism in India: Naxalite Movement in Chhattisgarh & Orissa," Institute of Peace and Conflict Studies Special Report 25, June 2006, http://www.ipcs.org/IPCS-Special-Report-25.pdf (accessed July 9, 2007), p. 2.

[6] Human Rights Forum, "Death, Displacement and Deprivation: The War in Dantewara: A Report," 2006, http://cpjc.files.wordpress.com/2007/07/hrfdantewadareport.pdf (accessed October 2, 2007), p. 13; People's Union for Civil Liberties et al., "Where the State Makes War on its Own People, A Report on Violations of People's Rights during the Salwa Judum Campaign in Dantewada, Chhattisgarh," 2006, http://www.pucl.org/Topics/Human-rights/2006/*Salwa_Judum*.pdf (accessed July 7, 2007), p. 11.

[7] Asian Centre for Human Rights, "Naxal Conflict Monitor," vol. II, no. I, April 11, 2007; Independent Citizen's Initiative, "War in the Heart of India, An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh," 2006, http://rightsandresources.org/blog/WarintheHeartofIndia.pdf (accessed July 16, 2007), p. 8; Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," 2006, http://www.achrweb.org/reports/india/Chattis0106.pdf (accessed June 7, 2006), p. 13.

[8] The Unlawful Activities (Prevention) Amendment Act, 2004, Notification 29 of 2004, December 30, 2004. The Schedule to the Act lists "terrorist organizations." Items 24 and 25 state as follows: "24. Communist Party of India (Marxist-Leninist)-People's War, all its formations and front organizations," and "25. Maoist Communist Centre (MCC), all its formations and front organizations." Communist Party of India (Marxist-Leninist)-People's War and MCC merged in 2004 to form the CPI (Maoist) party, the leading Naxalite group in the country.

Until 2000 Chhattisgarh was part of Madhya Pradesh state in central India. The area that became Chhattisgarh is heavily forested, and home to some of India's indigenous tribal groups. Tribal communities make up about 32 percent of Chhattisgarh's total population,[9] and about 79 percent of the population in Dantewada and Bijapur districts in southern Chhattisgarh.[10] Maria Gonds and Dorla tribes are the two main tribal communities in this region.[11]

Naxalites commenced their activities in the Bastar region of Madhya Pradesh[12] in the 1980s.[13] A combination of political, economic, and social factors in this region, including economic exploitation of tribal communities, poor relations with the police, and absence of government facilities and state institutions, contributed to the popular support and growth of Naxalism.[14] For example, government authorities treated parts of Bastar region (especially Dantewada and Bijapur districts that are now part of Chhattisgarh) as remote administrative outposts or "punishment postings."[15] As one senior police official described it, "there is no administration in about 70 percent of this region [Dantewada and Bijapur districts], and only police have access to some parts."[16] The two districts (comprising of 1,220 inhabited villages) rank among the worst in India in terms of access to education and basic

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[9] Government of India, "Scheduled Castes and Scheduled Tribes Population—State-Wise," *Census 2001*, http://www.censusindia.gov.in/Census_Data_2001/Census_data_finder/A_Series/SC_ST.htm (accessed October 25, 2007); Government of India, "Population Finder: State-Wise," *Census 2001,* http://www.censusindia.gov.in/population_finder/State_Master.aspx?State_Code=22 (accessed October 25, 2007). Of Chhattisgarh's total population of 20,833,803, the scheduled tribe population is 6,616,596.

[10] Government of India, "Dantewada Data Sheet," *Census 2001*, http://www.censusindia.gov.in/Dist_File/datasheet-2216.pdf (accessed October 25, 2007). The census data gives information pertaining to Dantewada (undivided) district. Of Dantewada (undivided) district's total population of 719,487, the scheduled tribe population is 564,931.

[11] People's Union for Civil Liberties, "Where the State Makes War on its Own People," p. 5.

[12] Now divided into Dantewada, Bijapur, Naranyanpur, Bastar, and Kanker districts in Chhattisgarh.

[13] Sudhakar, "A Saga of Twenty-Five Years of Glorious Struggle, An Epic of People's Radical Transformation," *People's March* , vol. 7, no. 1, January 2006, p. 3; "Maoist shadow over Chhattisgarh," *The Times of India,* May 16, 2005, http://timesofindia.indiatimes.com/articleshow/1111206.cms (accessed October 18, 2007); People's Union for Civil Liberties, "Where the State Makes War on its Own People," p. 10.

[14] Sudhakar, "An Epic of People's Radical Transformation," pp. 3-4; People's Union for Civil Liberties, "Where the State Makes War on its Own People," p. 11.

[15] Human Rights Watch interviews with G. P. Singh, superintendent of police of Bastar district, Jagdalpur, January 26, 2008; Rahul Sharma, superintendent of police of Dantewada district, Dantewada, February 1, 2008 (second interview).

[16] Human Rights Watch interview with senior police official S2 (who requested anonymity), other details withheld.

health care.[17] Census data from 2001 for these districts shows that there are no primary schools in 214 villages, and 1,161 villages have no access to health care.[18]

Prior to the Naxalite intervention, tribal communities living in this region had no rights or control over the forest, were forced to sell their produce to non-tribal contractors and money-lenders at low rates, and tribal women were at a high risk of sexual exploitation at the hands of money-lenders and contractors. Many observers believe that Naxalite initiatives resulted in improved living and economic conditions for many tribal communities.[19] The Naxalite agenda continues to include struggles for tribal rights to land, water, forest produce, better wages, health care, and education.[20]

While many villagers in Bijapur and Dantewada districts confirmed that Naxalites assisted tribal communities, they stated that their methods had gradually become increasingly authoritarian, undemocratic, and marked by human rights abuses including extrajudicial killings, beatings, and extortion. [21] Over time, this has created resentment among some villagers. Typically, the disaffected group consists of non-tribals, sarpanches (village official), village headmen, priests, and many people from the Dorla tribe, which is socially and economically better placed than the Maria Gond tribe.[22] Villagers who have been pressured to support Naxalites also say they have faced police harassment because they were perceived to be Naxalite supporters.

Naxalites have de facto control over large parts of Dantewada and Bijapur districts. With a network of sangams in this region, they have set up what they call *janata*

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[17] Government of India, "Dantewada Data Sheet."

[18] Ibid.

[19] Human Rights Forum, "War in Dantewara," p. 24; Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," p. 14; People's Union for Civil Liberties, "Where the State Makes War on its Own People," pp. 10-11.

[20] Nandini Sundar, *Subalterns and Sovereigns, An Anthropological History of Bastar (1854-2006)* (New Delhi: Oxford University Press, 2007), p. 11; Human Rights Forum, "War in Dantewara," p. 24.

[21] Human Rights Watch interview with a teacher in an ashram school (who chose to remain anonymous), Dantewada, January 28, 2008; group interview with Oyam Suresh and Kadti Soman (pseudonyms), camp residents, other details withheld; See below, section VII, Abuses by Naxalites, for more details.

[22] Human Rights Forum, "War in Dantewara," p. 24; Independent Citizen's Initiative, "War in the Heart of India," p. 36. The Independent Citizen's Initiative report states: "The leaders of the Salwa Judum in Konta [block], like Soyam Mooka, are from the Dorla tribe."

sarkar (people's rule) and declared the Dantewada (undivided) area as a "liberated zone."[23]

Salwa Judum: Vigilantes to oust Naxalites

Since 2005 Dantewada and Bijapur districts have been the center of Naxalite-related violence in Chhattisgarh. In June 2005 some local protest meetings against Naxalites in Bijapur district sparked the creation of what is now known as Salwa Judum (literally "peace mission" or "purification hunt").[24] The Indian central and Chhattisgarh state governments saw the protests as an opportune moment to challenge the Naxalite influence in the area. They provided support primarily through their security forces, dramatically scaling up these local protest meetings into raids against villages believed to be pro-Naxalite, and permitted the protestors to function as a vigilante group aimed at eliminating Naxalites.

Several government-run makeshift camps (also known as Salwa Judum camps, base camps, or relief camps) were started near police stations or paramilitary police camps along the highways, and many civilians were forced into these camps. The Chhattisgarh government, however, maintains that they started these "relief" camps to provide support to people who were fleeing Naxalite violence from villages:

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[23] Saji Cherian, "Chhattisgarh: Reality Bites," *South Asia Intelligence Review, Weekly Assessments and Briefings,* vol. 3, no. 46, May 30, 2006, http://www.satp.org/satporgtp/sair/Archives/3_46.htm (accessed March 15, 2008); Human Rights Forum, "War in Dantewara," p. 12; P. C. Hota, "Naxalites push Chhattisgarh into crisis," *Rediff News,* May 24, 2005, http://www.rediff.com/news/2005/may/24spec2.htm (accessed March 15, 2008).

A liberated zone is an area where the Naxalite administration has at least in theory replaced the Indian state. The boundaries of the "liberated zone" are unclear. Cherian cites a May 2005 interview with a senior CPI (Maoist) party leader, Ayatu, where Ayatu reportedly said: "Who said we are running parallel administration? We have liberated some of our areas through our sustained people's war in the Abujhmad (Abujhmar) area of Dandakaranya zone (of Bastar region) where we have established people's governance." According to Hota, a "prominent Naxalite leader" stated: "We have liberated some of our areas through our sustained people's war in the Abujhmad area of Dandakaranya zone (of Bastar region) where we have established people's governance."

[24] Independent Citizen's Initiative, "War in the Heart of India," p. 14; Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," p. 15; People's Union for Civil Liberties, "Where the State Makes War on its Own People," p. 13. "Salwa Judum" is a term in Gondi, a tribal dialect spoken in Dantewada and Bijapur districts. The meaning of "Salwa Judum" is unclear. Government officials claim it means "peace mission" whereas several NGO reports state that it translates to "purification hunt." The report by People's Union for Civil Liberties explains the term in further detail: "Salwa is the Gondi word for the water that is sprinkled on a patient to drive an illness out, while Judum is the word for collective hunts."

See also, District Collector, "Jan Jagaran Abhiyan (Salwa Judum)—District South Bastar Dantewada: Brief Memorandum," 2007 (unpublished). District South Bastar Dantewada is the Dantewada (undivided) region. Salwa Judum is known as *Jan Jagaran Abhiyan* (People's Awareness Campaign) in official circles.

See Independent Citizen's Initiative, "War in the Heart of India," pp. 14-16 for a discussion of the different versions of what sparked local protests against Naxalites.

> The Naxalite problem has led to lack of security among large population of tribal [sic] and therefore State has constituted certain relief camps. The relief camps comprises [sic] of people who are either victims of Naxalite movement or fear the reprisals or attacks from Naxalite activities. The relief camps are only a State response to rehabilitate the displaced tribal as well as provide safety to tribal [sic] from fear of Naxalites. The relief camps are being constituted so as to discharge the constitutional obligation of providing security and safety to the tribal [sic].... The villagers have joined relief camps on their own volition.... There is no force employed on the part of the State to ask tribals to join the camps.[25]

Even though the Indian central and Chhattisgarh state governments contend that Salwa Judum is a "people's campaign," there is evidence they actively promoted the creation of the groups. For instance, the 2005-2006 annual report of the Ministry of Home Affairs states: "The States have also been advised to encourage formation of Local Resistance Groups/Village Defence Committees/*Nagrik Suraksha Samitis* [Civilian Protection Committees] in Naxalite affected areas. In the year 2005, Chhattisgarh witnessed significant local resistance against the Naxalites in some areas."[26] The Dantewada (undivided) district collector's work proposal of 2005 illustrates how the Chhattisgarh government actively encouraged and assisted Salwa Judum. For instance, the work proposal states,

> So far the people have been conducting the *Abhiyan* [campaign] on their own. The Naxalites are trying to dissuade them through persuasion or through threats. If they are not given support from the administration, the *Abhiyan* will die out.[27]

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[25] *Nandini Sundar and others* v. *State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007, Counter Affidavit on Behalf of Respondent, January 22, 2008, p. 308-9, para. 8; p. 312-3, paras. 5(i)-5(l); Sur-Rejoinder on Behalf of Respondent State of Chhattisgarh, April 10, 2008, p. 515, para. 4c.

[26] Ministry of Home Affairs, Government of India, "Annual Report 2005-2006," http://www.mha.nic.in/Annual-Reports/ar0506-Eng.pdf (accessed March 15, 2008), p. 28. It is pertinent to note that this annual report corresponds to the year in which the Salwa Judum movement started in Bijapur district of Chhattisgarh.

[27] District Collector, "Common People's Awareness Raising Campaign Against Naxalites, Work Proposal to Make the Campaign Successful," (Naxalion Ke Khilaf Aam Janata Ka Jan Jagaran Abhiyan, Abhiyan Ko safal Banane Ke Liye Karya Yojana), District South Bastar (Dantewada), 2005, chapter 2, para. 1.

The work proposal also advocates arming tribal communities: "In addition to training the villagers, they should be given traditional weapons like bows and arrows, axes, hoes, sticks etc. Although most villagers already have such weapons, it would be good to encourage them by distributing ready made arrows or iron to make arrows."[28]

The Dantewada (undivided) district collector's memorandum of 2007 states that since June 2005 around 139 Salwa Judum *padyatras* (rallies) and 47 Salwa Judum meetings were held, and 644 villages from Dantewada (undivided) district "joined" Salwa Judum.[29] Indian NGOs and fact-finding team reports state that Salwa Judum was able to operate on such a large scale because of the active support it received from the government.[30]

Deployment of government security forces

The Indian central government has deployed government security forces including paramilitary police such as the Indian Reserve Battalions (IRBs) and the Central Reserve Police Force (CRPF) to enhance security in these areas.[31]

In December 2007 Chhattisgarh police officials stated that there were 10,000 government security forces in Dantewada and Bijapur districts.[32] The 2007 annual report of the Indian Ministry of Home Affairs states that 13 battalions of central paramilitary forces have been deployed in Chhattisgarh.[33]

The Chhattisgarh government also raised an auxiliary police force of special police officers (SPOs) and reportedly is planning to convert this auxiliary police force into a

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[28] Ibid, chapter 4, para. 5.

[29] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

[30] People's Union for Civil Liberties, "Where the State Makes War on its Own People," p. 13; Human Rights Forum, "War in Dantewara," p. 24. These reports state that Salwa Judum had one or two predecessors by the name of *Jan Jagaran Abhiyans* in 1990-1991 and 1997-1998, both of which were crushed by Naxalites because the state did not support it in as systematic a way as it supported Salwa Judum.

[31] Ministry of Home Affairs, Government of India, "Annual Report 2003-2004," http://mha.nic.in/pdfs/ar0304-Eng.pdf (accessed May 13, 2008), p. 3; MHA, "Annual Report 2007-2008," p. 21.

[32] Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007; Vishwa Ranjan, director general of police of Chhattisgarh, Raipur, December 17, 2007.

[33] MHA, "Annual Report 2007-2008," p. 21.

regular battalion to counter Naxalites in the region.[34] The Police Act, 1861, empowers a local magistrate to temporarily appoint civilians as SPOs to perform the roles of "ordinary officers of police."[35] SPOs enjoy the same powers as the regular civil police,[36] but receive less training and fewer benefits.[37] The law allows for the appointment of civilian SPOs as a stop-gap measure where the police force is otherwise felt to be insufficient. It does not permit a local magistrate to deploy SPOs either indefinitely or in roles comparable to those played by paramilitary police such as the CRPF and the IRBs.[38]

The Chhattisgarh government started implementing the SPO program around June 2005.[39] There are some 3,500-3,800 SPOs in Dantewada and Bijapur districts.[40] Most SPOs are tribal camp residents (including children) and surrendered sangam members who are familiar with the jungle trails in interior forested areas and are therefore useful to the government security forces in their anti-Naxalite combing operations.[41] A senior human rights lawyer contends that the Chhattisgarh administration has misused section 17 of the Police Act, 1861, that states that civilians may be appointed as SPOs for "such time and within such limits" in cases where "the police-force ordinarily employed for preserving the peace is not sufficient":

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[34] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[35] Police Act, Act V of 1861, http://www.mppolice.gov.in/static/Act1861%20English.doc (accessed October 18, 2007), sec. 17. After the Chhattisgarh government raised the auxiliary police of SPOs between June 2005 and March 2006, the Chhattisgarh legislature enacted a new law—Chhattisgarh Police Act, 2007. Human Rights Watch tried but was unable to get a copy of the new law. Unless the new law changes the provisions of the Police Act, 1861, the powers, training, and functions of SPOs remain the same. See below, section VIII A, Government recruitment and use of children as special police officers, for more details regarding recruitment of SPOs.

[36] Police Act, 1861, sec. 18.

[37] Human Rights Watch interviews with 18 SPOs, Dantewada and Bijapur districts, December 9-15, 2007.

[38] Police Act, 1861, secs. 17 and 18. Sec. 17 of the Police Act empowers the local Magistrate to appoint SPOs "for such time and within such limits as he shall deem necessary" when "it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace is not sufficient…" Sec. 18 of the Police Act states that SPOs shall have the "same powers, privileges and protection … as the ordinary officers of police."

[39] See below, section VIII A, Government recruitment and use of children as special police officers, for more details regarding the SPO program.

[40] Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007; Vishwa Ranjan, December 17, 2007. SP Sharma stated that there were 3,500 SPOs, but DGP Vishwa Ranjan stated that there were 3,800 SPOs.

[41] Ibid.

> The Indian Police Act does not envisage en masse recruitment of SPOs.... The wholesale arming of a social group to exterminate its enemies is not what is envisaged by sec. 17 of the Police Act, 1861. What the Chhattisgarh Government has done is to blatantly abuse the provision.[42]

Civil society challenges to a failed policy

The Indian central government now admits that Salwa Judum exacerbated the Naxalite conflict and violence in the region.[43] Several fact-finding teams and NGOs have repeatedly reported that Salwa Judum members and government security forces were using violent intimidation methods resulting in massive forced internal displacement, and have recommended that the Indian central and Chhattisgarh state governments stop supporting Salwa Judum. They have also recommended that the governments initiate action against all persons involved in committing crimes.[44] Activists also filed two petitions in the Supreme Court of India in 2007, seeking the court's intervention against the operation of Salwa Judum.[45] In April 2008 the court ordered the National Human Rights Commission (NHRC) to investigate allegations of human rights abuses by both sides.[46]

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[42] Email communication from K. Balagopal, Human Rights Forum (Hyderabad), to Human Rights Watch on May 7, 2008.

At the time of appointment of SPOs, between June 2005 and March 2006, the Chhattisgarh Police Act, 2007, was not in force and the only applicable law was the Police Act, 1861. During their interview with Human Rights Watch, Chhattisgarh police officials stated that they had not appointed SPOs after 2006, therefore implying that they had not appointed any SPOs under the Chhattisgarh Police Act, 2007. See below, Section VIII A, Government recruitment and use of children as special police officers, for more details regarding recruitment of SPOs.

[43] "Status Paper on the Naxalite Problem," paper tabled by the Union Home Minister Shivraj Patil, March 13, 2006, http://satp.org/satporgtp/countries/india/document/papers/06Mar13_Naxalite%20Problem%20.htm (accessed August 29, 2007); Ministry of Home Affairs, Government of India, "Annual Report 2006-2007," http://mha.nic.in/pdfs/ar0607-Eng.pdf (accessed May 13, 2008), p. 24. The report states: "Chhattisgarh has seen higher levels of violence and casualties. Stepped up violence in Chhattisgarh is attributed mainly to greater offensive by Naxalites to derail Salva Judum, which is a voluntary and peaceful initiative by local people against Naxalites in Dantewada district of Chhattisgarh."

[44] Nine different teams have been to this region and have made recommendations to the government.

[45] *Nandini Sundar and others* v. *State of Chhattisgarh,* Writ Petition (Civil) No. 250 of 2007 and *Kartam Joga and others* v. *State of Chhattisgarh and Union of India,* Writ Petition (Criminal) No. 119 of 2007. The Supreme Court of India clubbed both the petitions under *Nandini Sundar and others* v. *State of Chhattisgarh.*

[46] *Nandini Sundar and others* v. *State of Chhattisgarh,* Criminal Miscellaneous Petition No. 6462 of 2008, Order, April 15, 2008, http://courtnic.nic.in/supremecourt/temp/wc%2025007p.txt (accessed April 17, 2008).

NGO fact-finding teams have also appealed to Naxalites to end their violent backlash against Salwa Judum.[47] Many human rights groups and activists are making an effort to bring together a group of respected and neutral citizens who can mediate between the government and Naxalites to end this cycle of violence.[48]

[47] Human Rights Forum, "War in Dantewara," p. 44; Independent Citizen's Initiative, "War in the Heart of India," p. 48; Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," p. 7.

[48] Human Rights Watch telephone interview with K. Balagopal, Hyderabad, February 5, 2008 (second interview).

IV. Abuses by Salwa Judum

From the escalation of the conflict in June 2005 until mid-2007, Salwa Judum leaders typically spearheaded its activities with the support of government security forces. Salwa Judum leaders mostly consist of people aggrieved by Naxalite activities—contractors or middlemen, members of non-tribal and landed tribal communities, sarpanches (village officials), patels (village headmen), and priests.[49] Salwa Judum members—ordinary tribal and non-tribal civilians, including children—carried out their leaders' instructions and conducted operations along with government security forces. They travelled from one village to another, particularly to villages that they believed were Naxalite strongholds, conducting violent raids, combing them for Naxalites, evacuating villagers to government-run camps (also known as Salwa Judum camps, base camps, or relief camps), and in some cases, beating, raping, and killing villagers.

During this period, Salwa Judum members and government security forces used a range of coercive techniques to force civilians to participate in Salwa Judum meetings or to relocate them to camps. They routinely claimed that villagers who did not join Salwa Judum must be Naxalites. On many occasions, they also carried out reprisal measures against camp residents who returned to their villages or against persons who fled from Chhattisgarh and settled in Andhra Pradesh.

The Indian central and Chhattisgarh state governments deny providing support to Salwa Judum.[50] The Chhattisgarh government has maintained that:

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[49] Human Rights Forum, "Death, Displacement and Deprivation: The War in Dantewara: A Report," 2006, http://cpjc.files.wordpress.com/2007/07/hrfdantewadareport.pdf (accessed October 2, 2007), p. 26; Independent Citizen's Initiative, "War in the Heart of India, An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh," 2006, http://rightsandresources.org/blog/WarintheHeartofIndia.pdf (accessed July 16, 2007), pp. 21-22; Human Rights Watch interview with Pottem Satish (pseudonym), former resident of Errabore camp, location withheld, December 6, 2007. Satish told Human Rights Watch that sarpanches (heads of elected village councils) and "influential people" are made camp leaders.

[50] Human Rights Watch interviews with K. R. Pisda, district collector of Dantewada district, Dantewada, December 10, 2007; Rahul Sharma, superintendent of police of Dantewada district, Dantewada, December 10, 2007 (first interview); Ministry of Home Affairs, Government of India, "Annual Report 2006-2007," http://mha.nic.in/pdfs/ar0607-Eng.pdf (accessed May 13, 2008), p. 24. The report describes Salwa Judum as a "voluntary and peaceful initiative by local people against naxalites in Dantewada district [undivided] of Chhattisgarh."

> The *'Salva Judum'* movement is people's initiative and it is reiterated that *'Salva Judum'* is not State sponsored. The State is committed to resolve the problem of Naxalism and any peaceful movement, which resists the violent methods, definitely gets support of States.... *Salwa Judum* is not a vigilante force but a spontaneous people's resistance group comprising of local tribals. The State cannot stifle the people's initiate [sic] taken by local tribals to counter Naxalism.[51]

In our research, however, we found overwhelming evidence of state support for Salwa Judum. Government security forces either actively participated in Salwa Judum abuses or, despite being present at the scene, failed to prevent Salwa Judum members from committing abuses. In fact, the chairperson of the second Indian Administrative Reforms Commission (a commission of inquiry set up by the president of India) criticized the Chhattisgarh government for delegating its law and order powers to an "extra constitutional [prohibited by the Constitution] power" like Salwa Judum. [52]

While there is evidence that joint raids by government security forces and Salwa Judum members have been on the decline since mid-2007, the practice has by no means ended—reprisals against villagers who leave camps are ongoing. The Chhattisgarh state government claims that it upholds the rule of law. However, over a three-year period starting mid-2005 it has shown little willingness to directly take on Salwa Judum as an abusive vigilante force and prevent government security forces from participating in such abuses.

Under international law, the Indian central and Chhattisgarh state governments are ultimately responsible for the lives and well-being of the population. Internationally

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[51] *Nandini Sundar and others* v. *State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007, Counter Affidavit on Behalf of Respondent, January 22, 2008, pp. 308-9, para. 8; Sur-Rejoinder on Behalf of Respondent State of Chhattisgarh, April 10, 2008, p. 513, para. 4a.

[52] Nitu Jain, "UPA wants C'garh anti-Naxalite village militia disbanded," video report, *IBN Live Video,* March 18, 2008, http://www.ibnlive.com/videos/61451/upa-wants-cgarh-antinaxal-village-militia-disbanded.html (accessed March 18, 2008). In an interview with IBN Live, a leading Indian news and current affairs channel, the chairperson of the Administrative Reforms Commission, Veerappa Moily, said, "Salwa Judum will amount to being an extra-constitutional power which you cannot have," and further implied that Salwa Judum was in fact acting as the agent of the state. He continued, "[i]f there is a constitutional government, it is the duty of the constitutional government to function, [and] not delegate its power [to Salwa Judum]." Ibid.

recognized human rights set out in core human rights instruments guarantee all people equal and inalienable rights by virtue of their inherent human dignity.[53] Under these instruments, the state as the primary duty holder has an obligation to uphold these rights. This includes not only preventing and punishing human rights violations by government officials and agents, but also protecting communities from criminal acts committed by non-state actors such as Salwa Judum members.

India is party to the International Covenant on Civil and Political Rights (ICCPR), one of the core international human rights treaties. The Human Rights Committee, the expert body that monitors compliance with the ICCPR, has observed that a state party's failure to "take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities" itself constitutes a violation of the ICCPR.[54] Similarly, the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions has observed that when "[a] pattern [of killing] becomes clear in which the response of the Government is clearly inadequate, its responsibility under international human rights law becomes applicable. Through its inaction the Government confers a degree of impunity upon the killers."[55]

A. Salwa Judum raids on villages coercing civilian participation

Human Rights Watch interviewed 52 individuals who were eyewitnesses to Salwa Judum raids on 18 villages in Dantewada and Bijapur districts. Each of these villages had been destroyed or vacated due to Salwa Judum raids since June 2005. These

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[53] UN Office of the High Commissioner for Human Rights (OHCHR), "International Law—The Core International Human Rights Instruments," undated, http://www2.ohchr.org/english/law/index.htm#core (accessed April 20, 2008). Seven of the nine core international treaties are in force. India is party to four of the seven core treaties that are in force—the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, acceded to by India on April 10, 1979; the International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by India on April 10, 1979; the Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, acceded to by India on December 11, 1992; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. Res. 34/180, 34 UN GAOR Supp. (No. 46) at 193, UN Doc. A/34/46, entered into force September 3, 1981, ratified by India on July 9, 1993.

[54] UN Human Rights Committee, "The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (art. 2)," General Comment No. 31, UN Doc. CCPR/C/74/CRP.4/Rev.6, March 29, 2004, para. 8.

[55] Philip Alston, "Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions," E/CN.4/2005/7, December 22, 2004, http://www.extrajudicialexecutions.org/reports/E_CN_4_2005_7.pdf (accessed April 15, 2008), para. 72.

persons also gave Human Rights Watch a list of 26 additional villages that they said were burned by Salwa Judum members.[56] A petition filed in the Supreme Court of India estimates that between June 2005 and August 2007 Salwa Judum members and government security forces killed 537 villagers, burned 2,825 houses, and looted many thousands of other houses in Dantewada and Bijapur districts.[57]

All the eyewitnesses to Salwa Judum *padyatras* (rallies) in their villages stated that these were violent events aimed at either enlisting their participation in Salwa Judum meetings or relocating them to camps.[58] The coercive tactics ranged from threatening and imposing fines, to beating, abducting, and killing villagers, and burning and looting hamlets (See Appendix I).

According to some villagers, during Salwa Judum's most active period, between June 2005 and the monsoon season of 2007 (June to September), Salwa Judum members and government security forces conducted raids on their villages at least two or three times every month, and sometimes every day. Eyewitnesses estimated that they came in numbers varying from 50 to 2,000.[59] For instance, describing the number of people who raided his village, one local resident pointed to a field approximately the size of a soccer field and said, "this entire field was filled with them [Salwa Judum members and government security forces]."[60] During such raids Salwa Judum members were usually armed with sticks, axes, daggers, spears, and bows and arrows, while government security forces were armed with rifles.[61]

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[56] Chintagupha, Jinetong, Nilamadgu, Dongrigudem, Ethuguppa, Mukram, Singaram, Nillampalli, Penta, Baiyampalli, Parlagatta, Tolewarti, Kursangal, Kariguda, Gondupalli, Kondasawali, Gorkha, Kotacheru, Nagaram, Bandaras, Gaganapalli, Gomapad, Regadgatta, Maraiguda, Tetrai, and Arlampalli.

[57] *Kartam Joga and others* v. *State of Chhattisgarh and Union of India,* Writ Petition (Criminal) No. 119 of 2007.

[58] Fifty-two eyewitnesses from 18 different villages described Salwa Judum rallies and recounted threats, abductions, beatings, killings, rape, pillage, and village burnings in their hamlets—Sankanpalli, Durma, Darbha, Nambi, Kamarguda, Surpanguda, Boreguda, Nayapara, Lingagiri, Kothooru, Pisheypara, Etagatta, Nendra, Ramavaram, Pidmel, Tolnai, Mukudtong, and Sunnamguda.

[59] Human Rights Watch interview with numerous displaced persons from different villages in Dantewada and Bijapur districts who witnessed raids by Salwa Judum and government security forces, Warangal and Khammam districts, November 29-December 8, 2007. In their descriptions, these individuals gave different numbers for Salwa Judum members and government security forces who raided their village.

[60] Human Rights Watch group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

[61] Human Rights Watch interview with numerous displaced persons from different villages in Dantewada and Bijapur districts who were victims of raids by Salwa Judum members and government security forces, Warangal and Khammam districts,

Sometimes the raid was preceded by a mandatory Salwa Judum public meeting. Explaining why her family members attended Salwa Judum meetings, Vasanti Kumar said,

> Judum people told them [family members] that everyone should go for the meeting or else they will have to pay a fine of 500 rupees [roughly US$12] for each member in the family. My sisters and mother had no money so two of my sisters went for the meeting.[62]

A woman from Kothooru described how Salwa Judum members and government security forces came to her village, beat her, and forcibly took her to a Salwa Judum meeting.[63] Another woman from Neeram attended a meeting because Salwa Judum leaders had given a letter to a local sarpanch stating that if they did not come, then their village would be attacked.[64] One villager from Nambi described how Salwa Judum and government security forces went to the weekly market and intimidated villagers into attending meetings or relocating to camps.[65]

In these public meetings, Salwa Judum leaders appealed to villagers to join Salwa Judum to fight Naxalites. A teenage boy who attended the public meeting in Basaguda in June 2006 recounted the speeches at these meetings:

> [They used to say,] "We [Salwa Judum] won't keep Naxalites in this country. We will chase them away to another country. We will all form Salwa Judum together and chase Naxalites. Come and stay with us in the camps to help us fight Naxalites."[66]

November 29-December 8, 2007. These victims were consistent in their description of the nature of weapons carried by Salwa Judum members and government security forces.

[62] Human Rights Watch interview with Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

[63] Human Rights Watch interview with Sita (pseudonym), IDP from Kothooru, village K1, Khammam district, December 1, 2007.

[64] Human Rights Watch interview with Mandavi Siddharth (pseudonym), person displaced from Neeram, location withheld, December 11, 2007.

[65] Human Rights Watch interview with Kalma Pandu (pseudonym), IDP from Nambi, village W7, Warangal district, December 1, 2007.

[66] Human Rights Watch interview with teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007.

Sometimes senior police officials, administrative officials, and politicians attended these meetings.[67]

In some cases Salwa Judum members took away children and adults (both male and female) to attend meetings. In some others they took away only men and boys, leaving behind women, girls, and young children. Sometimes people who were forcibly taken to attend meetings were prevented from returning—to force the family to relocate to Salwa Judum camps. Explaining how the men who were taken away did not return, Mihika said,

> I waited for my husband to come back but he did not return at all. He was taken to the camp [by Salwa Judum] about two years ago [in 2005]. So I ran away and came towards [name of place withheld] thinking it would be safer here.[68]

Mihika left her village and moved to another village with her five children who were all under age eight. She did not know where her husband was for a long time. She said that her husband eventually managed to escape from the camp and came looking for his family.[69] Several other people interviewed by Human Rights Watch described similar experiences.[70] Kaskul Naiyya said,

> They [Salwa Judum and CRPF] forced all the men to go with them [for the meeting], including boys. Judum took away boys his age [pointing to a boy who said he was about age 13] as well. If there were no male

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[67] Human Rights Watch interviews with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007; IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007; Santosh Poonyem, Bijapur district chief bureau for *Dainik Prakhar Samachar* (Hindi newspaper), Bijapur, December 14, 2007.

[68] Human Rights Watch interview with Mihika (pseudonym), location withheld, December 11, 2007.

[69] Ibid.

[70] Human Rights Watch interviews with Madkam Dhairya (pseudonym), camp resident, Jailbada camp, December 13, 2007; camp resident (who chose to remain anonymous), Dornapal camp, December 12, 2007.

> members in the house, then they would take the woman from that house. The people they took did not return home.[71]

Naiyya's brother, age 17, who was forcibly taken away along with her uncle to attend a meeting, returned after a few days and told them that they had been taken to a Salwa Judum camp. But her uncle was prevented from returning.[72]

Salwa Judum members harassed villagers who did not voluntarily relocate to camps. For instance, one strategy was to cut off villagers' access to the weekly market.[73] One villager said,

> People from Neeram are not allowed to cross the [Indravati] river anymore—even to go to the market. They have to go all the way to Naranyanpur market, which is a two-and-a-half-days' walk.[74]

A villager from Lingagiri described how after a Salwa Judum meeting in Lingagiri in early 2006, government security forces asked all villagers who had not relocated to the Basaguda camp to report at the police station every day. He said,

> After the meeting, we had to go to Basaguda police station everyday. One member from each family had to go everyday and report that we are still there [and had not joined the Naxalites]. The timing for reporting was fixed—around 8 to 9 a.m. If we didn't go, the other villagers would be questioned and when we went the next time we would get threatened and beaten by Salwa Judum members. Even if we

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[71] Human Rights Watch interview with Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007. The Central Reserve Police Force or CRPF is a paramilitary police force deployed by the Indian central government in the region.

[72] Ibid.

[73] Human Rights Watch interview with Kosambi Mukesh (pseudonym), IDP from Durma, village W6, Warangal district, November 30, 2007.

[74] Human Rights Watch interview with Mandavi Siddharth (pseudonym), person displaced from Neeram, location withheld, December 11, 2007.

> were sick we had to go and report in the police station if we didn't want to get beaten the next time.[75]

Typically, if villagers refused to relocate to camps despite threats and harassment, then Salwa Judum members and government security forces used other coercive techniques—they terrorized civilians by beating or abducting them, taking away their livestock, and burning huts and at times entire villages.

Raids on villages usually came without warning. "As soon as Salwa Judum members and CRP people [CRPF] entered the village, they started beating people and setting huts on fire. They didn't make any announcements or give any orders [to vacate the village]," said Vachcham Ragu from Sankanpalli.[76]

Describing an attack by Salwa Judum and government security forces on Pidmel, one villager said,

> Judum came to my village along with SPOs [special police officers] for the first time in summer last year [2006]. They came and surrounded the entire village. Some of us managed to run into the jungle before they surrounded the village and some got caught. Those who got caught got beaten severely. They came three times to our village. First two times they beat people. The first time they came they also burned eight huts. My hut was not burned. Though they took away all the livestock—the poultry and goats. I lost three goats. They also looted all my utensils, our clothes, blankets, and barrels.[77]

In many cases Salwa Judum members along with government security forces killed civilians and raped women to terrorize them and force relocation. Human Rights Watch received reports from villagers of approximately 55 killings of family members,

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[75] Human Rights Watch interview with IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007.

[76] Human Rights Watch interview with Vachcham Ragu (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007.

[77] Human Rights Watch interview with Tati Dhiren (pseudonym), IDP from Pidmel, village K8, Khammam district, December 6, 2007. See above, section III, Background, for additional information regarding SPOs.

friends, or acquaintances but was not able to independently verify every case.[78] While most villagers typically fled at the first sign of a Salwa Judum raid, they sometimes returned to their villages to find bodies of people who were not able to escape.

A villager from Kamarguda explained how he cremated others from his village, and fled for safety:

> There were around 50 huts in my village and all were burned by Salwa Judum members and police. They also killed three people—slit open their throats. [When we were fleeing] they [Salwa Judum members and government security forces] caught them [others from his village] in the jungle and then took them. Don't know where. I don't know where they killed them; maybe they killed them in the police station. But later we found their bodies in the Jagargonda jungle. Some of us found the bodies and cremated them. We found Mandavi Podiya's (age 70), Mandavi Budra's (age 40), and Mandavi Unga's (age 30) bodies. I left the next day.[79]

Villagers from Mukudtong described a raid on their village "immediately before *dusshera* [an Indian festival in September-October] in 2006":

> Judum and police came to our village. They came in three or four trucks, and many more on foot.... Came and burned our village—about six huts were set on fire. The very first time they came, they came early in the morning—something like 4 a.m. They first burned some huts and then announced that if we did not vacate our village and go to Injeram camp this would be the fate of everyone in the village, and that they would burn all the huts .... They also beat the sarpanch [village official] and the *poojari* [priest]. They beat others also. The people who came

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[78] Human Rights Watch interviews with numerous displaced persons from different villages in Dantewada and Bijapur districts who were victims of raids by Salwa Judum and government security forces, Warangal and Khammam districts, November 29-December 8, 2007. See Appendix I for list of villages from where IDPs reported killings.

[79] Human Rights Watch interview with Irma Gokul (pseudonym), IDP from Kamarguda, village W7, Warangal district, December 1, 2007.

> to our village had bows and arrows, sticks, and the police had rifles. From our village they also raped [name withheld] (about age 20). They raped her and left her in the village itself.[80]

Salwa Judum members came back again and burned their entire village. They continued,

> Judum members came again after a month in the afternoon. This time they killed Madkam Adma (age 50). They shot him and stabbed him. Adma was in his house when this happened. They burned the entire village. The second time people came on foot only—Judum with SPOs and CRP police [CPRF]. SPOs were wearing police uniforms.[81]

The villagers said Mukudtong was not close to the road, making access difficult. Villages that were close to the roads had it worse, they said:

> In Kotacheru they used to go almost every day because it was very close to the road. They killed five to six people. One of them was the patel [village headman]. His name was also Madkam Adma. We don't know the other names. [We heard that] they [Salwa Judum members and government security forces] raped many women from Kotacheru but we know only one of them who was raped—her name is [name withheld] (about age 22).[82]

Villagers also reported that Salwa Judum members abducted many people from markets and took them to camps. One villager from Toodayem said,

> I had gone to the Matwada bazaar one day last year [2006] and Judum people saw me in the bazaar, caught me, and started beating me. They

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[80] Human Rights Watch interview with Vadtam Veera and Vadtam Cheena (pseudonyms), IDPs from Mukudtong, village K10, Khammam district, December 7, 2007.

[81] Ibid.

[82] Ibid. Note that this Madkam Adma is a different individual from the Madkam Adma named in the previous account. It is not unusual for villagers to have identical names.

> beat me with *chappals* [slippers] and *lathis* [sticks] on my face and back. I have lost my hearing in one ear after this. They kept screaming "*Sala* [derogatory term] you are with Naxalites and you are supplying them with food." And they were saying to each other "Let's slit his throat and throw him in the gutter." They dragged me to the Bhairamgarh camp. I had no extra clothes or food.[83]

Another villager from Tolnai said Salwa Judum members abducted around 15 people from his village who had gone to the weekly market in Errabore during the harvest season in 2006, and took them to Konta camp. [84]

In some cases, villagers "disappeared" after they were forcibly taken away by Salwa Judum members or government security forces: their relatives had no further information about them. Kadti Gowri from Nendra said that in February 2006 Salwa Judum members and government security forces forcibly took her to Errabore camp along with three others—her son-in-law, and his brother and father. The last she saw them was near a river behind Errabore camp. She said that she had searched for them, had not found them, and still did not know their whereabouts at the time of her interview with Human Rights Watch in December 2007. She fears that Salwa Judum members or government security forces may have killed them.[85]

B. Coercing camp residents' participation in Salwa Judum

Not only were villagers forcibly evicted from their villages and moved into camps, but once in the camps, they were coerced into participating in Salwa Judum's activities, which included attending meetings, going on processions, and even raiding other villages. One former resident of Mirtur camp narrated the trauma of camp residents:

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[83] Human Rights Watch interview with Madavi Abhinay (pseudonym), IDP from Toodayam, village K9, Khammam district, December 11, 2007.

[84] Human Rights Watch group interview GR4 with IDPs from Tolnai (who chose to remain anonymous), village K9, Khammam district, December 7, 2007.

[85] Human Rights Watch interview with Kadti Gowri (pseudonym), IDP from Nendra, village K11, Khammam district, December 8, 2007.

> All able-bodied men had to participate in all Salwa Judum's processions—even 12-year-olds had to participate in Salwa Judum's meetings.... We had to also go with them to burn our own village. We could not say no because then we would get beaten brutally. We were very scared of them and were sure that we will be beaten if we refused to go with them on such processions. They used to also force us to carry weapons on these processions. And the people who did not go got beaten severely.[86]

A former resident of Errabore camp described the hierarchy and rules in the camp. She said,

> When Judum members want to go to a village or have a meeting, ... the sarpanch either asks everyone to go or says that one member from each family [at the camp] should go. My father used to go from our family. When they announce that villagers should go with them to other villages, they also announce that whoever is going should carry weapons with them—whatever they have in their homes—axes, sickles, sticks, whatever. If some family does not go for these meetings or rallies, then the supply of provisions to the family is cut off. [87]

Another former resident of Geedam camp (now Kasoli camp) complained,

> During that time [our stay in the camp], the government did not give us anything to eat—no [food] rations—nothing. On top of that, they would ask us to go for meetings and rallies. Imagine being hungry and going for these meetings. Some people refused and got beaten severely. All youngsters, that is, able-bodied men were supposed to go for these meetings and we had no choice.[88]

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[86] Human Rights Watch group interview GR3 with former residents of Mirtur camp (who chose to remain anonymous), other details withheld.

[87] Human Rights Watch interview with Poosam Kanya (pseudonym), former resident of Errabore camp, location withheld, December 5, 2007.

[88] Human Rights Watch interview with Mandavi Siddharth (pseudonym), person displaced from Neeram, location withheld, December 11, 2007.

One resident from Jailbada camp tried to escape but was caught, brought back to the camp, and forced to attend Salwa Judum's meetings and rallies. Narrating how he was routinely harassed, he said,

[W]hen I tried going back, the police caught me, brought me back, and beat me. I have to go for meetings and rallies with Judum members. If I do not participate, then they [government security forces] drag me out of the house and say "Go back to your village" and force me to leave; or they threaten to beat me. Then if I go back [to the village], they come looking for me, beat me, and bring me back.[89]

C. Salwa Judum reprisals against villagers who leave camps

Many camp residents return to their villages during the day to restore their homes and cultivation. Some flee from the camps and attempt to return to their villages permanently.

Salwa Judum leaders from Dantewada told Human Rights Watch that "villagers are free to go wherever they want."[90] Several government officials also stated that camp residents are free to leave and return to their villages. The Dantewada Superintendent of Police Rahul Sharma assured Human Rights Watch:

> It [the camp] is not a concentration camp and no one is forced to come here. People have been living in the camps for the last two years, but hardly anyone has gone back to their villages. It's all free. Anyone who wants to, can leave. They stay because of the government services.[91]

Another police officer from Dantewada stated,

> We advise villagers not to go to their villages out of concern for their security. If they tell us in advance that they want to go, we will provide

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[89] Human Rights Watch interview with camp resident (who chose to remain anonymous), Jailbada camp, December 13, 2007.

[90] Human Rights Watch interview with Ram Bhuwan Khushwaha, Salwa Judum leader of Dornapal camp, Dornapal, date withheld; Soyam Muka, Salwa Judum leader of Errabore camp, date withheld.

[91] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

> them with escorts. We go with them whenever they want to celebrate festivals in villages. But when they go to the villages without telling us it becomes a problem.[92]

The Dantewada district collector said the same, "People in the camps are free to go back to their villages, free to go anywhere at any time."[93]

These statements were contradicted by many camp residents who described reprisals for attempting to return to their villages. Salwa Judum members and government security forces have carried out reprisal measures against villagers who left camps. One former resident of Mirtur camp said that any attempt to leave the camp was viewed with suspicion. He said,

> People were not allowed to go to their villages. If we went to our villages and came back then we were beaten. If there was an attack on police anywhere, then we would get beaten. Judum leaders and SPOs beat us. They would call us for a meeting and when we were in the meeting they would start beating us. We used to get beaten severely at least once every week. They used to beat us with big sticks. Only the men were beaten and they used to say that we were also part of the group that attacked the police.[94]

These reprisals are ongoing. Describing a Salwa Judum attack on their village a week earlier in December 2007, the former resident from Mirtur camp said:

> Last Monday, Judum members came to our village and burned all the grain that we had harvested. They also beat a woman—they beat her with an axe. Even after we left the camp, Judum members used to keep coming to our village and take away our livestock. We do not stay in our village. We keep going back and forth between [village name

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[92] Human Rights Watch interview with police officer-1 (who requested anonymity), other details withheld.

[93] Human Rights Watch interview with K. R. Pisda, district collector of Dantewada district, Dantewada, December 10, 2007.

[94] Human Rights Watch group interview GR3 with former residents of Mirtur camp (who chose to remain anonymous), other details withheld.

> withheld] and [village name withheld] to avoid Salwa Judum whenever they come.[95]

Some residents who went to their village every morning to cultivate their fields described an attack on them in December 2007,

> Salwa Judum members from another village came a week ago and started beating people. They said, "We are staying in camps far from our villages. You are staying close to your village and go back and earn a livelihood [by cultivating your fields]. But we can't do the same." They threatened to pull roofs off the houses in the camp. The police, Salwa Judum, SPOs—all came. SPOs and CRP people [CRPF] beat us. They came in a large number—looked like a thousand. They beat 12 to 15 people.[96]

D. Salwa Judum reprisals against villagers who have fled to Andhra Pradesh

Salwa Judum and government security forces also cross over to Andhra Pradesh searching for people from Chhattisgarh who have settled there. In one case, they went to a village in Andhra Pradesh and abducted two men who had fled and settled there in February 2006. Eyewitnesses to the incident said that Irma Madan and Irma Vandan are brothers who were residing with them in the hamlet. Madan went to Surpanguda (in Dantewada district) in October 2007 to meet his cousin. His cousin then brought Salwa Judum members and government security forces to their village (in Warangal district) in search of Madan and his brother. The villagers said,

> Around November 14 or 15 [2007], his cousin came along with Salwa Judum and police. About 40 or 60 Salwa Judum and police came at night—7 or 7:30 p.m. Police stayed at the checkpost. He [the cousin] came to the village with Salwa Judum. Salwa Judum people stood over

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[95] Ibid.

[96] Human Rights Watch group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

> there [pointing to a location about 100 yards away]. He walked into the village with a bag and asked for Madan, and met him. Then he asked to go to the toilet and when he went out he came back with Salwa Judum people. They surrounded Madan and took him. Then they did the same to his brother. All the villagers were alerted only as Madan's wife started screaming. They left their wives and children behind and only dragged away the men … The brothers fell at the feet of Salwa Judum people and begged not to be taken but they were beaten and dragged. We couldn't go to their rescue because there were so many of them and we were so few of us. We were also very scared—Salwa Judum was armed with machetes and knives, and the police had big guns…. We still don't know what happened to them.[97]

The fear of reprisals is so high that people who have settled on the Andhra Pradesh side said that they hide and run when they see Salwa Judum members. A member of a group of displaced persons said,

> We have seen Judum and can even identify some of them because they are from neighboring villages from Chhattisgarh. These people usually come on motorcycles or in autos [rickshaws] and cover their faces with towels—so we cannot tell whether they are SPOs or Salwa Judum because sometimes SPOs also wear clothes like ours.[98]

One of the displaced persons continued,

> Judum members identified me and asked me where I live. I told them that I do not live here and I come here for agricultural labor and go back. I did not want to tell them where I lived because I was scared

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[97] Human Rights Watch group interview with numerous displaced persons from different villages in Dantewada and Bijapur districts who witnessed the abduction, village W7, Warangal district, December 1, 2007.

[98] Human Rights Watch group interview GR4 with IDPs from Tolnai (who chose to remain anonymous), village K9, Khammam district, December 7, 2007.

they would come here and do the same thing. This happened one month ago [in November 2007].[99]

[99] Ibid.

V. Abuses by the State

Although the director general of police (DGP) of Chhattisgarh stated that government security forces attend Salwa Judum rallies "because they have to be protected,"[100] nearly all of the people who reported Salwa Judum raids on their villages said that government security forces participated in the burnings, killings, and beatings.

When NGOs and human rights activists have brought to light human rights abuses and violations since mid-2005, the government has questioned the authenticity of their reports and largely ignored them, allowing human rights abuses and crimes to be perpetrated unchecked.[101] Chhattisgarh officials, including state police, have repeatedly harassed journalists and activists who reported such violations and abuses.

A. Killings, beatings, burnings, and pillage

Villagers consistently said that government security forces routinely participated in Salwa Judum raids through late 2007 and a number said that these security forces were still participating in reprisals up to the present.[102] A displaced person from Nayapara said, "Every day police used to come, beat us, threaten us, kill people, that's why we got frightened to death and ran here [Andhra Pradesh]."[103]

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[100] Human Rights Watch interview with Vishwa Ranjan, director general of police, Raipur, December 17, 2007.

[101] *Nandini Sundar and others* v. *State of Chhattisgarh*, Writ Petition (Criminal) No. 119 of 2007, Counter Affidavit on Behalf of Respondent, January 22, 2008, p. 310, para. 5(b). In their counter affidavit, the Chhattisgarh government "disputes the authenticity of report prepared by PUCL [People's Union for Civil Liberties] and other NGOs." NGOs fact-finding teams published their findings since 2006.

[102] See above, section IV, Abuses by Salwa Judum.

[103] Human Rights Watch group interview GR5 with four IDPs (who chose to remain anonymous) from different villages in Bijapur district, village K2, Khammam district, December 2, 2007.

Lohit Rao's account of a raid by government security forces in Boreguda

Lohit Rao, age 37, from Boreguda, described to Human Rights Watch a brutal attack on his village and family. Rao said that Salwa Judum members began visiting Boreguda in 2005, together with government security forces (Boreguda falls under Basaguda police jurisdiction in Bijapur district). While, over time, Salwa Judum members stopped coming, government security forces continued to raid his village. The last raid that he witnessed was in December 2006. He fled to Andhra Pradesh after that.

Rao told Human Rights Watch,

> On December 29, 2006 at about 5:30 a.m.... SPOs [special police officers] killed my father. That is, the new ones that have recently joined the police. They beat him with the rifle butt on his genitals also.... I was hiding and watching.
>
> We have two houses.... We had woken up and I was starting the fire [for heat] when they came and surrounded our village. They burned everything. If I tell you what all they took and burned, you will run out of paper and ink.
>
> They were asking my father to take them to the Naxalites.... Then they brought my sister out and beat her. Then they beat my mother. They took her [sister] to the fields and raped her. She was 18 years old. I could hear her screaming. I was so scared I didn't come out of my hiding place. I knew that if I came out, they would kill me also. Later, we found her body near the fields. They had put a gun in her mouth and shot her....
>
> About eight of them barged into my [other] house. We had so many utensils—enough to fill up a tractor. They took all of that and burned it.... On the same day they killed two others. Poojari Motiram and Poojari Ramaiah.... We found two bodies—Motiram's

> and my sister's in the fields. My father's in front of my house and Ramaiah's behind his house.... They burned about 22 huts in Boreguda....
>
> I know they were all SPOs because they were wearing khaki uniforms. They were few CRPF [Central Reserve Police Force] wearing the uniforms with flowers [camouflage]. I don't know how many SPOs and how many CRPF.[104]

On another occasion Lohit helped save a villager who was attacked by government security forces:

> On another day— this is before my father and sister were killed —they [government security forces] attacked another man [name withheld] who was taking his cattle to the fields. He was taken to the forests and they attacked him several times with daggers. He was stabbed on his chest, neck, palm, hand, and shoulder. They thought he died and left him there.
>
> [He] had gone with his two children to the fields. The children left the cattle, ran to the village, and told the villagers that the police had come and were beating their father. So around 20 villagers went to look for him. I was also there. We found him, put him in a bullock cart, and brought him to Cherla.... They kept him in the hospital for four days and then shifted him to Bhadrachalam hospital. We spent 5,000 rupees (roughly US$125). He survived the attack and now lives in Andhra Pradesh.[105]

[104] Human Rights Watch interview with Lohit Rao (pseudonym), IDP from Boreguda village, village K2, Khammam district, December 2, 2007.

[105] Ibid.

A villager from Surpanguda narrated how government security forces came in helicopters and set his village on fire:

> There are around 250 huts in my village, in different clusters. One year ago when I was staying there, the police came to my village—approximately in August 2006. They came and set fire to around 26 houses. I was there when the huts were set on fire. But because my village is very big and is in clusters, my cluster was not set on fire…. But I could see what was happening from my side. The people from the village started running as soon as they heard helicopters approaching and landing. Police came in three helicopters, landed there, and set huts on fire….
>
> The police again came a second time in October this year [2007] and set huts on fire. This time they did not come in helicopters. They came by foot, and set fire to about eight huts.[106]

Some SPOs interviewed by Human Rights Watch also reported that government security forces participated in Salwa Judum raids. One SPO lamented how tribal communities were suffering because of the fighting: "Salwa Judum and police attack villages and burn them. It is sad because the Judum and police also kill *adivasis* [tribal communities] and Naxalites also kill *adivasis*. From both sides *adivasis* are getting trapped."[107] The SPO maintained that he had not joined these raids.[108]

When Human Rights Watch asked to speak with SPOs who had accompanied Salwa Judum members to villages, one police official made an announcement among SPOs inquiring which of them had gone to villages to burn them and bring villagers to

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[106] Human Rights Watch interview with Korsa Vijay (pseudonym), IDP from Surpanguda, village W7, Warangal district, December 1, 2007. Human Rights Watch mapped the time of the first attack as stated by this interviewee with secondary sources. It is possible that this incident occurred at the time the Indian central government briefly deployed the National Security Guard commandos in this region. However, Human Rights Watch cannot confirm that the National Security Guard commandos participated in the Surpanguda raid.

[107] Human Rights Watch interview with SPO1 (name and details withheld).

[108] Ibid.

camps.[109] Two SPOs came forward to share their experiences. SPO Kadti Soman said that he had gone with Salwa Judum members and government security forces to Uddinguda, Barraimuga, Birla, Gaganpalli, Ikkalguda, Kattanguda, and Darbaguda villages but was reluctant to elaborate on what SPOs had done in these villages.[110] He said, "We brought them [villagers] here [to the camp]."[111] Similarly, SPO Mandavi Mohan stated that he had gone with government security forces to Nendra in mid-2007 to "bring" villagers to the camp.[112]

Two other SPOs admitted to playing a role in starting the Jagargonda camp. One said, "I helped in starting the Jagargonda camp. We took the police and Judum there—we would go at around 3 or 4 a.m. for patrols and gather people. About 40-45 of us would go each time and bring people to the camp."[113] Another SPO stated, "Judum and police from Dornapal took people from Miliampalli, Kunded, Metaguda, Kodmer, and Tarlaguda to the Judum camp in Dornapal. I was part of them."[114]

Some villagers, Salwa Judum leaders, and NGOs said that joint combing operations by government security forces and Salwa Judum have been on the decline since the monsoon season of 2007 (June to September). A common explanation is that Salwa Judum members and government security forces wait for the end of the monsoon season due to poor visibility, and increase their activities during the summer because the visibility in thickly forested areas is better then.[115]

NGOs generally felt that due to the mounting criticism of Salwa Judum, government security forces had increased their anti-Naxalite operations independent of Salwa Judum, leading to a growing fear that the number of fake "encounter killings" (executions by government security forces staged to look like self-defense) and

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[109] Human Rights Watch interview with police officer-1 (who requested anonymity), other details withheld.

[110] Human Rights Watch interview with Kadti Soman (pseudonym), SPO, other details withheld.

[111] Ibid.

[112] Human Rights Watch interview with Mandavi Mohan (pseudonym), SPO, other details withheld.

[113] Human Rights Watch interview with SPO2 (name and details withheld).

[114] Human Rights Watch interview with SPO3 (name and details withheld).

[115] Human Rights Watch interviews with J. P. Rao, professor from Osmania University, location withheld, November 30, 2007 (second interview); Himanshu, Vanvasi Chetna Ashram, Kawalnar, December 9, 2007 (first interview).

extrajudicial killings will increase.[116] One tribal activist who works extensively in Bijapur and Dantewada districts shared his concerns,

> There is not much Salwa Judum activity now [December 2007] and Salwa Judum does not go on processions because these are too noisy and attract too much attention. Now only CRPF and SPOs go quietly and kill people. So now you will see that "fake encounters" are on the rise. There have been encounters in March and May 2007.[117]

As one senior human rights activist pointed out, such extrajudicial killings often are given a veneer of legality:

> SPOs are almost all Salwa Judum fellows given legal cover by the Government…. From the completely anarchic practice of security forces accompanying a civilian vigilante group [Salwa Judum] to burn and kill, they have shifted to a formally legal regime where the forces take the SPOs along. This is accompanied by another change. Earlier they would not announce the killings committed by them. They would let the bodies rot and be consumed by animals. Now they announce "encounter killings" and conduct an inquest and an autopsy.[118]

There are already allegations of such extrajudicial killings.[119] Human Rights Watch interviewed eyewitnesses to what official sources claim was an encounter with Naxalites in May 2007. According to the police, in an armed exchange with Naxalites, two Naxalites were killed and another was arrested in Nayapara. Villagers who witnessed the events that day alleged that the police had opened fire on unarmed civilians.

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[116] Human Rights Watch interviews with Rajendra Sail, People's Union for Civil Liberties, Raipur, December 17, 2007; Himanshu Kumar, Vanvasi Chetna Ashram, Kawalnar, January 28, 2008 (second interview).

[117] Human Rights Watch interview with A1 (name and details withheld), local activist, Dantewada, December 11, 2007.

[118] Email communication from K. Balagopal to Human Rights Watch on May 7, 2008.

[119] Human Rights Watch interviews with A1 (name and details withheld), December 11, 2007; Rajendra Sail, December 17, 2007; Himanshu Kumar, January 28, 2008.

Gangi, one of the villagers, said that her nephew Baman had come to stay with her in Nayapara in Dantewada to look for employment as a laborer. Six other young men, all in their early 20s, had also come with him. They had arrived on May 16, 2007, and the next morning they went to Dantewada town to see if they could meet a labor contractor. They failed to find work and returned with food rations and vegetables that they cooked and ate. At around 11 a.m., when they were resting outside Gangi's hut under a *mantap* (shed), a Marshall jeep arrived.

Baman's cousin, Aitey, was bathing at a hand pump nearby when the jeep arrived. She said that there were children playing there and her eight-year-old son was trying to learn how to ride a bicycle. Aitey said,

> I saw the Marshall. I thought that some people had come to buy some alcohol from us as people usually come for that. But several men got out and started firing at Baman and his friends. Everyone was running away from the firing. My son dropped his cycle and started running. I shouted, "Watch out, there are children!" and started running to shield my son. The men shouted back at me saying, "You are feeding Naxalites!" The firing continued. Two of Baman's friends were killed right away. The others ran away—except Baman.[120]

Meanwhile, Gangi said that she had heard the firing and had come out of her house to see what was happening:

> Baman did not escape. They caught him. They would not listen to him. He tried to explain that they had come here for work. They tied up his hands and feet and started beating him. He kept screaming he was innocent, but they were beating him. He screamed for help and called out to me to give him water, but I was too scared to go near him.[121]

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[120] Human Rights Watch group interview with Aitey and Gangi, Nayapara., Dantewada, January 29, 2008.

[121] Ibid.

The police called in reinforcements who arrived in a van to take away Baman and the corpses. Before they left, they raided Gangi's hut and took away everything. "They didn't even leave a spoon," she said.[122]

A few hours later, a policewoman arrived and took Gangi to the police station saying that they wanted to return her things. When she went to the police station the police informed her that they had found a rifle in her hut and wanted to question her. She was held in police custody for two days. "The police kept saying, 'Say that they [her nephew and his friends] were Naxalites and we will give all your things back.' But how could I? I cannot commit such a sin just because they would give my things back."[123]

The police returned a week later and took a number of Baman's relatives to the police station. Once again the police pressured them to change their testimony. Baman's cousin Aitey said, "They put us under a lot of pressure, accusing us of supporting Naxalites. Then they said, 'Say that Naxalites opened fire when the police came and that the police fired in retaliation.' But that is a lie, so we refused."[124]

Baman has now been charged with being a Naxalite, and the trial before the criminal court is pending.

While in some cases security forces actively joined with Salwa Judum in committing human rights violations, in others they have been passive spectators who failed to maintain law and order. In one instance police did not intercede to prevent Salwa Judum members from indulging in criminal acts even in police station premises. A group of women who went to the police station to plead for the release of their family members said that Salwa Judum members came there and beat them while the police stood and watched. As one of the women described, in April or May 2006,

> The police used to come and take some 20 to 30 women from our village and keep us in the police station and beat us … After about two

[122] Ibid.

[123] Ibid.

[124] Ibid.

> weeks [from the first visit to the police station], the Judum people came in [to the police station] and started beating us and that was the worst beating. They would beat us in front of the police and the police would not do anything. They beat us with *lathis* [wooden sticks] … Many women started bleeding from their nose and mouth. I bled from my mouth. When I regained consciousness I was in the police station compound itself. I had bruises all over my body and was swollen. Even today my left shoulder and left thigh hurt from the beating.[125]

B. Arbitrary detention, torture, and "disappearances"

Chhattisgarh police arbitrarily detain villagers as alleged Naxalites, and beat and question them about Naxalite activities. Villagers from Dantewada and Bijapur districts reported that police detained them for periods ranging from one day to one month, beat them, interrogated them for information regarding Naxalites, and then released them without producing them before any magistrate, or lodging a criminal case.[126] Villagers interviewed by Human Rights Watch reported six cases of arbitrary detention involving 34 persons. According to their accounts, a majority of the detainees were beaten while in police custody. One police informer candidly admitted that police beat suspected Naxalites who do not surrender.[127]

India is a party to the International Covenant on Civil and Political Rights, which requires a state to specify the legal basis on which individuals may be deprived of their liberty, and the procedures to be used for arrests and detentions.[128] Only arrests and detentions conducted in accordance with such rules are considered lawful.

Article 22 of the Indian Constitution provides that a detainee "shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of

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[125] Human Rights Watch interview with Emla Sunita (pseudonym), IDP from Lingagiri, village K2, Khammam district, December 2, 2007.

[126] Human Rights Watch interviews with persons displaced from Lingagiri, Sunnamguda, and B2, Khammam and Dantewada districts, December 1, December 8, and December 15, 2007 respectively.

[127] Human Rights Watch interview with police informer (name and details withheld).

[128] ICCPR, art. 9.

the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate."[129] In addition, all arrests and detentions should be in accordance with the D.K. Basu guidelines issued by the Supreme Court of India.[130] These guidelines state that the police should arrange for regular medical examinations of detainees every 48 hours, detainees should be allowed to contact their lawyers during interrogation, and a friend or relative of the detainee should be informed of the arrest and the location of detention.[131] Children should be arrested and tried in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2000. This law forbids the police from arresting and detaining children in police lock-ups or jail. It requires the police to transfer child detainees to a juvenile home immediately after arrest.[132]

One villager from Lingagiri recounted how around April or May 2006 the police detained and beat him along with seven others:

> After the [Salwa Judum] meeting in Basaguda, that is, after about two months [of the Salwa Judum meeting], the police came and took us to the police station—eight of us. They came at 6 a.m. and took us. Police came to arrest some people. A few boys came running into my house for shelter. I came out to protect them but got arrested myself. I was also beaten a little but the other boys got beaten severely—with *dandas* [thick wooden sticks]. They kept me in the police station for eight days. We were all detained, questioned about Naxalites, and asked to show where Naxalites were.[133]

Two of the eight detainees were children who were studying in class 10 at the time of arrest. He continued,

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[129] Constitution of India, 1950, http://lawmin.nic.in/coi.htm (accessed March 18, 2008), art. 22(2).

[130] *D. K. Basu* v. *State of West Bengal*, (1997) 1 SCC 416.

[131] Ibid.

[132] Juvenile Justice (Care and Protection of Children) Act, Act 56 of 2000, http://wcd.nic.in/childprot/jjact2000.pdf (accessed June 15, 2008), Chapter II.

[133] Human Rights Watch interview with IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007.

> One of the boys got beaten a lot with the butt of the rifle—and he got beaten all over his body. He was screaming a lot and became unconscious. Two people were detained in the police station as guarantee when the others were released. The police told us that if anything happens to them [police] and Naxalites attack them, then they will send the boys to jail. [name withheld] is the class 10 student who was beaten badly. The two people who were detained as guarantee are [name withheld], also a class 10 student, and his father [name withheld].[134]

Another villager from Lingagiri narrated how the police tried to lure him with a cash award to go into a school and recover a rifle which they said the Naxalites had left behind. He said he recognized the police's request as a ploy to plant evidence on him and arrest him as a Naxalite. When he refused to go into the school, the police repeatedly pushed his face into a nearby stream, took him to the police station, and beat him. As he described, in mid-2006,

> The police came at around 2 p.m. in the afternoon when I was relaxing with my child at home. They barged into my house and took me and tied my hands at the back. They told me that they had not seen me around earlier and so I must be a Naxalite. They also threatened to kill me if I attempted to run away…. When we reached the school the police asked me to go inside the school and bring a rifle that they knew Naxalites had hidden. They said, "Naxalites have kept a rifle in that school, go and get it and the government will give you 1,500 rupees [roughly US$37]. Government will also give you a uniform." I refused to go inside the school. I realized that it was a trap and that the police would take a picture of me with the rifle if I picked it up, kill me, and pass me off as a Naxalite. They kept me there for about 45 minutes. At the stream they dunked me in the water 3-4 times and started interrogating me regarding the whereabouts of Naxalites,

[134] Ibid.

> asking me to show them where Naxalites were, and threatened to kill me. They did this for about 30 minutes.[135]

He said that the police subsequently took him to the police station, called some Salwa Judum members, and asked them whether they recognized him. Since he had met some of them at village cockfights on market days, they recognized him, and told the police he was not a Naxalite. The police then released him. He said that he saw around 100 detainees kept in a thatched-roof shed inside the police station compound.[136]

Tati Somesh from Sunnamguda said that the police detained him for 18 days, beat him, and tortured him with electrical charges:

> In 2005, the police took me to the Konta police station. They said I was a Naxalite. One afternoon when I was having tea in a roadside shack two policemen came and took me in a vehicle. They put me in a room in the police station and started beating me. Five people wearing uniforms beat me. They beat me with rods and also ran electric current through my body…. They kept me in the police station for 18 days. They beat me on my face and head till I started bleeding from my nose. They were all drunk at night and asked me where I had planted bombs. They told me that they will give me lots of money—lakhs and lakhs [hundreds of thousands] if I admitted to having planted bombs. When they beat me, I became unconscious. Later they passed electric current through my body—they put the rods on my hands and on my buttocks. Throughout I was handcuffed and kept in a room…. They did not lodge any case against me. After I was released I stayed in my house for a few days, and left my village.[137]

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[135] Human Rights Watch interview with IDP-2 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007.

[136] Ibid.

[137] Human Rights Watch interview with Tati Somesh (pseudonym), IDP from Sunnamguda, village K11, Khammam district, December 8, 2007.

A woman from Nendra said she saw the police take away her sister in 2006. As of December 2007 there was no news of her whereabouts. The guidelines issued by the Supreme Court of India in D.K. Basu's case state that the relatives or friends of a detainee have the right to know the location where a detainee is being held. Since the police did not disclose any information about the fate of the detainee or the location, the detention is considered an enforced disappearance under international law.[138] Describing how her sister was taken away, the eyewitness said,

> When they [police] came the second time, my sister and I were picking [vegetables] in the fields. Police came and I just managed to run away. When I turned around and saw, they had caught my younger sister and she was being taken away. She was about 16 or 17 years old then. I did not wait to see anything else because I was scared and I kept running. She did not come back at all…. We have no news of her until today. On the same day they took 10 people from old Nendra. I knew one of them—Veko Dhula, about 50 years old. I do not know the others personally. We heard that they were taken to the Errabore police station but after that we do not know what happened to them. We have had no news of these 10 people.[139]

C. Failure of the government to investigate abuses

Even though Chhattisgarh state government officials maintain that they "are committed to the Rule of Law" and "[t]here is no failure on the part of State of Chhattisgarh [to investigate] and therefore independent investigation is uncalled for and unwarranted,"[140] police and other state government officials were unable to provide Human Rights Watch with any information regarding the investigation or prosecution of members of government security forces or Salwa Judum for human rights abuses and crimes. Several NGO fact-finding teams have exposed these

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[138] See International Convention for the Protection of All Persons from Enforced Disappearance, adopted September 23, 2005, E/CN.4/2005/WG.22/WP.1/Rev.4 (2005). India signed but has yet to ratify the convention.

[139] Human Rights Watch interview with Modiyam Geeta (pseudonym), IDP from Nendra, village K10, Khammam district, December 7, 2007.

[140] *Nandini Sundar and others* v. *State of Chhattisgarh*, Sur-Rejoinder on Behalf of Respondent State of Chhattisgarh, April 10, 2008, p. 519, para. 15.

human rights abuses, and recommended that the government initiate investigations.[141]

Senior police officials from Chhattisgarh contend that Salwa Judum is a peaceful movement but admit that some abuses occurred "initially."[142] They maintain, however, that such abuses are "no longer occurring."[143] In response to Human Rights Watch's concern that abuses by Salwa Judum members and government security forces are ongoing, the Dantewada superintendent of police said,

> What is Salwa Judum? Can you define it? There are only people in camps now. There is no such thing as Salwa Judum anymore. It is just a name that has stuck on…. Initially there were some complaints of SPOs bullying civilians and we have removed these SPOs.[144]

Similarly, according to the director general of police of Chhattisgarh, during the early days of Salwa Judum in 2005, "SPOs' anger was high and they became unruly because they had lost family members."[145]

Contrary to official claims that abuses occurred only in the "initial" stages due to the "anger of SPOs," villagers shared with Human Rights Watch stories of abuses and reprisals by Salwa Judum members and government security forces (not limited to SPOs) through December 2007.[146] Human Rights Watch also documented extrajudicial killings by CRPF as recently as May 2008. Advocate Sudha Bharadwaj, a

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[141] Independent Citizen's Initiative, "War in the Heart of India, An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh," 2006, http://rightsandresources.org/blog/WarintheHeartofIndia.pdf (accessed July 16, 2007); Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," 2006, http://www.achrweb.org/reports/india/Chattis0106.pdf (accessed June 7, 2006); People's Union for Civil Liberties et al., "Where the State Makes War on its Own People, A Report on Violations of People's Rights during the Salwa Judum Campaign in Dantewada, Chhattisgarh," 2006, http://www.pucl.org/Topics/Human-rights/2006/*Salwa_Judum*.pdf (accessed July 7, 2007).

[142] Human Rights Watch interviews with Rahul Sharma, superintendent of police of Dantewada district, Dantewada, December 10, 2007 (first interview); Vishwa Ranjan, director general of police of Chhattisgarh, Raipur, December 17, 2007.

[143] Ibid.

[144] Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008.

[145] Human Rights Watch interview with Vishwa Ranjan, December 17, 2007.

[146] See above, section IV, Abuses by Salwa Judum, and sections VA and VB for additional details regarding involvement of government security forces.

member of the fact-finding team that investigated these extrajudicial killings in Cherpal camp in Bijapur district, said,

> CRPF woke up everyone, including children, at around 3 a.m. and asked them to come out of their huts and sit. When people protested, or requested that they be allowed to use the toilet, they were beaten. The CRPF commander in charge apparently gave instructions that if anyone opened their mouth then he or she should be shot. Following this, one of the CRPF members opened fire and killed a 22-year-old unmarried girl and a three-year-old baby. The Raman Singh government [Chhattisgarh government] has now withdrawn the two CRPF companies that were posted near Cherpal at the time of this incident and replaced them with fresh CRPF companies.[147]

Even though they stated that criminal complaints were registered and some SPOs were removed,[148] none of the officials was able to provide Human Rights Watch with further details despite repeated requests for such details in December 2007, February 2008, and May 2008.[149] In its April 2007 response to an application under the Right to Information Act, 2005, the office of the police superintendent of Dantewada replied that it had not registered any criminal complaints against SPOs, indicating that the police took no action between June 2005 and April 2007, and contradicting claims to the contrary by officials.[150]

Other government bodies have also failed to take action against Salwa Judum members and government security forces for human rights abuses. The Chhattisgarh State Human Rights Commission (SHRC) has the power to conduct *suo motu*

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[147] Human Rights Watch telephone interview with Sudha Bharadwaj, advocate, Raipur, May 31, 2008.

[148] *Nandini Sundar and others* v. *State of Chhattisgarh*, Sur-Rejoinder on Behalf of Respondent State of Chhattisgarh, April 10, 2008, p. 519, para. 15. The Chhattisgarh government has stated that "[t]here are also instances in which FIRs [first information report of an offence] have been filed [by the police]" but has not furnished details.

Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007. SP Sharma said that SPOs had been removed.

[149] Human Rights Watch requested additional details during interviews in December 2007 and February 2008. In May 2008, Human Rights Watch once again requested details of investigation and other action initated by the Chhattisgarh government in a written letter, without success.

[150] Letter from superintendent of police of Dantewada, to public information officer, District Collectorate Dantewada (copied to Himanshu Kumar) No. M-1018/07, April 4, 2007.

investigation into human rights abuses within the state.[151] SHRC is also empowered to initiate action based on complaints received by it.[152] But its members told Human Rights Watch that they had not initiated any *suo motu* investigation into human rights abuses.[153] They further stated that they had not received any complaints regarding Salwa Judum or Naxalite abuses against villagers from Dantewada and Bijapur districts.[154] However, local NGOs said that they had submitted many complaints to the SHRC that went uninvestigated.[155]

On April 15, 2008, in response to a petition presented before it in 2007, the Supreme Court of India ordered the NHRC to "examine/verify" allegations of human rights abuses and submit a report to the court.[156] The court further ordered the Indian central and Chhattisgarh state governments to cooperate during the inquiry.[157]

D. Government intimidation of NGOs, journalists, and lawyers

Lawyers, NGOs, and journalists told Human Rights Watch that they feel insecure and fear arbitrary arrest as Naxalite sympathizers whenever they voice criticism of government policy on the Naxalite issue or criticize the Salwa Judum campaign.[158]

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[151] Protection of Human Rights Act, 1993, http://nhrc.nic.in/hract.htm#Chap1, sec. 29 read with sec. 12.

[152] Ibid.

[153] Human Rights Watch group interview with Chairperson Singh and two other members, Chhattisgarh State Human Rights Commission, Raipur, December 17, 2007.

[154] Ibid. The Chhattisgarh SHRC members stated that between April 2005 and March 2006, they had received only two complaints on issues related to Naxalism, but were not sure whether these complaints emerged out of the conflict in Dantewada and Bijapur districts. In one of the cases in 2006, they had awarded compensation to the complainant—the complainant's child was mistaken for a Naxalite and shot dead by the police. They were not able to furnish Human Rights Watch with more details regarding this case. The SHRC members stated that they had not received any other complaints pertaining to the conflict between government security forces, Salwa Judum, and Naxalites.

[155] Human Rights Watch interviews with Subash Mohapatra, Forum for Fact-Finding, Documentation, and Advocacy, Raipur, December 17, 2007; Himanshu Kumar, Vanvasi Chetna Ashram, Kawalnar, December 9, 2007. Mohapatra told Human Rights Watch that he had filed more than 300 complaints on a wide range of issues including human rights abuses in the context of the conflict in Bijapur and Dantewada districts, and said that a majority of them had gone uninvestigated.

[156] *Nandini Sundar and others* v. *State of Chhattisgarh,* Criminal Miscellaneous Petition No. 6462 of 2008, Order, April 15, 2008, http://courtnic.nic.in/supremecourt/temp/wc%2025007p.txt (accessed April 17, 2008).

[157] Ibid.

[158] Human Rights Watch interviews with Ratneshwar Nath, Kanker, January 25, 2008; Rajendra Sail, People's Union for Civil Liberties, Raipur, December 17, 2007; K.P. Agarwal, advocate, Jagdalpur, February 2, 2008; Himanshu Kumar, first interview, December 9, 2007; Subash Mohapatra, Forum for Fact-Finding, Documentation, and Advocacy, Raipur, December 17, 2007; Kamlesh Paikra, former journalist, Dantewada, December 11, 2007.

In 2006 the Chhattisgarh government introduced special security legislation called the Chhattisgarh Special Public Security Act, 2005, which is a vague and overly broad law that allows detention of up to three years for "unlawful activities."[159] The term is so loosely defined in law that it allows for arbitrary detention and threatens fundamental freedoms guaranteed by the Indian Constitution and international human rights law. For example, it could severely restrict peaceful activities of individuals and civil society organizations.[160]

The Asian Centre for Human Rights, a prominent Indian NGO, points out in its 2006 report that the Chhattisgarh law lacks even the basic safeguards incorporated under Unlawful Activities (Prevention) Act, 1967, a federal law that is already criticized for being draconian in nature.[161] Lawyer K.P. Agarwal in Jagdalpur, for instance, said that the police could use the Chhattisgarh Special Public Security Act at any time to detain someone: "After you leave, someone can come and tell me that I had met Maoists, and put me in jail."[162]

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[159] Chhattisgarh Special Public Security Act, Act 14 of 226, http://cpjc.files.wordpress.com/2007/07/cspsa_english.pdf (accessed March 25, 2008). See box below for definition of "unlawful activities."

[160] "India: Draconian Response to Naxalite Violence," Human Rights Watch news release, April 27, 2006, http://hrw.org/english/docs/2006/04/27/india13279_txt.htm; Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," pp. 49-64; Independent Citizen's Initiative, "War in the Heart of India," pp. 41-42.

[161] The Unlawful Activities (Prevention) Act, Act 37 of 1967.

Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," pp. 49-64. This report compares the provisions of the Chhattisgarh Special Public Security Act, 2005 with the provisions of the federal law, Unlawful Activities (Prevention) Act, 1967. It details how the Chhattisgarh law has provisions that are broader with much lesser safeguards than the federal law.

[162] Human Rights Watch interview with K.P. Agarwal, lawyer, Jagdalpur, February 2, 2008.

Section 2(e) of Chhattisgarh Special Public Security Act defines "unlawful activity" as follows:

"Unlawful activity" in relation to and [sic] individual or organization means any action taken by such individual or organization whether by committing an act or by words either spoken or written or by signs or by visible representation or otherwise;

(i) which constitute a danger or menace to public order, peace and tranquility; or
(ii) which interferes to [or] tends to interfere with maintenance of public order; or
(iii) which interferes or tends to interfere which [sic] the administration of law or its established institutions and personnel; or
(iv) which is designed to overawe by criminal force or show of criminal force or otherwise to any public servant including the force of the State Government or the Central Government in the exercise of the lawful powers of such public servant; or
(v) of indulging in or propagating acts of violence, terrorism, vandalism or other acts generating fear and apprehension in the public or indulging in or encouraging the use of firearms, explosives and other devices or disrupting communications by rail or road; or
(vi) of encouraging or preaching disobedience to established law and its institutions; or
(vii) of collecting money or goods forcibly to carry out any one or more of the unlawful activities mentioned above;

Binayak Sen, a doctor who worked on tribal community health issues for over 25 years in Chhattisgarh, and an activist and general secretary of the Chhattisgarh state level unit of the People's Union for Civil Liberties, was arrested on May 17, 2007, on charges of indulging in unlawful activities as defined under the Unlawful Activities (Prevention) Act and Chhattisgarh Special Public Security Act, and other crimes

under Indian penal law.[163] Many NGOs, doctors, activists, and academics including professors Noam Chomsky, Romila Thapar, Jean Dreze, and Irfan Habib have called for his release.[164] They believe that his arrest was politically motivated and that he was targeted for documenting and protesting human rights abuses committed by Salwa Judum members and government security forces.[165] He is still in judicial custody facing criminal trial.

In addition to using the Chhattisgarh security law, activists and journalists who reported human rights abuses have complained of harassment by Chhattisgarh government officials. For example, Himanshu Kumar runs an NGO called Vanvasi Chetna Ashram and has worked for over 15 years in Dantewada and Bijapur districts. He implements government programs on health, nutrition, and education. He has a number of workers in the field and they have become an important source of information about the conflict in Dantewada and Bijapur districts. Himanshu opposes the violent methods adopted by Naxalites. But he opposes Salwa Judum more vociferously. Since June 2005 he has assisted several fact-finding teams that investigated human rights abuses in these districts. He told Human Rights Watch that he faces harassment from government officials because his public comments against Salwa Judum and assistance to other human rights groups has led the government to assume that he is a Naxalite supporter. In December 2006 some of his workers were attacked by SPOs. Himanshu tried to file criminal complaints against them in January 2007 for taking away his staff members' bikes, and abducting and beating other staff. As of February 2008 the police had not taken any action against them.[166]

Many journalists who are critical of Salwa Judum have been threatened, beaten, or arrested by Chhattisgarh government officials. Activists and journalists feel that the

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[163] "List of Charges and Evidence Against Dr. Binayak Sen," *Tehelka Magazine,* vol. 5, no. 7, February 23, 2008, http://www.tehelka.com/story_main37.asp?filename=Ne230208listofcharges.asp (accessed March 21, 2008).

[164] "Release Dr. Binayak Sen, Repeal Chhattisgarh Act," June 16, 2007 , http://www.freebinayaksen.org/?p=19 (accessed March 14, 2008). "Demand to release doctor," *The Hindu,* February 25, 2008, http://www.freebinayaksen.org/?p=109 (accessed March 14, 2008); People's Union for Civil Liberties, "Through the Lens of National Security, The Case against Dr. Binayak Sen and the Attack on Civil Liberties," report, January 2008, circulated on article21now@googlegroups.com.

[165] Ibid.

[166] Human Rights Watch interview with Himanshu Kumar, Vanvasi Chetna Ashram, Dantewada, February 1, 2008 (third interview). Human Rights Watch does not know whether the Chhattisgarh police have initiated any action after February 2008.

Chhattisgarh government uses its security legislation to impose curbs on the press, particularly newspapers and other media outlets that are critical of Salwa Judum and the police.

Santosh Poonyem, a former Salwa Judum leader and Bijapur bureau chief of *Dainik Prakhar Samachar*, a daily Hindi newspaper, complained that he faced harassment from the police:

> I started reporting these incidents [abuses by Salwa Judum members and government security forces] to the IG [inspector general of police of Chhattisgarh], CM [chief minister of Chhattisgarh], and district collector. The new [Bijapur District] Collector Ken promised security for me but nothing was delivered. The police took me to the police station in October this year [2007] and threatened to kill me. They showed me a gun, held me at gunpoint, and said I would be killed if I don't say whatever they ask me to say in the newspapers…. I have two brothers—one is working in the BRO's [block revenue officer] office and the other is in Raipur, working with the police. My brother who works in the BRO's office was beaten up severely and was admitted in the hospital for four days. The Judum beat him.[167]

Kamlesh Paikra, a former journalist with *Hind Sath*, a Hindi newspaper, was forced to stop reporting because of police threats and harassment. He said,

> I was a reporter for *Hind Sath* and published a news item about Salwa Judum—that they had burned Mankeli village in September 2005. After this news item got published, my elder brother was taken to the police station and beaten, and they charged him with being a Naxalite. He was sent to jail. I also learnt that the police were planning to kill me in an encounter. So along with my family, I left our house in Cherpal—15 kilometers from Bijapur … I do not report anymore. It is difficult to be

[167] Human Rights Watch interview with Santosh Poonyem, Bijapur district chief bureau for *Dainik Prakhar Samachar* (Hindi newspaper), Bijapur, December 14, 2007.

> independent and report because there is severe pressure from the administration.[168]

The report by the international press organization Reporters sans Frontieres (RSF) on Chhattisgarh documents five more instances of police beatings, harassment, and restriction of movement of journalists, which involved nine journalists and their crews.[169] RSF and the International Press Institute have criticized Chhattisgarh government's suppression of freedom of expression and opinion.[170]

Activists and journalists who attended peaceful protests and meetings to discuss Salwa Judum-related issues also have been harassed by the police. Manish Kunjam, a former member of the Chhattisgarh legislative assembly is opposed to Salwa Judum and organized a protest rally in November 2007 in Jagdalpur. According to him around 200,000 people attended it. "Villagers from Geedam area were not allowed to attend the protest rally," said Manish Kunjam.[171] Further describing the nature of problems they faced, he said,

> The administration heard about our rally and spread rumors that villagers were planning to come to Jagdalpur and attack people. We had a lot of difficulty organizing it. Villagers were carrying their [food] rations, water, and other household items because they walked for three or four days from interior areas and they were stopped on the way [by the police]. The police wanted us to ask them to leave all their things behind but how could we ask them to do that? They would have all starved.[172]

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[168] Human Rights Watch interview with Kamlesh Paikra, former journalist, Dantewada, December 11, 2007.

[169] Reporters sans Frontieres, "Journalists in trouble when reporting on tribes: Situation of freedom of expression in India's Tribal State of Chhattisgarh," undated, http://www.rsf.org/IMG/pdf/Report_Chhattisgarh-2.pdf (accessed March 21, 2008).

[170] Ibid; International Press Institute, "2006 World Press Review: India," report, http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0005/KW0116/ (accessed March 21, 2008).

[171] Human Rights Watch telephone interview with Manish Kunjam, former member of Chhattisgarh Legislative Assembly, Sukma, March 18, 2008

[172] Ibid.

One villager from Pidmel claimed that one of the participants was arrested: "Recently, people from our village were going to Jagdalpur to attend the meeting organized by Manish Kunjam. On the way to Sukma, SPOs abducted Musaki Unga (about age 25) and took him to Dornapal police station and did not release him." [173]

Shubhranshu Choudhary, one of the moderators of Chhattisgarh Net or CGNet (www.cgnet.in), an online citizen journalism initiative, reported to Human Rights Watch other cases of harassment by police. CGNet organizes an annual meeting called the Dream Chhattisgarh Meet.[174] According to Choudhary, Chhattisgarh police harassed many participants at the third annual meeting that was held from December 28 to December 30, 2007, in Raipur. Some displaced persons who fled from Chhattisgarh and settled in Andhra Pradesh had also joined the gathering. SPOs threatened these displaced persons and prevented them from addressing the gathering.[175]

Choudhary also said that in three or four cases, Chhattisgarh police visited participants' homes in various parts of Chhattisgarh while they were at the meeting. In the case of Tulsiram Yadav, police waited at his house and arrested him as soon as he returned home after the meeting. According to Choudhary, some participants were so intimidated that they were reluctant to tell their stories to the press and lawyers at the meeting. Instead, they returned home immediately, changing routes and cars numerous times to avoid the police.[176]

The Chhattisgarh police also reopened a long-dormant case against a brother of a journalist who was attending this meeting. They arrested him on charges of being a Naxalite after his brother wrote articles about the atrocities of Salwa Judum and SPOs. Several journalists who had intended to describe their own experiences of

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[173] Human Rights Watch interview with Tati Dhiren (pseudonym), IDP from Pidmel, village K8, Khammam district, December 6, 2007.

[174] Email communication from Shubhranshu Choudhary to Human Rights Watch, January 8, 2008.

[175] Ibid.

[176] Ibid.

being beaten up by Salwa Judum members refrained from doing so at the meeting because they feared similar reprisals. [177]

[177] Ibid.

VI. Plight of Persons Displaced by the Conflict

Even after three years of the forcible displacement of people into camps and the exodus of people from Chhattisgarh to neighboring states (principally Andhra Pradesh) began, neither the Indian central nor the state governments of Chhattisgarh and Andhra Pradesh have developed a policy for protection of and assistance to displaced persons. Andhra Pradesh authorities claim that there is a need for a national policy on displaced persons.[178] They further added that in the absence of such a policy they are powerless to make decisions to protect and assist such people.[179] While there is certainly a need for a national policy, the absence of one does not absolve state governments from their responsibilities to protect and assist displaced persons.

India is party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and has an obligation to "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to continuous improvement of living conditions."[180] The ICESCR also requires states to respect the rights of all individuals without discriminating against them on the basis of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth *or other status* [emphasis added]."[181]

Under the United Nations Guiding Principles on Internal Displacement (UN Guiding Principles),[182] persons who are displaced have the rights to seek safety in any part of

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[178] Human Rights Watch interviews with B. Shafiullah, divisional forest officer of Bhadrachalam, Bhadrachalam, December 7, 2007; K. Bhaskar, sub-collector of Khammam district, Bhadrachalam, December 7, 2007.

[179] Ibid.

[180] ICESR, art. 11.1.

[181] ICESR, art. 2.1.

[182] United Nations Guiding Principles on Internal Displacement, UN Document E/CN.4/1998/53/Add.2; November 11, 1998. The UN Guiding Principles though not binding on governments, reflect and are consistent with international human rights law and international humanitarian law, and are intended to provide guidance to states confronting internal displacement. UN agencies and nongovernmental umbrella groups in the Inter-Agency Standing Committee have endorsed the Guiding Principles. Regional bodies in the Americas, Africa, and Europe have endorsed or acknowledged the Guiding Principles with appreciation. The Council of Europe has also endorsed the Guiding Principles through its Parliamentary Assembly Committee on Migration, Refugees and Demography, which recommends respect for the Guiding Principles in the course of fact-finding missions to displacement-affected countries. Individual governments have begun to incorporate them in national policies and laws, and some national courts have begun to refer to them as a relevant restatement of existing international law. For more

the country, to liberty and freedom to choose their residence, and to protection against forcible return to or resettlement in any place where their life, safety, liberty, or health would be at risk.[183] States should not deprive displaced persons of their possessions, or destroy or appropriate their property as a form of collective punishment.[184] Unless displacement is necessitated by military imperatives or civilian security in periods of armed conflicts, states should give full information to displaced persons on the reasons for their displacement, the procedures that will govern the process, the relocation facilities that will be made available to them, and the compensation, if any, to which they are entitled.[185] Moreover, states should also involve those to be displaced, especially women, in decision-making about the displacement, as far as is practicable.[186]

Displaced persons also have the right to an adequate standard of living. Competent authorities should ensure safe access to essential food and potable water, basic shelter and housing, appropriate clothing, essential medical services, and sanitation.[187] States cannot discriminate against displaced persons on the basis of their displaced status; displaced persons have the right to participate fully and equally in public affairs at all levels and have equal access to public services.[188] States are primarily responsible for ensuring the welfare of the displaced, but they must ensure free passage for international humanitarian organizations.[189]

State authorities are primarily responsible for providing the conditions, as well as the means, to allow displaced persons to return voluntarily in safety to their homes or places of habitual residence, or to resettle voluntarily in other parts of the country, and should seek to ensure the participation of the displaced in the planning and

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information, see United Nations Commission on Human Rights, Report of the Representative of the Secretary General on internally displaced persons, Dr. Francis Deng, *Specific Groups and Individuals: Mass Exodus and Displaced Persons,* January 16, 2002 E/CN.4/2002/95, published in The Brookings-CUNY Project on Internal Displacement: *Recent Commentaries about the Nature and Application of the Guiding Principles on Internal Displacement*, April 2002.

[183] UN Guiding Principles, principle 15 (d).

[184] UN Guiding Principles, principles 6(e) and 21.

[185] UN Guiding Principles, principles 15 (a) and 7(b).

[186] UN Guiding Principles, principle 7(e).

[187] UN Guiding Principles, principle 18.

[188] UN Guiding Principles, principle 29.

[189] UN Guiding Principles, principle 30.

management of their return.[190] In addition, authorities must assist the displaced in the recovery of their property and provide appropriate compensation or another form of just reparation when this is not possible.[191]

A. Failure of the Chhattisgarh government to provide adequate assistance to displaced persons

According to a January 2007 official list of camps, there were 47,238 camp residents in 20 camps in Dantewada and Bijapur districts at the start of the year.[192] In the course of 2007, at least four additional camps were started, including one in Jagargonda that houses around an additional 2,000 displaced persons.[193]

In the relocation from villages, most villagers lost their homes, land, most of their livestock, and their primary means of livelihood, which are agriculture and sale of forest produce. Government officials in Chhattisgarh acknowledged to Human Rights Watch that the camps are not sustainable. They have neither a policy for facilitating camp residents' safe return to their villages nor a plan to provide adequately for camp residents on a long-term basis.[194] Further, the government has failed to provide uniform treatment to all persons who have been relocated from their villages.

The Dantewada superintendent of police described camps as "[a] single window mechanism where the government is providing facilities."[195] "The facilities in camps are 100 percent better than the facilities in villages," he said.[196] The 2007 memorandum of the district collector of Dantewada (undivided) states that "[f]ree residence, free food, free health care, security, education for children, *anganwadi* [government-run early childhood care and education centre], clean drinking water,

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[190] UN Guiding Principles, principle 28.

[191] UN Guiding Principles, principle 29.

[192] District Collector, "Jan Jagaran Abhiyan (Salwa Judum)—District South Bastar Dantewada: Brief Memorandum," 2007 (unpublished). There are camps in Bijapur, Cherpal, Gangalur, Awapalli, Basaguda, Usur, Bangapal, Kasoli, Bhairamgarh, Pharsegarh, Matwada, Nelasnar, Jangla, Kutru, Mirtur, Bedre, Dornapal, Errabore, Injeram, and Konta.

[193] Human Rights Watch interviews with Rahul Sharma, superintendent of police of Dantewada district, Dantewada, December 10, 2007 (first interview); police officer-2 (who requested anonymity), other details withheld.

[194] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[195] Ibid.

[196] Ibid.

electricity, adult literacy centres, training, daily employment at employment centres," are being provided to displaced persons.[197]

Living conditions in camps

Contrary to government claims that a host of free facilities are being provided to camp residents, Human Rights Watch's visits to camps and interviews with camp residents reveal that many camps are lacking in basic facilities and services.[198]

The 2007 memorandum of the district collector of Dantewada (undivided) states that "[t]he government is providing housing free to the camp residents [who wish to stay permanently] … at the rate of Rs. 12,000 [roughly US$300] for each beneficiary,"[199] and "temporary tin sheds" to those who want to "return home once the situation is normalized."[200]

Human Rights Watch found that camps typically consist of individual huts constructed by villagers themselves. Many residents from different camps in Bijapur and Dantewada districts maintained that Salwa Judum members and government security forces first drove them out of their villages, brought them to large vacant tracts, and told them to make their own huts. [201] People cut trees, gathered wood, and constructed their own huts, and in the interim, lived under plastic or tarpaulin

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[197] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

[198] Human Rights Watch visited seven camps and one permanent housing site. Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld). Accounts from these volunteers working in other camps suggest that similar or worse conditions prevail there.

[199] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007. The 32 sites of permanent housing that have been listed in the collector's memorandum are: Bijapur–75 houses, Cherpal–60 houses, Gangalur–200 houses, Nelasnar–173 houses, Bhairamgarh–583 houses, Jangla–288 houses, Kutru– 436 houses, Pharsegarh–61 houses, Mirtur–142 houses, Patarpara.–147 houses, Matwada–145 houses, Bedre–165 houses, Phulgatta–161 houses, Uskapatnam–120 houses, Karkeli–17 houses, Kompalli–80 houses, Eramangi–50 houses, Ketanpal–35 houses, Tumla–10 houses, Ranibodli–25 houses, Pinkonda–180 houses, Basaguda–40 houses, Awapalli–100 houses, Usur–50 houses, Kasoli–148 houses, Hiranar–168 houses, Bangapal–59 houses, Bodli–15 houses, Talnar– 150 houses, Konta–200 houses, Injeram–100 houses, Errabore–177 houses, and Dornapal– 640 houses.

[200] Ibid.

[201] Human Rights Watch interviews with Poosam Kanya and Pottem Satish (pseudonyms), former residents of Errabore camp, location withheld, December 5 and 6, 2007 respectively; Madkam Dhairya (pseudonym), camp resident, Jailbada camp, December 13, 2007; group interview GR6 with camp residents (who chose to remain anonymous), Jayanagar (Nayapara) camp, December 13, 2007; group interview GR3 with former residents of Mirtur camp (who chose to remain anonymous), other details withheld; group interview GR7 with women camp residents (who chose to remain anonymous), Dornapal camp, December 12, 2007.

sheets.[202] The government only much later provided roofs in the form of tin sheets or tiles. "Every house got 5,000 rupees [roughly US$125]. Logs are our own. We got no [other] assistance. Some of us got tiles; everything else we built on our own. We used our own money and our own effort to build the walls," said a villager from Injeram camp.[203] Some camp residents complained that this was not an ongoing government scheme, and villagers who arrived after the initial distribution of roofing material have not received any assistance for housing.[204]

The camps are so cramped that villagers who were initially able to save their livestock were later forced to abandon them. For instance, one girl said, "We let our cattle loose because we did not have a place in the camp to keep them."[205] In their villages, women had separate kitchens, or cooked outside their huts. Since there is no space to cook outside their huts in camps, women are forced to cook inside their huts. "Everyone coughs in the camp because of the smoke. Our eyes water, but we have to keep cooking. Every bit of cloth in our home has turned black from the smoke," complained one of the women residents.[206]

Even after two years, many camps do not have proper bathrooms, toilets, or sanitation facilities.[207] Access to health and medical facilities is poor. Residents of Konta camp despaired that there was only one health worker who visited the camp everyday.[208] Similarly, Dornapal camp, where there are around 17,000 residents, has

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[202] Ibid.

[203] Human Rights Watch group interview with V3 and V4 (who chose to remain anonymous), camp residents, Injeram camp, December 9, 2007.

[204] Human Rights Watch interview with camp residents (who chose to remain anonymous), Konta camp, December 9, 2007.

[205] Human Rights Watch interview with Poosam Kanya (pseudonym), former resident of Errabore camp, location withheld, December 5, 2007.

[206] Human Rights Watch group interview GR7 with women camp residents (who chose to remain anonymous), Dornapal camp, December 12, 2007.

[207] Human Rights Watch group interview with Wanaji (pseudonym), Moner (pseudonyms), and V5 (who chose to remain anonymous), camp residents, Konta camp, December 9, 2007. Residents of Konta camp stated that they had made a petition for a toilet to be constructed in the camp about two weeks before their interview with Human Rights Watch.

Human Rights Watch interview with A2 (name withheld), local activist, Dornapal camp, January 31, 2008; group interview GR8 with volunteers working in camps (name and details withheld). These volunteers shared similar stories regarding toilets and sanitation facilities in camps.

[208] Human Rights Watch group interview with Wanaji and Moner (pseudonyms), December 9, 2007.

only 10 health workers to attend to camp residents as well as people in surrounding villages.[209]

The Chhattisgarh government claims that "[f]ree rations are only being distributed to Dornapal, Errabore, Konta-Injeram, Geedam-Kasoli, Mirtur, Cherpal, Gangalur, Awapalli, Usur, Pharsegarh, and Bedre camps. In the remaining camps, free rations are given only to old and disabled persons. For the remaining residents, employment centres have been opened near the camps and they are being given daily employment. The rice for the camps is being procured through the fair price shops."[210] It also states, "For those settled at the new sites, ration cards have been issued by the concerned *gram panchayat* [elected village council] so that in future they can buy rice, kerosene oil, sugar etc, at reasonable rates."[211]

Contrary to these government claims, Human Rights Watch found that in practice there was no clear food distribution plan for most camps. Some camp residents stated that the Chhattisgarh government initially provided free rations that have either been reduced or discontinued altogether.[212] One resident of Injeram camp said, "First, they used to give us lots, but now it is reduced. They used to give us rations once every 15 days; now it is once every 30 days. It changed six months ago."[213] Another resident of Jailbada camp said, "We have not gotten free rations here for over a year. We buy our own rations from the market."[214] People who do not receive free rations or run out of rations are dependent on ration shops or the weekly market.

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[209] Human Rights Watch interview with N1 (name withheld), local activist, Dornapal camp, January 31, 2008.

[210] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

[211] Ibid.

[212] Human Rights Watch interviews with camp residents from Jailbada, Jayanagar (Nayapara), and Jangla camps on December 13-14, 2007; group interview GR3 with former residents of Mirtur camp (who chose to remain anonymous), other details withheld. Residents from these camps stated that they were no longer receiving free rations.

Human Rights Watch group interview GR7 with women camp residents (who chose to remain anonymous), Dornapal camp, December 12, 2007. These women stated that even though they received free rations, the rations had been reduced over a period of time, and that many of them were forced to purchase rations from shops at non-subsidized rates because they did not have ration cards.

[213] Human Rights Watch group interview with V3 and V4 (who chose to remain anonymous), camp residents, Injeram camp, December 9, 2007.

[214] Human Rights Watch interview with Madkam Dhairya (pseudonym), camp resident, Jailbada camp, December 13, 2007.

Villagers need government-issued ration cards to purchase rations at subsidized rates from ration shops. Human Rights Watch spoke to around 20 camp residents who stated that the government had not issued replacement ration cards to those who lost their ration cards either during the hurried evacuation to camps or because their hamlet was burned, leaving them unable to buy rations.[215]

The Dantewada district collector stated that officials were struggling to deliver provisions in camps created in 2007 in interior areas of Dantewada district due to security concerns. The government delivers provisions to Jagargonda camp, for instance, once every three months.[216] One police official stated that the road to Jagargonda is heavily mined making it difficult to transport rations. He said, "Before the last installment [of rations] was delivered about two weeks ago [in December 2007], there was a delay because we could not arrange for the required police force to accompany the trucks [carrying rations]. As a result, about 20-22 children became very sick due to malnourishment and starvation, and 2-3 children also died."[217]

The food that is distributed by the Chhattisgarh government either free or through its subsidized public distribution program is different from the staple diet of tribal communities. Instead of meat, fish, and forest produce, which is their normal diet, the government provides camp residents lentils and rice. "Food we get [in the camps] is not what we used to eat at home. [We used to eat] different herbs and plants from the jungle. Here we don't get that," said one villager.[218] Another villager put it simply—"We cannot live without fish, and without the jungles."[219]

The lack of food is compounded by the Chhattisgarh government's failure to provide a sustainable livelihood option for camp residents. Denied their traditional livelihood of agriculture and sale of forest produce, camp residents are completely

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[215] Human Rights Watch group interview GR7 with women camp residents (who chose to remain anonymous), Dornapal camp, December 12, 2007; group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

[216] Human Rights Watch interview with S.P. Sori, district collector of Dantewada, January 28, 2008. District Collector Sori assumed office after December 17, 2007. Human Rights Watch also interviewed his predecessor District Collector K. R. Pisda.

[217] Human Rights Watch interview with police officer-2 (who requested anonymity), other details withheld.

[218] Human Rights Watch interview with V5 (who chose to remain anonymous), camp resident, Konta camp, December 9, 2007.

[219] Human Rights Watch interview with Oyam Suresh (pseudonym), camp resident, other details withheld.

dependent upon the state for their survival. The Chhattisgarh government acknowledges that "[t]hose in camps have no source of income" and claims that it provides daily-wage jobs under the National Food for Work program and the Employment Guarantee Program.[220] Government data indicates that between 2005 and 2007, 715 public works were sanctioned and 457 works were finished.[221]

Residents from different camps, however, complained that the government provides few livelihood opportunities for them, which are not adequate to replace their previous income. Many camp residents also stated that the manual labor opportunities under the government employment schemes are not sufficient to employ all camp residents. They said that the lack of jobs left them idle.[222] "In my village, I used to do my work. But here there is nothing to do. I am idle all day," said a resident of Injeram camp.[223] Many, in desperation, have used up their savings because there is no alternative employment.[224] Another resident described the livelihood crisis he was facing and said, "We have got employment only once last year … We ask around for whatever manual work is available and try and earn some money. When I was in [name of village withheld], I had fields and used to cultivate them. Now it is just an overgrown jungle that we cannot cultivate anymore."[225] "I have lots of expertise in agriculture, but it is not being put to use here," complained another resident of Konta camp.[226]

The Chhattisgarh government claims to have started vocational training classes such as sewing and weaving to help villagers generate employment.[227] However, camp

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[220] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

[221] Ibid.

[222] Human Rights Watch interviews with camp residents from Konta, Injeram, Dornapal, Errabore, Jailbada, and Jangla camps, and former residents of Mirtur and Kasoli camps, December 9-14, 2007.

[223] Human Rights Watch interview with V3 (who chose to remain anonymous), camp resident, Injeram camp, December 9, 2007.

[224] Human Rights Watch group interview GR3 with former residents of Mirtur camp (who chose to remain anonymous), other details withheld.

[225] Human Rights Watch group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

[226] Human Rights Watch interview with V5 (who chose to remain anonymous), camp resident, Konta camp, December 9, 2007.

[227] Human Rights Watch interviews with K. R. Pisda, district collector of Dantewada district, Dantewada, December 10, 2007; S.P. Sori, district collector of Dantewada district, Dantewada, January 28, 2008.

residents and activists stated that very few camps offered such classes, that they were generally run for a short period, and that villagers were not able to use these skills to generate any income.[228] A teacher from Bijapur who visits camps to encourage children to attend schools said,

> Initially, in 2005, the government provided some vocational training—sewing, basket-making. Now there is no training in the camp. People have not been able to use this training for any employment and government does not provide any assistance to give them any employment.[229]

Volunteers who work in camps in Bijapur district said, "No one has benefited in any way from the [vocational] training. They may make some things for themselves, but make no income. Some people have kept sewing machines, but for personal use."[230]

Activists and volunteers working in camps pointed out that camp residents no longer celebrate traditional tribal festivals. "We can monitor nutrition and health indicators, provide clean water and vaccinations," said one activist working in the camps. "But where are the songs? Where are the festivals? I have not heard a single family play the drums in the evenings in over two years. Their cultural identity has been destroyed and that is a wound that will be impossible to heal," he said.[231]

Unofficial camps and permanent housing sites

Government data for January 2007 shows that there are government-run camps in Bijapur, Cherpal, Gangalur, Awapalli, Basaguda, Usur, Bangapal, Kasoli, Bhairamgarh, Pharsegarh, Matwada, Nelasnar, Jangla, Kutru, Mirtur, Bedre, Dornapal, Errabore, Injeram, and Konta.[232] In 2007, as noted above, at least four additional

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[228] Human Rights Watch group interviews GR2 with residents of Dornapal camp (who chose to remain anonymous), location withheld, December 12, 2007; GR8 with volunteers working in camps (name and details withheld).

[229] Human Rights Watch interview with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007.

[230] Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

[231] Human Rights Watch interview with N2 (name withheld), local activist, Dantewada, January 28, 2008.

[232] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

camps were started.[233] Assuming the Chhattisgarh government did not close or merge any of them, there are at least 24 officially recognized camps.

The Chhattisgarh government also maintains a list of "sanctioned [permanent] houses for Naxal affected displaced families" (permanent housing list) which is a list of locations where the government claims to be providing permanent housing "at the camp site and nearby villages" for those residents who wished to stay at such locations permanently. [234]

Human Rights Watch interviewed NGO volunteers and journalists who stated that they worked in or had visited the following areas that are listed as permanent housing sites—Uskapatnam, Bodli, Karkeli, and Patarpara.[235] The NGO volunteers working in these sites said that the "permanent housing sites" were created in 2006 when people were forcibly relocated to these areas, and that the government does not provide most facilities like police protection, health care facilities, and rations at these sites.[236]

In December 2007, Human Rights Watch visited a permanent housing site in Dantewada district. The people residing at this site consistently stated that Salwa Judum members and government security forces had forcibly relocated them from their village in 2005. [237] They also stated that they wanted to return to their home village eventually. Many of them had begun visiting their village to cultivate their fields, and as a result, had faced reprisal measures in December 2007 from Salwa

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[233] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007. Sharma stated that two new camps were started in Jagargonda and Polampalli in 2007. Human Rights Watch also visited Jayanagar (Nayapara) and Jailbada camps in Bijapur, whose residents stated that it was started in 2007. The Jagargonda camp houses around an additional 2,000 people while the other new camps house residents from existing camps. For instance, the new Polampalli camp near Dornapal now houses many villagers who formerly resided in the Dornapal camp, and the Jayanagar (Nayapara) and Jailbada camps house villagers who formerly resided in Bijapur camp.

[234] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

[235] Human Rights Watch telephone interviews with A3 andA4 (names withheld), volunteers working at permanent housing sites, Dantewada, March 15, 2007; group interview GR9 with journalists (names withheld), Dantewada, February 1, 2008.

[236] Ibid.

[237] Human Rights Watch group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

Judum members and government security forces.[238] There are approximately 170 huts at this site, and the residents describe this site as a "camp."[239]

At this so-called permanent housing site the government has failed to provide even the limited facilities that are provided in camps.[240] There is no security, no visits by government health workers, and no *anganwadis* or schools are run in or around this site. Residents also complained that government had issued some ration cards but had not provided any free rations. They also stated that until December 2007, the government had provided employment opportunities to them only once.[241]

Human Rights Watch also collected a list of areas that are referred to as "camps" by displaced persons but do not appear on any of the government's lists. Displaced persons settled in Andhra Pradesh stated that people were forcibly relocated to areas in Maraiguda, Gollapalli, Asirguda, Banda, and Bejji.[242] While the government gave Human Rights Watch updated information in December 2007 about Jagargonda and Polampalli camps in Dantewada district, they did not mention that they had started new camps in Gollapalli, Asirguda, Banda, and Bejji. Barring some information regarding Maraiguda camp, Human Rights Watch is unaware of any estimate of the number of displaced persons living in these unofficial camps or any reporting on living conditions there—worrying facts given the poor conditions existing even in camps that have received some scrutiny.[243]

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[238] See above, section IV C, Salwa Judum reprisals against villagers who leave camps.

[239] Human Rights Watch group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

[240] For facilities provided in camps recognized by the government, see above, Living conditions in camps.

[241] Human Rights Watch group interview GR1 with residents (who chose to remain anonymous), B1 permanent housing site, Dantewada district, December 15, 2007.

[242] Human Rights Watch group interview with IDPs from Etagatta (who chose to remain anonymous), village K5, Khammam district, December 4, 2007. They said, "There is no Judum in Jagdalpur and Sukma. Judum is only in Dornapal, Errabore, Injeram, Konta, Banda, Maraiguda, and Gollapalli. Banda, Maraiguda, and Gollapalli are interior areas. There are camps in all these places and we have seen them. We know that there are camps here because we sometimes go to the forests over there. We have seen these camps 15 days ago."

Human Rights group interview G4 with IDPs from Tolnai (who chose to remain anonymous), village K9, Khammam district, December 7, 2007. One of them said, "We all came from Tolnai, which falls under Tetrai panchayat and is about 20 kilometers from Dornapal. The closest Judum camp [from Tolnai] is the Bejji camp, which is about nine kilometers away."

[243] Email communication from J. P. Rao to Human Rights Watch, March 2, 2008. According to Rao, an additional 3,000 people are living in Maraiguda camp.

Impediments to return

The Chhattisgarh government has no policy for facilitating the safe and voluntary return of camp residents to their villages. Almost all camp residents told Human Rights Watch that they eventually want to return to their villages. The Dantewada superintendent of police stated that the government was "slowly facilitating return by creating new camps closer to the [interior] villages" from where people were originally relocated.[244] However, another police officer stated that administering and protecting these interior camps was extremely difficult.[245]

There are several impediments to camp residents' return to their villages. The greatest is the danger of possible Naxalite reprisals against camp residents, particularly sarpanches (village officials), patels (village headmen), and special police officers or SPOs (including former SPOs).[246] NGOs, activists, and camp residents said that Naxalites had distributed and displayed pamphlets inviting camp residents to return to their villages to resume farming, assuring them of safe passage and treatment.[247] Many camp residents questioned whether Naxalites would actually abide by these statements.

In many cases, the fear caused by previous Naxalite reprisal measures against camp residents outweighed the Naxalite promises.[248] One villager from Jailbada camp said, "If I go to the village, they [Naxalites] will beat me, so I don't want to go."[249] A girl from Jayanagar camp, speaking for a larger group of girls, said, "We prefer it in the camp and don't want to go back to our village now because we are scared of Naxalites attacking the village. Naxalites did not come before, but they will now."[250]

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[244] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[245] Human Rights Watch interview with police officer-2 (who requested anonymity), other details withheld. See above, Living conditions in camps.

[246] See above, section III, Background, for the reasons why sarpanches and patels are particularly targeted, and for more information regarding the SPO system.

[247] Human Rights Watch interviews with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007; Himanshu Kumar, Vanvasi Chetna Ashram, Kawalnar, December 9, 2007 (first interview); telephone interview with Manish Kunjam, former member of Chhattisgarh Legislative Assembly, Sukma, March 18, 2008.

[248] See below, section VII C, Reprisals against Salwa Judum camp residents, for more details.

[249] Human Rights Watch interview with Madkam Dhairya (pseudonym), camp resident, Jailbada camp, December 13, 2007.

[250] Human Rights Watch group interview GR6 with camp residents (who chose to remain anonymous), Jayanagar (Nayapara) camp, December 13, 2007.

A former camp resident of Errabore was too scared to return to his home village and therefore relocated to another village. He said, "We told the police that they should also come and live with us otherwise we will not go because we are scared of Naxalites."[251]

The Chhattisgarh government has not yet offered police protection to villagers who want to return to their villages permanently. A resident of Dornapal camp highlighted the difficulties: "[It is] difficult for police to give protection in the village. The only way would be to have one police station for every *panchayat* area [geographical area comprising of a group of villages]."[252] Some NGO volunteers felt that police protection would not be helpful to villagers because the police themselves are primary targets of Naxalites.[253]

The police also claim that Naxalites have heavily mined interior areas.[254] NGO volunteers who work in camps said that landmines posed a problem for safe return. One of them pointed to a recent incident of such landmine explosion saying, "A few days back there was a blast in Konta, so people are scared [to leave the camps]."[255]

Even if people are assured of safe return, civilians cannot lead a normal life in villages unless government services are restored in interior areas. Schools in many villages have been destroyed.[256] Government health workers and teachers live in and around camps, and do not provide services in interior villages.[257] Government fair price ration shops, *anganwadis*, residential schools, and day schools have been shifted to or around camps.[258] In some areas Chhattisgarh authorities have cut off

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[251] Human Rights Watch interview with Pottem Satish (pseudonym), former resident of Errabore camp, location withheld, December 6, 2007.

[252] Human Rights Watch group interview GR2 with residents of Dornapal camp (who chose to remain anonymous), location withheld, December 12, 2007.

[253] Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

[254] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[255] Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

[256] See below, section XA, Disruption of Schooling in Dantewada and Bijapur districts.

[257] Human Rights Watch group interview GR8 with volunteers working in camps (names and details withheld).

[258] District Collector, "Brief Memorandum [Dantewada (undivided)]," 2007.

villagers' access to markets making it very difficult for them to survive should they return.[259]

The conflict between Naxalites, Salwa Judum, and government security forces has forced people to take sides making them enemies. Villagers who did not relocate to camps continue to be perceived as Naxalite sympathisers, and villagers who voluntarily or otherwise relocated to camps are perceived as pro-Salwa Judum. This has caused tremendous friction among villagers. One villager from Jangla camp said,

> People living here [camp] have become enemies of people living there [village]. This happened after Salwa Judum started. Before Salwa Judum, we were living together—we used to go to the market together and celebrate festivals together. Now we can't do any of that. If we see each other, we will beat or even kill each other.[260]

Despite these formidable obstacles, many camp residents still wish to return home. For instance, a group of people who were forcibly relocated said, "We have all our land and property there [in the village]. If we die, we want to die on our land. We don't want to die in the camp. The last place we want to die is in the camp."[261]

B. "Double jeopardy": Abuses against displaced persons by Andhra Pradesh authorities

Tens of thousands of people fled from Dantewada and Bijapur districts of Chhattisgarh to escape the conflict, and settled in the reserved forest areas of neighboring Andhra Pradesh state. NGOs and government officials estimated that since June 2005 around 30,000-50,000 displaced persons have settled in the Khammam and Warangal districts of Andhra Pradesh.[262] A professor from Osmania

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[259] Human Rights Watch interview with Mandavi Siddharth (pseudonym), person displaced from Neeram, location withheld, December 11, 2007.

[260] Human Rights Watch interview with camp resident (who chose to remain anonymous), Jangla camp, December 14, 2007.

[261] Human Rights Watch group interview GR10 with residents (who chose to remain anonymous), location confidential, Dantewada district, December 15, 2007.

[262] Human Rights Watch interviews with J. P. Rao, professor from Osmania University, location withheld, November 30, 2007 (second interview); S4 (who requested anonymity), senior police official, location withheld, December 5, 2007. National Commission for the Protection of Child Rights (NCPCR), "Visit to Dantewada (Chhattisgarh) and Khammam (Andhra Pradesh) to

University who is an expert on tribal-related issues explained: "It's very difficult to get clear estimates because displaced people are very scared—they live under assumed names and don't want to tell us who they are."[263]

Despite being aware of the circumstances under which displaced persons from Chhattisgarh settled in reserved forest areas, the Andhra Pradesh government has repeatedly evicted displaced persons unlawfully and by force, and failed to assist them. A senior forest department official candidly summed up the plight of displaced persons settled in Andhra Pradesh:

> They are refugees in their own country…. No one will support them. Police also fear them [IDPs]—if they come and settle here it will become another Chhattisgarh. Police department will not support them, forest department will not support them, revenue department will not support them…. From a human rights angle their life is very pathetic.[264]

An eviction is unlawful when it is carried out in violation of domestic law or international human rights law.[265] While interpreting the right to adequate housing and right against forced evictions under the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights has stated that:

Investigate Status of Health and Education of Children affected by Civil Unrest, December 17-19, 2007" report, March 2008, p. 37. The Commission and senior police official S4 estimate that 30,000 people relocated to Andhra Pradesh while Rao estimates that around 50,000 relocated to Andhra Pradesh.

[263] Human Rights Watch interview with J. P. Rao, first interview, November 28, 2007.

[264] Human Rights Watch interviews with B. Shafiullah, divisional forest officer of Bhadrachalam, Bhadrachalam, December 7, 2007.

Other officials expressed similar views. Human Rights Watch interviews with K. Bhaskar, sub-collector of Khammam district, Bhadrachalam, December 7, 2007; senior police official S4 (who requested anonymity), December 5, 2007.

These government officials cited several reasons for their current approach to the IDP influx. Their primary reason for not providing protection and assistance was security-related. A senior law enforcement official reasoned that the influx of IDPs created a security alarm in the state: "Many of them [IDPs] are pumped in by the Maoists so that they can form a cover in the forests to increase their operations and attacks." The sub-collector of Khammam district admitted that the IDP issue was a "social problem" but stated that "till now, for us [Andhra Pradesh government] it has been more a security issue than a social issue." Another oft-cited reason for not providing assistance to IDPs was resistance from local tribal communities.

[265] See below. There is an ongoing legal dispute in the Andhra Pradesh High Court regarding the legality of the evictions under domestic law.

1. Prior to carrying out evictions, authorities should explore all feasible alternatives in consultation with affected persons in order to avoid or minimize the need to use force;[266]
2. Eviction should be carried out in accordance with the general principles of reasonableness and proportionality, and they should not render individuals homeless or vulnerable to the violation of other human rights;[267]
3. In case of eviction, authorities should ensure that "adequate" alternative housing or resettlement options are provided;[268]
4. All individuals affected by forced evictions have a right to adequate compensation for any property that is affected.[269]

It has also outlined a list of procedural and due process safeguards as follows:[270]

1. Opportunity for genuine consultation with those affected;
2. Adequate and reasonable notice prior to the scheduled date of eviction;
3. Information on the proposed evictions;
4. Government officials to be involved during evictions;
5. Persons carrying out evictions to be properly identified;
6. Evictions not to take place in particularly bad weather or at night without consent;
7. Provision of legal remedies;
8. Provision of legal aid for those who want to seek redress from courts.

Unlawful forced eviction of displaced persons

Burned logs stood as mute witnesses to repeated Andhra Pradesh forest department-led destruction of IDP hamlets. Local NGO workers took Human Rights

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[266] UN Committee on Economic, Social and Cultural Rights, "The Right to Adequate Housing: Forced Evictions (art.11.1)," General Comment No. 7, E/1998/22, annex IV (1998), para. 13.

[267] Ibid, paras. 14, 16.

[268] Ibid, para. 16; UN Committee on Economic, Social and Cultural Rights, "The Right to Adequate Housing (art. 11.1)," General Comment No. 4, E/1992/23 (1991), para. 8. General Comment No. 4 examines the concept of "adequate housing." "Adequate" housing includes legal security of tenure, availability of services, materials, facilities, and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy.

[269] UN Committee on Economic, Social and Cultural Rights, "The Right to Adequate Housing: Forced Evictions," para. 13.

[270] Ibid, para. 15.

Watch researchers on a tour of one IDP hamlet and pointed to huts that displaced persons were building afresh—again. "They cannot chop any more wood so they have begun to reuse burned logs for huts," one explained.[271]

The divisional forest officer of Bhadrachalam said that the IDP hamlets are illegal. He further said that the Andhra Pradesh forest law empowers the forest department to destroy illegal hamlets. However, all officials including the divisional forest officer claimed that forest department officials "do not burn huts" and explained that local tribal communities were burning IDP hamlets.[272]

Human Rights Watch visited 17 different IDP hamlets in Khammam and Warangal districts. Displaced persons from nine different hamlets stated that forest department officials had repeatedly burned their hamlets, destroyed their personal belongings despite pleas for minimizing damage, beat hamlet residents (including children), or forcibly relocated them to other areas without prior consultation, and without offering adequate alternative housing.[273] In some of these cases forest department officials reportedly instigated local tribal communities to harass displaced persons. Human Rights Watch has evidence that between June 2005 and August 2007 at least 700 displaced persons from nine hamlets were repeatedly rendered homeless by these government actions. [274]

In Kothooru, a displaced person who witnessed his hamlet being burned eight or nine times since January 2007 said,

> Our village was burned for the first time in January 2007. The forest department people along with [local] villagers came here and burned

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[271] Human Rights Watch tour of village K7 with volunteers from Sitara organization, Khammam district, December 5, 2007.

[272] Human Rights Watch interviews with B. Shafiullah and K. Bhaskar, December 7, 2007; senior police official S4 (who requested anonymity), December 5, 2007.

[273] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts, villages W1, W2, W3, W4, W7, K5, Kothooru, K7, and K8, Warangal and Khammam districts, November 29-December 8, 2007. Six of the nine instances of burning and forced relocation involved only forest department officials. In the remaining three instances of burning in villages Kothooru, K7, and K8, IDPs told Human Rights Watch that forest department officials instigated local villagers to destroy their hamlets.

[274] Human Rights Watch group interviews with IDPs in villages W1, W2, W3, W4, W7, K5, Kothooru, K7, and K8, Warangal and Khammam districts, November 29-December 8, 2007.

> our huts. About 10 forest department people and 40 villagers came and beat everyone, even children and women…. They have come about eight or nine times like this. Each time the forest department comes with villagers and burns everything. Forest department people come in jeeps and on motorcycles and the villagers come on foot. Sometimes they [officials] do it [burn] sometimes they tell the villagers what to do and then stand back and watch. They say "Go and set their huts on fire" and stand and watch.[275]

Villagers from only three of the 17 IDP hamlets stated that there was acrimony between local tribal communities and displaced persons, and while local tribal communities were indeed involved in the violence in each of those three hamlets, the forest department was also involved.[276]

In some cases, local tribal communities actively assisted displaced persons to find new homes.[277] One displaced person who witnessed his hamlet being burned said, "After that [burning] the local villagers helped us and told us to come and live here—to come and stay with them over here. So now we have made our huts amidst the local villagers' huts. If we go to the jungle for something, then we get beaten."[278]

In one case, a displaced person in Warangal district stated that forest and excise officials destroyed his hamlet even though they had the support of local villagers:

> We came [from Chhattisgarh] to Bootharam [in Andhra Pradesh] … and we built huts. About three months later, 20 forest and excise officials came and said that they knew that we had come from Chhattisgarh

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[275] Human Rights Watch interview with Prakash (pseudonym), IDP from Kannaiguda, Kothooru, Khammam district, December 4, 2007.

[276] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts, villages Kothooru, K7, and K8, Khammam district, December 4-6, 2007. IDPs settled in these three villages told us that forest department officials along with local villagers attacked their hamlets.

[277] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts, villages W2, W3, W4, W7, K5, K9, W6, K1, K2, K3, K10, and K11, Warangal and Khammam districts, November 28-December 8, 2007. IDPs in these 12 villages shared with Human Rights Watch stories of the different ways in which local tribal communities had assisted them to settle safely in Andhra Pradesh.

[278] Human Rights Watch group interview with numerous IDPs from different villages in Dantewada and Bijapur districts, village K5, Khammam district, December 4, 2007.

> because of the trouble there and that we could not stay here. We told them that we had the permission of village elders to live here. The officials said that village elders' permission did not matter … the officials set fire to all the huts.[279]

In their efforts to evict displaced persons, forest officials burned not only IDP hamlets but also all their personal belongings without showing any concern for their plight. A displaced person from Kothooru described to Human Rights Watch how they starved because their food grains were burned along with their money:

> One of the villagers had saved 5,000 rupees (roughly US$125) and they burned that also. When they were about to burn everything, we begged them to at least allow us to take our food grains and money but they beat us more and set everything on fire. They also took away our poultry, goats, and cattle … We had no where to go and so every time our huts were burned, we used to stay under the trees over here. One time they came during the monsoons—we stayed under the trees for three days because we could not go out and get help. The nearest help is 14 kilometers away. So we starved for three days.[280]

Another displaced person in Khammam district bitterly recalled how officials burned his life's savings and showed us its charred remains:

> See this [holding burned currency notes] … They put all our belongings in the fire and burned it. First time I had 7,700 rupees [roughly US$192] and they burned it. When I begged them and told them all my savings were there, the [forest] ranger said, "Let it burn. We will burn everything else."[281]

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[279] Human Rights Watch interview with Dilip (pseudonym), IDP from Barrem, village W4, Warangal district, November 30, 2007.

[280] Human Rights Watch group interview with Prakash (pseudonym) and another villager (who chose to remain anonymous), IDPs from Kannaiguda, Kothooru, Khammam district, December 4, 2007.

[281] Human Rights Watch interview with IDP-3 from Nendra (who chose to remain anonymous), village K7, Khammam district, December 5, 2007.

A volunteer with an NGO that provides humanitarian assistance to displaced persons described how they gathered and distributed clothes to them at least three times because officials burned their clothes every time. "They would not leave a shred of cloth except what was on their bodies," she said.[282]

Forest officials not only burned IDP hamlets in their attempts to evict them but also beat and forced displaced persons into trucks, and dropped them to locations closer to the Chhattisgarh-Andhra Pradesh state boundary. The divisional forest officer of Bhadrachalam admitted to such relocations but described them as peaceful: "Usually we give notice and take our lorry [truck], go and take them [IDPs], and peacefully leave them in the borders."[283] However, Human Rights Watch found that displaced persons were often beaten or detained to facilitate such relocation. One man, speaking for a group of displaced persons from a village in Warangal district, recounted how they were detained, presumably to prevent protests during relocation:

> In June or July 2007, four forest officials came here and took away the adult males to the [forest] range office and locked us in a room overnight. The next day, the children and women were taken, loaded in a truck, dropped in Cherla, and threatened. After forcibly putting people in trucks, the forest officials burned our huts. They burned about twelve huts and left five or six huts. The women and children walked for two days to return to the village.[284]

A displaced person from a village in Khammam district described how he was brutally beaten:

> The [forest] department people came with villagers [from a village nearby]. There were about 8-10 forest department people and around 20-25 villagers. They came in the afternoon, surrounded the village,

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[282] Human Rights Watch interview with Sarojini Haneef, Sitara Organization, Chinturu, December 5, 2007.

[283] Human Rights Watch interviews with B. Shafiullah, December 7, 2007. The sub-collector of Khammam expressed similar views: Human Rights Watch interview with K. Bhaskar, December 7, 2007.

[284] Human Rights Watch group interview with numerous IDPs (who chose to remain anonymous), village W2, village W2, Warangal district, November 29, 2007.

> beat us, and burned the village. I got beaten severely. They beat me and broke my ribs and fingers. They also hit me on my head and I got many stitches. Even now my fingers hurt and I can no longer lift weights and do manual labor because my ribs are weak. After they beat me, they dragged me to [village name withheld] and left me there. My brother found me there and took me to Chinturu [for medical help]. They hit women and children also with *lathis* [wooden sticks]. They showed no mercy and even little children—two- and three-year-olds—were beaten.[285]

A local activist from Warangal district described to us how he found a group of displaced persons who had been forcibly relocated from their hamlet in February 2006:

> I was walking past the forest checkpost and I found these people [IDPs] looking very scared and asked them what happened. Then they told me that the forest department officials had brought them from Domada and left them here. So I told them to come with me and helped them.[286]

These evictions are particularly traumatic because the forest department forcibly relocates displaced persons without previous warnings or consultations. The Bhadrachalam divisional forest officer claimed that they "give notices—both written and oral" and "follow due procedure under section 20 of the Andhra Pradesh Forest Act."[287] Displaced persons, however, say that they were not consulted to explore feasible alternatives to eviction and were given no warnings, written or oral.[288]

In fact, many displaced persons say that they repeatedly have sought protection and assistance from government authorities, but their pleas have been ignored or have

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[285] Human Rights Watch interview with IDP-3 from Nendra (who chose to remain anonymous), village K7, Khammam district, December 5, 2007.

[286] Human Rights Watch interview with a local activist (name withheld), village W7, Warangal district, December 1, 2007.

[287] Human Rights Watch interview with B. Shafiullah, December 7, 2007.

[288] None of the IDPs who were evicted reported any notice by government, written or oral.

met with further retributive measures.[289] After the IDP settlement in Kothooru was burned, as described above, residents said that they even wrote a letter to the Integrated Tribal Development Agency but there was no response.[290] When displaced persons in another hamlet sought police action against forest department and local villagers who burned their hamlet, not only did the police ignore their complaint and allow forest department officials and local villagers to destroy their hamlet again, but the police also forced them to withdraw their complaint and slapped additional charges on them. One of the displaced persons said,

> Immediately, about two or three days after the incident [burning of hamlet], the police called everyone to the police station and made us sign papers. Later we were told that it was the *razinama* [settlement between parties] saying that we agreed to withdraw the case. Then they booked a case against the five of us who had gone to the police station to complain … for illegally occupying the land. We were produced before the magistrate in Bhadrachalam and were in jail for 12 days. I got my relative to stand as surety for us and we were released on bail.[291]

A resident of Warangal district stated that he was part of a group of local villagers who met with forest department officials to dissuade them from forcibly relocating the displaced. Forest department officials threatened them and sent the group back. He said,

> We are tribals. They [IDPs] are also tribals. So we asked them [forest department officials] why they are treating our fellow tribals like this—why they are differentiating between us. Forest officers did not listen to us. Instead they threatened us and said that since we had invited them here they would file charges against us. We found out that they

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[289] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts, villages K5, K7, Kothooru, and K8, Khammam district, December 4-7, 2007.

[290] Human Rights Watch group interview with Prakash (pseudonym) and another villager (who chose to remain anonymous), IDPs from Kannaiguda, Kothooru, Khammam district, December 4, 2007.

[291] Human Rights Watch interview with IDP-3 from Nendra (who chose to remain anonymous), village K7, Khammam district, December 5, 2007.

> [forest department] wanted to shift them [IDPs] to a place in Nalgonda where there are no forests and it would have been very difficult for them to survive. We negotiated with them [officials] and finally convinced them to take them [IDPs] to Bhadrachalam instead of Nalgonda.[292]

A senior police official from Andhra Pradesh confirmed that the police do not register complaints against the forest department because they are performing their duties under the law:

> IDPs make complaints against the forest department. Strictly speaking these are not complaints and we do not register them. We can't register complaints against the forest department because they are authorized to evict encroachers. We try to find via media [middle ground] and tell the forest department that they cannot be very harsh on the IDPs.[293]

After enduring repeated forced relocation for over two years, in mid-2007 local NGOs assisted displaced persons in petitioning the Andhra Pradesh High Court for its intervention.[294] The court passed interim orders in September 2007: "the respondents [forest department officials] are directed not to demolish or set fire the huts, if any, of the Petitioners."[295] Local NGOs and the petitioners' counsel informed Human Rights Watch that the court-granted relief was merely temporary—they feared that forest department officials would recommence their punitive actions if the High Court's interim orders were vacated.[296]

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[292] Human Rights Watch group interview with local villagers (who chose to remain anonymous), Warangal district, November 29, 2007.

[293] Human Rights Watch interview with a senior police official S4 (who requested anonymity), location withheld, December 5, 2007.

[294] *Madkam Nandaiah and others* v. *Forest Range Officer, Konnavaram, Khammam district and others,* Writ Petition No. 19594 of 2007, *Vanjam Kannaiah and others* v. *Forest Range Officer, V.R.Puram, Khammam district and others,* Writ Petition No. 19571 of 2007, *Thurram Muthaiah and another* v. *Forest Range Officer, Chintoor, Khammam and others,* Writ Petition No. 19599 of 2007. In these petitions, the evictions have been challenged as being violative of the tribal communities' rights under Indian forestry laws.

[295] Ibid, interim orders, September 27, 2007.

[296] Human Rights Watch interviews with K. Balagopal, Human Rights Forum, Hyderabad, November 27, 2007 (first interview); Dr. Haneef, Sitara Organization, Chinturu, December 4, 2007 (first interview).

Despite the court's orders, forest department officials continued to harass the displaced communities in other ways. One displaced person said,

> The last time our huts were burned was in the monsoon season of this year [2007]. Then we went to the High Court and got a stay order. After the stay order, the forest department has not come to burn our huts. But they came about eight days ago [around the last week of November 2007] and confiscated all our working tools—axes, daggers, sickles, and spades. Now we cannot do any work and earn any money. We cannot build our houses also—how can we build them without our tools?[297]

In April 2008, Andhra Pradesh forest department officials violated the court's orders and destroyed the IDP hamlet in Kothooru for the ninth or tenth time since January 2007.[298]

Government failure to protect displaced persons from Salwa Judum harassment

Many displaced persons in Andhra Pradesh stated that Salwa Judum members cross over to Andhra Pradesh in search of villagers from Chhattisgarh who have settled there. Many other displaced persons stated that they had seen Salwa Judum members on the Andhra Pradesh side, and live in constant fear of being recognized and taken away.[299]

When Human Rights Watch asked a senior police official from Andhra Pradesh whether the police had received any complaints against Salwa Judum members, he said,

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[297] Human Rights Watch interview with IDP-3 from Nendra (who chose to remain anonymous), village K7, Khammam district, December 5, 2007.

[298] Human Rights Watch phone interview with Dr. Haneef, Chinturu, April 9, 2008 (third interview).

[299] See above, section IV D, Salwa Judum reprisals against villagers who have fled to Andhra Pradesh.

> Salwa Judum [members] come to Andhra Pradesh but only for meeting their daily needs—groceries, markets, and medical assistance. Salwa Judum is with the [Chhattisgarh] government and therefore doesn't cause any problems to the public, and there are no complaints against them. Salwa Judum [members] are law abiding people who are with the government. They are the people who rebelled against the Maoists. They are welcome anywhere at any time.[300]

As described earlier, villagers from Warangal district told Human Rights Watch that persons displaced from Chhattisgarh were abducted as recently as November 2007—Salwa Judum members and police abducted two villagers who had fled Chhattisgarh and settled in Andhra Pradesh.[301] Despite police claims that Salwa Judum poses no threat in Andhra Pradesh, displaced persons from Chhattisgarh are understandably fearful of harassment, abduction, or other reprisals.

Government failure to provide humanitarian assistance to displaced persons

Having been forced to abandon their homes, fields, and livestock in Chhattisgarh, displaced persons are largely dependent on the Andhra Pradesh government for income and food. But the Andhra Pradesh government has refused to extend the benefit of government welfare schemes such as the employment guarantee and food subsidy schemes to displaced persons who are not "local residents."

The government practice is discriminatory because "local residence" is not an eligibility criterion under these schemes. Under the employment guarantee scheme, the Indian central government seeks to provide employment security for rural households.[302] The law calls upon all state governments (including the Andhra Pradesh government) to provide to every rural household whose adult members volunteer to perform manual labor "job cards" that will guarantee wage employment

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[300] Human Rights Watch interview with a senior police official S4 (who requested anonymity), location withheld, December 5, 2007.

[301] See above, section IV D, Salwa Judum reprisals against villagers who have fled to Andhra Pradesh.

[302] National Rural Employment Guarantee Act, Act 42 of 2005, http://www.commonlii.org/in/legis/num_act/nrega2005375/ (accessed May 13, 2008).

for at least 100 days a year.[303] The job card is a prerequisite to participate in the scheme. The registration process requires adult members to make an application "to the *Gram Panchayat* at the village level in the jurisdiction of which they reside for registration of their household for issuance of a job card."[304] The law does not prescribe any minimum residence rule.[305]

As mentioned earlier, displaced persons from Bijapur and Dantewada districts have settled in Andhra Pradesh since June 2005. During the agricultural season, almost all displaced persons are dependent on daily-wage agricultural labor for their livelihood.[306] In the non-agricultural season, they are mostly dependent on daily-wage manual labor as their access to forest produce has been cut off.[307] Barring a few cases where displaced persons have received job cards with the help of local communities, in many cases authorities refused to accept job card applications from displaced persons as they were not "locals."[308] Even in many cases in which authorities accepted these applications, they had yet to issue job cards when we spoke with the displaced persons months after the applications had been filed.[309]

A local NGO wrote letters to the Andhra Pradesh government requesting them to issue job cards to displaced persons. [310] Despite these applications and requests, the government has promised but failed to take steps to issue job cards to the vast majority.[311]

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[303] National Rural Employment Guarantee Act, 2005, sec. 5 read with Schedule II.

[304] Ibid.

[305] Human Rights Watch interview with K. Balagopal, first interview, November 27, 2007.

[306] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts, villages W1, W2, W3, W4, W5, W6, W7, K1, K2, K3, K4, K5, Kothooru, K7, K8, K9, K10, and K11, Warangal and Khammam districts, November 29-December 8, 2007.

[307] Ibid.

[308] Human Rights Watch group interview with numerous IDPs from different villages in Dantewada district, villages K2 and K9, Khammam district, December 4-6, 2007.

[309] Human Rights Watch group interview with numerous IDPs from different villages in Dantewada and Bijapur districts, villages W3, W4, and W7, Warangal district, November 29-December 1, 2007.

[310] Letter from K. Balagopal, general secretary, and S. Jeevan Kumar, vice president, Human Rights Forum, to the principal secretary, Department of Rural Development, Government of Andhra Pradesh, December 2006; Letter from K. Balagopal, general secretary, Human Rights Forum, to the principal secretary, Department of Rural Development, Government of Andhra Pradesh, January 2008.

[311] Human Rights Watch interview with K. Balagopal, first interview, November 27, 2007.

Displaced persons' lack of or limited access to forest produce, coupled with the lack of a stable income, poses a serious food security problem.[312] The government's targeted public distribution scheme (TPDS) is meant to ensure the distribution of food grains at subsidized rates to the poor. Under the scheme, the state governments (including the Andhra Pradesh government) are responsible for issuing ration cards to villagers who are below the poverty line to enable them to make use of the scheme. Ration card holders can purchase food grains from ration shops at subsidized rates.

Many displaced persons from Khammam and Warangal districts complained that their ration card applications were not processed because the district collector refused permission:

> We gave our photographs for a ration card one year ago but it has not yet been issued. The ration officer said that ration cards will be issued only after permission is given by the district collector.[313]

The sub-collector of Khammam district explained the Andhra Pradesh government's policy:

> [T]he stated policy is not to give ration cards. Ration cards—the state government is giving the subsidy—why should our state subsidize people coming from another state?... There is also a law and order, and security issue. Not many [displaced persons] are really displaced. There are many Naxal elements. Under the guise of displacement they [displaced persons] are helping Naxalites. So we do not want to encourage it [settling in Andhra Pradesh].[314]

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[312] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts. villages W1, W2, W3, W4, W5, W6, W7, K1, K2, K3, K4, K5, Kothooru, K7, K8, K9, K10, and K11, Warangal and Khammam districts, November 29-December 8, 2007.

[313] Human Rights Watch interview with Dilip (pseudonym), IDP from Barrem, village W4, Warangal district, November 30, 2007; group interviews with numerous IDPs from different villages in Dantewada and Bijapur districts, villages K2, K5, and K10, Khammam district, December 2-7, 2007.

[314] Human Rights Watch interview with K. Bhaskar, December 7, 2007.

In many places, displaced persons did not have access to potable water. For instance, local NGO workers showed Human Rights Watch mosquito-infested ditches that displaced villagers used for water in one village; many fall ill repeatedly. Many displaced persons complained that they had to walk from one to five kilometers to access potable water.[315]

Not only should the Andhra Pradesh government immediately ensure protection to IDP hamlets but they should also extend the benefit of all government welfare schemes to displaced tribal communities until a comprehensive rehabilitation scheme is developed in consultation with them.

[315] Human Rights Watch group interviews with numerous IDPs from different villages in Dantewada and Bijapur district, villages W1, W3, W4, K4, Kothooru, and K7, Warangal and Khammam districts, November 29-December 6, 2007.

VII. Abuses by Naxalites

Naxalites have been responsible for numerous abuses.[316] In the course of what they claim to be a popular "people's war," their methods have included intimidation, threats, abductions, beatings, torture, and summary executions. Their victims include village leaders and other persons of high standing, and villagers who either refuse to cooperate with them or are suspected of being police informers. They also demand money, food, and shelter from villagers. Naxalites also recruit children into different Naxalite departments, including their armed wing, and therefore expose children to risks of fighting during anti-Naxalite combing operations by government security forces.

A. Threats, extortions, and killings

The usual Naxalite method of establishing authority over an area is to initially target sarpanches (village officials), rich landowners, priests, and other influential village elders like patels (village headmen). Sarpanches are representatives of the state and thus considered a threat to the Naxalite leadership. Police superintendent G.P. Singh explained, "Naxalites have deliberately tried to eliminate leadership, particularly tribal leadership who can challenge Naxal authority."[317]

According to one man, the son of a landowner, who now lives near Jagdalpur town,

> In the area where we live, hardly any sarpanch survives his full term. They are chosen for five years, but rarely last beyond three. Naxalites kill them. They also kill other village council members. These officials are under constant pressure not to allow the building of roads and schools in their villages.[318]

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[316] In the event that the conflict in Chhattisgarh amounts to a non-international armed conflict under international humanitarian law (the laws of war), all parties to the conflict are bound by article 3 common to the four Geneva Conventions of 1949 and customary international humanitarian law.

[317] Human Rights Watch interview with G. P. Singh, superintendent of police of Bastar district, Jagdalpur, January 26, 2008.

[318] Human Rights Watch interview with villager from Bastar district (name and details withheld).

Naxalites beat and kill villagers, particularly people they suspect of being police informers, and village leaders including sarpanches, patels, and priests. In some cases, these beatings and killings follow a jan adalat (people's court). Naxalites organize such jan adalats to conduct public trials and punish offenders. For instance, wealthy landowners are brought before such a court and asked to hand over a portion of their assets for redistribution among the poorer villagers; those that dare to oppose the sentence or ruling are beaten. Suspected police informers or traitors may be sentenced to death.

The fairness of any justice system should be tested against international human rights law criteria that include independence, impartiality, and competency of judges, presumption of innocence, right to legal counsel and adequate time for preparation of defense, and the right to appeal.[319] Jan adalats fail to meet any of these standards.

Subba Atish, a former Naxalite said he had participated in two jan adalats and seen four villagers being executed:

> The jan adalat is organized by the commander or deputy commander of a dalam [armed squad]. They get about 15 villages together and pass a sentence. Members of the area committee, range committee head, and divisional committee will pass the sentence. They [accused] are usually supposed to be given a chance to defend themselves but generally this is how it works—first they are brought and beaten, and by the time the beating is over they are so scared that they will admit to the crime. Villagers and relatives who come to their defense are threatened and they don't have much of a defense in these adalats. If a relative says something, the commander will say: "So you also are with him [accused]? You want the same thing to happen to you?" … [I]f they [leaders] have made up their mind in the matter they tend to ignore villagers' opinion. They will say, "This is an enemy. If you want him punished, raise your hand." Even if the people say "don't kill," if

[319] See, for example ICCPR, arts. 6 and 14; see also common article 3 to the 1949 Geneva Conventions (a party to a conflict is prohibited at all times from "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples").

> they [leaders] have decided to kill, they will. And if they decide not to kill, even if the public says, "Kill, Kill," they will not kill.[320]

Another former Naxalite, Satyam David, agreed that it was difficult to win acquittal before a jan adalat. From his own experience he surmised that the only way that one could get acquitted in jan adalats is by garnering the support of some Naxalites. Before he became a jan militia (armed infomers) member and when he was in school, Naxalites had accused Satyam of being a police informer. He was abducted and taken before a jan adalat. He was acquitted, however, because his parents convinced some sangam (village-level Naxalite association) members to support him.[321]

Subba Atish described how four people were executed by two jan adalats. Two of the four were found guilty of conspiring against Naxalite commanders, and two others were found guilty of informing the police about a Naxalite ambush. In all four cases the punishment was implemented immediately after the sentence was imposed, leaving no opportunity to appeal against the decisions. Atish described,

> They held them [the four] guilty. They tie a rope around each person's neck and two people stand on either side and pull the rope-ends till the person dies. All four were killed in the same manner.[322]

Naxalite policing is also often abusive. Veera Etishan described how Naxalites tried to resolve fights between family members and punished those who did not heed their advice:

> Soma used to fight with everyone—with other villagers, mother, father, wife and so on. They [Naxalites] spoke to him and tried to make him understand. But he did not mend his ways even after the warning. So they tied his hands and legs, put him on the floor, and beat him. After

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[320] Human Rights Watch interview with Subba Atish (pseudonym), former Naxalite, other details withheld.

[321] Human Rights Watch interview with Satyam David (pseudonym), former Naxalite, other details withheld.

[322] Human Rights Watch interview with Subba Atish (pseudonym).

> that they rubbed small stones [gravel] all over his body till his skin peeled off.
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> Then I saw Aitu getting beaten. Aitu was the elder brother [of another villager] and he fought over his share of forest produce and beat his younger brother. They warned him and asked him to sort it out without beating his younger brother. But when he did not listen to their warnings, all the sangam members beat him.[323]

Naxalites imprisoned another villager for his alleged offenses. Veera Etishan described how Sukku was locked up in a school in Nendra for a month. "The villagers would release him and make him do work during the day, and then lock him up in the evenings," he said.[324]

Naxalites also threaten families of those they suspect of being police informers. For instance, they repeatedly visited Vattam Fanu's family after he ran away from his village to escape Naxalite recruitment. He said,

> [B]ut the harassment did not stop [even after I ran away]. Naxalites came and told my parents that I was earning well in the town. They wanted my parents to hand over the money. They would not believe that I was too poor to send any money home. Then they started saying that I was working for the police.[325]

His parents told him that they were constantly under threat from Naxalites who continuously demanded money, or insisted that their son was a police informer. Vattam Fanu was forced to intervene to prevent this harassment:

> Finally, I went back to the village to show them that I was not working for the police. This was in 2006. Then, as I was going to check on the

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[323] Human Rights Watch interview with Veera Etishan (pseudonym), former Naxalite, other details withheld.

[324] Ibid.

[325] Human Rights Watch interview with Vattam Fanu (pseudonym), SPO, other details withheld.

> irrigation canals on our farm, five uniformed people arrived … Then one of them spoke in Gondi and I realized they were Naxalites. They tied my hands together with a rope. When my father asked what they were going to do with me, they said, "We are going to get him married." I said, "What marriage?" They all laughed. They said "Don't you know what it is to be married?" I later realized they meant they were going to kill me.[326]

He escaped because some villagers came to his defense and Naxalites let him go. After this he left his village for the second time.[327]

After Vattam Fanu's second flight, Naxalites raided his house at least twice and looted grains and jewelry. He said he then approached the police for assistance. The police began to use him as an informer and a guide. In January 2007 he was given a police job. When Naxalites found that he had joined the police they attacked his family:

> They came to my house and said, "Your son has joined the police. Call him back. Hand him over to us." My parents told the Naxalites that they had no contact with me. But they [Naxalites] were very angry. They dragged my brother out and beat him … My younger sister was also badly beaten. She is not even 18 years old. Even my parents were not spared. They were beaten with rifle butts and sticks in front of the whole village. They cut my sister's earlobes to take her earrings. They only stopped beating her when she fainted. They said now that I had joined the police, they would come back to take my sister with them to fight. My sister and several other young people from the village have gone away to another city to escape being recruited by Naxalites.[328]

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[326] Ibid.

[327] Ibid.

[328] Ibid.

Similarly, Naxalites beat and harassed Himesh Karan's family because he joined the police. He had worked with the police as an informer since 2002 and was accepted into the police force in 2006. He said,

> On May 27, 2002, Naxalites first attacked my house. They took away our grain, cattle, clothes, and jewelry. I was absorbed into the police force in 2006. I take part in police patrols in our area where I know the terrain. Naxalites have been attacking my house and taking away all our harvest. They threatened my brothers and beat them. They told my younger brother that he should come to [name withheld] and kill me. "Go kill your brother or we will kill you," they told him. "Your brother is bringing the police here to attack us. We want him dead." My brother said he could not kill me. So they beat him.[329]

As recently as late January 2008, Naxalites held a meeting in Himesh Karan's village and attacked his brothers again:

> They beat up my brothers in front of the whole village. They said that my brothers had become informers and were giving me information about Naxalites.[330]

Naxalites also threaten villagers and enlist their support in different ways. Dhula Janak, for instance, said that he was forced to provide assistance to Naxalites:

> In 2005 when I was at the wholesale market, Naxalites abducted me and some others. They took us into the jungle and said they would kill us unless we helped them. I started helping Naxalites, giving them money and purchasing wire, medicines, and other equipment for them. In 2006 I was picked up by the police. They brought me to the police station for questioning and said that I was helping Naxalites.[331]

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[329] Human Rights Watch interview with Himesh Karan (pseudonym), location withheld, January 27, 2008.

[330] Ibid.

[331] Human Rights Watch interview with Dhula Janak (pseudonym), location and other details withheld.

The police, after questioning him, offered protection if he switched sides. He still fears for his life:

> Life is very difficult in this region. If we don't help Naxalites, they punish us. And if we do, the police punish us. I told the police that I did not want to help Naxalites, but they trouble us. The police chief asked if I would help the police instead. I agreed, and because of information that I could provide, two Naxalites were arrested. But since then I have been scared. Naxalites will know that I was questioned and that must have led to the arrests. They will kill me.[332]

The most frequent complaint against Naxalites is their extortion of food and money. One villager complained that Naxalites demand food grains from them even when they do not have enough to feed their families:

> The people from inside [who live in the jungles—Naxalites] used to visit my village two years ago, even before Salwa Judum started. They used to ask us for food grains and if we said we didn't have, then they would threaten us with guns and force us to give grains. It didn't matter whether we had food to eat for ourselves, but we had to give them.[333]

In another case, Pradeep Rao saw Naxalites extorting money from his sarpanch-uncle:

> When I was in class eight [around 2002-2003], I went to my uncle's house and stayed overnight at his house. At night, Naxalites came and beat my uncle and took everything from home. They demanded 50,000 rupees and said that they would kill him if he did not give them the money. My uncle gave them 50,000 rupees and that is why they did

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[332] Ibid.

[333] Human Rights Watch interview with Prateek (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007.

> not kill my uncle. They threatened and warned me against telling anyone else. They also stripped me of all my clothes and went away.[334]

Naxalites collect fines from families that do not attend their meetings. Some villagers complained that they were forced to pay fines of 50 or 100 rupees (roughly UD$1-2) out of their meager income.[335] Said one villager,

> Everyone has to attend meetings. They take down names of those that don't attend. Those people have to offer proper explanations. They are also fined 50 rupees which is a lot of money for a villager, but they pay because they are scared. Then they have to beg for forgiveness.[336]

B. Use of landmines and IEDs

Naxalites use landmines and improvised explosive devices (IEDs) to attack government security forces. Casualties from Naxalite use of landmines and IEDs increased after Salwa Judum began in June 2005. Human Rights Watch gathered information from news reports, NGOs, and government sources on approximately 30 landmine and IED explosions between June 2005 and December 2007.[337] These explosions largely targeted government security forces, usually using remote trigger mechanisms. However, such explosions have also killed and injured civilians on numerous occasions.

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[334] Human Rights Watch interviews with Pradeep Rao (pseudonym), IDP from Chinch Dongri, other details withheld.

[335] Human Rights Watch group interview with Oyam Suresh and Kadti Soman (pseudonyms), camp residents, other details withheld.

[336] Human Rights Watch interview with villager (who chose to remain anonymous), other details withheld.

[337] Chhattisgarh police, "List of Naxalite attacks in 2006-07," (unpublished); Landmine Survivors Network, "World Landmine News," May 19, 2005, http://www.landminesurvivors.org/news_article.php?id=488 (accessed March 29, 2008); December 22, 2006, http://www.landminesurvivors.org/news_article.php?id=718 (accessed March 29, 2008); January 16, 2007, https://www.landminesurvivors.org/news_article.php?id=733 (accessed March 29, 2008); "Two injured in Chhattisgarh blast," *India eNews*, May 15, 2007, http://www.indiaenews.com/india/20070515/51757.htm (accessed March 29, 2008); "CRPF jawan killed, three injured in IED blast," *Sahara Samay*, May 18, 2007, http://www.saharasamay.com/samayhtml/articles.aspx?newsid=75691 (accessed March 29, 2008); Naxalite Watch, "Naxalite blast kills 3 in Bastar," post to "Naxalite Terror Watch" (blog), June 6, 2007, http://naxalwatch.blogspot.com/2007/06/Naxalite-blast-kills-3-in-bastar.html (accessed March 29, 2008); Naxal Terror Watch, "Two policemen injured in a blast in Chhattisgarh," post to "Naxalite Terror Watch" (blog), June 17, 2007, http://naxalwatch.blogspot.com/2007/06/two-policemen-injured-in-blast-in.html (accessed March 29, 2008); "Maoist landmine blast kills 10 policemen in Chhattisgarh," November 2, 2007, http://in.reuters.com/article/topNews/idINIndia-30297320071102 (accessed March 29, 2008).

International humanitarian law requires that parties to a conflict never target civilians, only military objectives. Police are only considered valid military targets when the police force is incorporated into the armed forces[338] or during the time they are taking a direct part in hostilities.[339] International humanitarian law prohibits the use of weapons, including landmines and IEDs, in a manner whose effects cannot discriminate between military targets and civilians.[340] When landmines are used, particular care must be taken to minimize the indiscriminate effects.[341] Whether or not a particular Naxalite attack is lawful under international humanitarian law, it still may be prosecuted as a criminal offense under Indian law.

In February 2006 Vasanti Kumar's sisters were returning from a Salwa Judum meeting when their truck was blown up. An NGO fact-finding team reported that the blast killed around 27 people and severely injured another 30, most of whom were believed to be civilians residing in Salwa Judum camps.[342] Vasanti Kumar claimed that out of a "truck-load of people only 20 survived the blast."[343] She lost a friend in the blast while her two sisters were injured.

In October 2007, three people—a civilian and two special police officers (SPOs)—were being transported to a hospital when their tractor was blown up in a landmine. Another SPO who was part of police party that was following the tractor said,

> We [SPOs] were returning from Polampalli to Dornapal and bringing three unwell people to Dornapal for treatment—two SPOs and a civilian, in the tractor. Naxalites blew up the tractor using a landmine. There were about 15 of us—following the tractor at a distance of about

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[338] See International Committee of the Red Cross (ICRC), Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law, Volume I* (Cambridge: Cambridge University Press, 2005), rule 4. India is one of only several states not party to the 1997 Ottawa Convention prohibiting the use, production, stockpiling and transfer of anti-personnel landmines (Mine Ban Treaty).

[339] Ibid, rule 6.

[340] Ibid, rule 12.

[341] Ibid, rule 81.

[342] Independent Citizen's Initiative, "War in the Heart of India, An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh," 2006, http://rightsandresources.org/blog/WarintheHeartofIndia.pdf (accessed July 16, 2007), p. 12.

[343] Human Rights Watch interview with Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

> 100 meters. The tractor driver—another SPO— survived the blast, but the remaining three died. The SPOs names are Kiske Masa (from Kakarlanka, age 27) and Sodi Joga (from Nagalgunda, age 22-23). I don't know the civilian's name.[344]

In another incident, one villager described how he survived a landmine blast in 2007. He was in an ambulance escorting an injured girl, who herself had been injured in another landmine blast in Jagargonda, when the ambulance hit a mine believed to be placed by the Naxalites. He said,

> The entire vehicle just went up in the air and landed some 20-30 meters forward. The frame of the vehicle got completely twisted and we were all shaken. But luckily we were alive and the vehicle was still working even in that condition so we kept going. After this, I have never dared to go to Jagargonda.[345]

C. Reprisals against Salwa Judum camp residents

Naxalites regard Salwa Judum as a serious threat to their influence in the area. After the movement began in June 2005, Naxalites have abducted, tortured, and executed villagers whom they believed were Salwa Judum supporters or supporters' family members. Satyam David had gone to Konta for work and was accused of attending a Salwa Judum meeting. "I was really scared," he said. "I thought they [Naxalites] would kill me. Naxalites had already announced, 'We will kill anyone who attends a Salwa Judum meeting. We will also kill their families.'"[346] Satyam David, a Naxalite himself, ran away and joined the police.

Villagers who left voluntarily or were forced into Salwa Judum camps risk being assaulted or killed by Naxalites in retaliation if they attempt to return to their villages. Describing their predicament, one villager said, "[b]eing neutral is our biggest

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[344] Human Rights Watch interview with Satti Krishna (pseudonym), SPO, other details withheld. See above, section III, Background, for more information regarding SPOs.

[345] Human Rights Watch interview with villager from Dornapal (name and location withheld), date withheld.

[346] Human Rights Watch interview with Satyam David (pseudonym), former Naxalite, other details withheld.

crime."[347] Villagers we interviewed gave us information about 49 people who were killed for allegedly supporting Salwa Judum.[348]

One woman described the killing of her husband who had been forcibly brought into a camp by Salwa Judum members and government security forces. She said,

> My husband went back to the village [from the camp] to bring grains for us to eat. When he went back, they [Naxalites] abducted him, killed him and left his body on the road … This happened in July last year [2006] … I have not gone back to my village even once. I don't know why Naxalites killed my husband—he was not a sarpanch, he was not a patel, he was not an SPO, he was nothing.[349]

Another woman who was abducted and released by Naxalites in April 2006 recounted her experience:

> We all— men and women together—went back [from the camp] in a big group to our village to bring back things. Naxalites abducted us from our village and took us to the jungle— blindfolded and with our hands tied. We walked for four days in the jungle. When we tried covering our eyes or bent down because we did not want to see them [Naxalites] beating the men, they [Naxalites] would grab us by the hair and make us watch it. When we told them we were hungry and wanted to eat something, they gave us dead frogs to eat. They also made us drink something that smelled like urine. I knew some of the Naxalites because they were villagers from Manikonta and Gaganpalli. They kept us for four days. After the first two days, the men and women were separated. After the four days, they brought us [women] and left us

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[347] Human Rights Watch interview with Modiyam Lokesh (pseudonym), camp resident, Dornapal camp, date withheld.

[348] Human Rights Watch interviews with Apka Karthik (pseudonym), camp resident, Konta camp, December 9, 2007; Kishore Nanda (pseudonym), student, location withheld, January 26, 2008; Mangesh (pseudonym), student, location withheld, January 27, 2008; Umang Deep (pseudonym), camp resident of Dornapal camp, location confidential. January 28, 2008; Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007; woman who was abducted (who chose to remain anonymous), other details withheld; Emla Dhruvesh (pseudonym), camp resident, other details withheld; Dasru Mangesh (pseudonym), SPO, other details withheld.

[349] Human Rights Watch interview with Kadtam Urmila (pseudonym), camp resident, Dornapal camp, December 12, 2007.

> near the Boddiguda dam. We were about 15 women. We walked till Manikonta, and from Manikonta we got a truck and were coming back when on our way we saw around 15 bodies of the men who were with us. Some of them were lined up along the road and others were strewn on the side. When we were on the way to the camp, we saw the force [Central Reserve Police Force or CRPF] going [to collect the bodies]. My husband was among those killed.[350]

Emla Dhruvesh, another victim of Naxalite abduction stated that on July 8, 2006, Naxalites stopped the public bus that he was traveling in near Manikonta on the national highway. They blocked all traffic and forced travelers including him to attend a meeting nearby. "Naxalites were making speeches against Salwa Judum and telling everyone not to support them," said Emla Dhruvesh.

After the meeting most of the travelers were allowed to leave. But Naxalites recognized him and kept him back. "Earlier they used to tell me to join them. They knew I was educated," he said. He and three others were blindfolded. Their hands were tied behind their backs. They were then marched for what Emla Dhruvesh thinks must be at least two kilometers. "Finally we reached their camp and our blindfolds were removed. There were at least 40-50 Naxalites resting there. They had all kinds of weapons." One of the commanders began to question him. They said that his brother was an SPO and beat him with rifles and sticks. He begged for mercy and explained that he did not follow politics and was studying in a college in Sukma. He even showed them identification documents from his college. Emla Dhruvesh recognized a local village council leader and another villager among those in Naxalite custody along with him. In the evening, all the prisoners were given food. The prisoners were then paired up, and their wrists tied together. A small group of Naxalites began to march them through the forest when he managed to escape. He described,

> I was tied to a man called [name withheld]. I could see that we were being taken towards the road. I knew this meant that they were

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[350] Human Rights Watch interview with villager (who chose to remain anonymous), camp resident, Dornapal, December 12, 2007.

> planning to kill us and leave our bodies on the road. I signaled to [name withheld] and we both started running. At some point, the rope broke and we separated. When we ran, the others began to run too. But Penta and Shankuri were killed.[351]

Emla Dhruvesh was beaten so badly that after his escape he was admitted to a hospital. On the day he ran away, Naxalites attacked the Errabore camp and his brother was killed in the attack.

Similarly, several villagers told Human Rights Watch that they knew camp residents who were killed by Naxalites:[352]

> In February 2006, 18 villagers—all men—from my village who had come back from [name withheld] camp to get some things from the village were abducted. Four of them were killed. I know two of them who were killed—Kando Rama and Madkam Irma [the former in his 30s, the latter in his 40s]. Naxalites came at around 2 p.m. and abducted them. They were held hostage for about eight to ten days before four of them were killed. The bodies were found on the Jagargonda road. The remaining men were released. I got scared, left my village, and came to the Salwa Judum camp immediately.[353]

Not only were camp residents abducted and killed, in 2006 Naxalites also attacked the Errabore camp itself. They killed at least 25 people, injured several others, and destroyed property.[354] According to eyewitness accounts, the attack was well planned. Dasru Mangesh said he was on guard duty along with other villagers at the

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[351] Human Rights Watch Interview with Emla Dhruvesh (pseudonym), camp resident, Errabore, date withheld.

[352] Human Rights Watch interviews with Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007; villager from Gorgonda, location withheld, December 12, 2007; villager from Pottenar (who chose to remain anonymous), location withheld, December 14, 2007.

[353] Human Rights Watch interview with Umang Deep (pseudonym), Dornapal camp resident, other details withheld.

[354] "Major Naxalite attack in Chhattisgarh, 25 killed," http://www.expressindia.com/news/fullstory.php?newsid=71166, July 17, 2006; Subodh Ghildiyal, "Naxalites massacre 26 tribals in Dantewada," *The Times of India,* July 18, 2006, http://epaper.timesofindia.com/APA26300/PrintArt.asp?SkinFolder=pastissues2 (accessed September 12, 2007). "27 '*Salva Judum*' activists killed," *The Hindu,* July 18, 2006, http://www.thehindu.com/2006/07/18/stories/2006071814800100.htm (accessed September 12, 2007).

Errabore camp on July 17, 2006, when it was attacked by Naxalites. He had no weapons apart from his bow and arrows:

> I suddenly heard gun shots and ran towards my house to see if everything was okay. I found that my home was burning. I saw some men coming towards me. They were carrying guns. I quickly climbed a tree and from where I was hiding I saw them catch my mother and beat her with sticks. My uncle was shot. Then I saw them kill my 15-year-old brother after first chopping off his arms.[355]

Five members of Dasru Mangesh's family were killed that night—his father, brother, and three uncles. Dasru Mangesh maintained that his family was attacked by Naxalites: "I know who killed my family. There were local Naxalites in that group and I recognized some of them."[356]

Naxalite retribution against SPOs has been particularly vicious. In March 2007, Naxalites attacked a police outpost in Rani Bodli (Bijapur district) and killed at least 55 policemen and SPOs. A victim's sister said that when they recovered her brother's body there were signs of genital mutilation and the eyeballs had been deliberately pierced.[357]

In December 2007 some camp residents told Human Rights Watch that they had seen pamphlets inviting villagers to go back.[358] The Dantewada police superintendent also claimed, "Naxalites are now abducting villagers, counseling them to return to their villages, and sending them back."[359]

Not surprisingly, many camp residents said that they do not want to immediately return to their villages for fear of Naxalite reprisal.

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[355] Human Rights Watch interview with Dasru Mangesh (pseudonym), SPO, other details withheld.

[356] Ibid.

[357] Human Rights Watch interview with villager (name and details withheld).

[358] Human Rights Watch group interview with camp residents (who chose to remain anonymous), Jangla camp, December 14, 2007.

[359] Human Rights Watch interview with Rahul Sharma, superintendent of police of Dantewada district, Dantewada, December 10, 2007 (first interview).

D. Reprisals against Naxalite deserters

Naxalites have been merciless when it comes to punishing members who desert them. Four former Naxalites interviewed by Human Rights Watch said that after they deserted Naxalites retaliated by killing members of their family, including children.[360] Tarrem Kosa, a former child dalam member, said, "What I thought was there's no point in asking them [when I could leave]. The only point is to die with them."[361] When he eventually deserted and sought police protection, Naxalites punished his family:

> One year after I ran away, both my younger brothers (ages 8 and 12) were killed. They beat my mother and broke her arm. They burned our house and took all the things that were inside.[362]

When Vikas Modhey, another former child dalam member deserted, his brother met the same fate:

> They killed my younger bother when I surrendered. He was 10 or 12 years old. They slit his throat. We had no parents.[363]

When Subba Atish deserted, not only did Naxalites kill his family members but they also killed members of their own jan militia who they thought were behind his escape. Subba's brother was brought before a jan adalat in January 2007 and executed. He was first beaten and then axed to death. Within weeks, seven others including two relatives—his sister's husband and a cousin's husband— had been killed in retribution. All the eight were jan militia members.[364] Said Subba Atish, "I thought they would kill me because I left [my dalam]. I never imagined that all these people [friends and relatives] would be killed because of me."[365]

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[360] Human Rights Watch interviews with Tarrem Kosa, Vikas Modhey, Sushovan Banu, and Subba Atish (pseudonyms), former Naxalites, other details withheld.

[361] Human Rights Watch interview with Tarrem Kosa (pseudonym).

[362] Ibid.

[363] Human Rights Watch interview with Vikas Modhey (pseudonym).

[364] Human Rights Watch interview with Subba Atish (pseudonym).

[365] Ibid.

E. CPI (Maoist) Party statements

Human Rights Watch was unable to directly correspond or speak with official Naxalite representatives. However, we were able to gather some Naxalite responses through press statements of the CPI (Maoist) party (a prominent Naxalite political party), and have reviewed their letter to the Independent Citizen's Initiative, a fact-finding team from India that investigated the conflict between Naxalites, Salwa Judum, and government security forces in Chhattisgarh. The letter responds to an appeal made by the fact-finding team to the CPI (Maoist) party and attempts to justify many Naxalite practices.[366]

Soon after the Naxalite attack on Errabore camp in 2006, the general secretary of the CPI (Maoist) party, Ganapathi, issued a press statement where he sought to justify the attack as part of "retaliatory actions and defence war" against Salwa Judum members and government security forces, and denied extensive civilian casualties:

> [T]hough there were two or three civilians among the dead for which we express our heartfelt regrets, our attack was targeted entirely against Salwa Judum activists and the special police forces who have been running amok burning entire villages considered to be the strongholds of the Maoists, destroying houses and property of the activists of sangams, murdering the adivasis [tribal communities] who are active in the revolutionary movement, raping women, forcing entire villages to be evacuated and organizing forced surrenders of the sangam members … We warn once again that our retaliatory actions and defense war will further intensify if the police, paramilitary and Salwa Judum goondas [thugs] do not stop their mass terror. It is the [Indian] central and state governments that are entirely responsible for the bloody consequences.[367]

Naxalites tried to justify their killing of civilians in Manikonta in April 2006 as the execution of a verdict passed by people in the Manikonta jan adalat (people's court)

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[366] Independent Citizen's Initiative, "War in the Heart of India," pp. 48-49.

[367] Press statement issued by CPI (Maoist) General Secretary Ganapathi, circulated on CGNet yahoo group on May 4, 2007.

following a trial that afforded due process to the accused, and denied that innocent persons were killed:

> Regarding the jan adalat in Manikonta village, the first point we would like to place before you is that those who were punished were not villagers as you describe them but were paid SPOs and SJ [Salwa Judum] goons who had committed terrible atrocities on the people in the name of Salwa Judum. A retribution of that order is a necessity to control these goons. Common people, generally speaking, do not go to the extent of killing those who had committed crimes. The fact that hundreds of people who were present in the jan adalat resorted to this extreme measure shows the pent-up anger and righteous indignation of the people intimidated since June 2005 without a let up…. The very fact that out of the 57 people taken away by the jan militia led by our PLGA from the concentration camp and 44 of them were let off after due investigation of their deeds speaks of the fairness of the jan adalats unlike the so-called courts of law that let off the real culprits and throw the innocents for long years into jails.[368]

They further sought to justify their killings of policemen as a measure of last resort:

> We are as much grieved as you when policemen are killed in our ambushes and raids. We made several appeals to the policemen and their families not to kill innocent people or launch attacks on our cadre. We had issued leaflets appealing the Naga battalion jawans, CRPF jawans to defy orders from their superiors and to desist from attacks. We have composed a number of songs describing the plight of poor and unemployed youth who are forced to join police force due to lack of alternative employment. Whenever we attack the police we try to minimise bloodshed. We had never killed any policeman who surrendered … We stand for the defence of the people's rights and it is

[368] Letter from Ganapathi, secretary general, CPI (Maoist), to the Independent Citizen's Initiative, October 10, 2006, http://www.cgnet.in/N1/maoistreplytoici/view?searchterm=reply (accessed February 20, 2008), para. 3.

> for this reason we are compelled to attack those who are snatching away people's right to live.[369]

None of these statements provide a lawfully acceptable justification for unfair trials and summary executions—they are instances of abuse for which those responsible should be held to account.

Notably, the CPI (Maoist) statement does not deny Naxalite use of landmines, though it claims landmine use is limited and attempts to shift the blame for its use of such an indiscriminate weapon onto the Salwa Judum campaign:

> It is a baseless allegation that we had laid mines all over. People, to defend their very existence, are compelled to plant mines here and there in order to check the influx of hundreds of state forces and SJ [Salwa Judum] goons who are creating a reign of terror in the villages. Neither is this indiscriminate or on an extensive scale.[370]

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[369] Ibid, para. 2.

[370] Ibid, para. 4.

VIII. Recruitment and Use of Children

The Naxalites, Salwa Judum members, and the Chhattisgarh police have recruited and used children in different capacities that expose them to risk of injury and death. Salwa Judum does not have any official policy for recruitment of children, but children have actively participated in Salwa Judum meetings and raids along with government security forces. Many eyewitnesses or victims of Salwa Judum raids said that they saw children, some as young as age 12, among Salwa Judum members who raided their village.[371] One woman who was beaten by Salwa Judum members commented that children also mercilessly beat her without showing any respect for her age.[372]

In their special police officers (SPOs) program that began around June 2005, the Chhattisgarh police began to recruit tribal camp residents, including children, to assist the government security forces in Dantewada and Bijapur districts.[373] The objective, it appears, was to use tribal communities' knowledge of jungle terrain to conduct anti-Naxalite combing operations. SPOs are deployed along with the paramilitary police on such operations and perform roles comparable to those of the paramilitary police.[374] Their posts entail significant risks that place children, particularly boys who are SPOs, in the forefront of armed encounters and Naxalite reprisals. An unknown number of underage SPOs have been killed in the conflict.[375]

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[371] Human Rights Watch interviews with Kosambi Mukesh (pseudonym), IDP from Durma, village W6, Warangal district, November 30, 2007; Vachcham Ragu (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007; Madkam Vaishali (pseudonym), IDP from Lingagiri, village K1, Khammam district, December 1, 2007.

[372] Human Rights Watch interview with IDP-4 from Lingagiri (who chose to remain anonymous), village K2, Khammam district, December 2, 2007.

[373] Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," 2006, http://www.achrweb.org/reports/india/Chattis0106.pdf (accessed June 7, 2006), p. 40; Independent Citizen's Initiative, "War in the Heart of India, An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh," 2006, http://rightsandresources.org/blog/WarintheHeartofIndia.pdf (accessed July 16, 2007), p. 22.; Staci Martin, "Turning a Blind Eye, Child Soldiers at War in the Maoist Conflict in India," November 2006.

[374] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms), SPOs, other details withheld. Suresh and Patel described how on several occasions they were abandoned by the paramilitary police and left to combat Naxalites during armed encounters.

[375] Human Rights Watch interview with local journalist (name withheld), Chinturu, December 6, 2007.

The Naxalites do not deny the recruitment and use of children in hostilities—it is part of their policy and practice.

There are no clear estimates of the number of children used by these different parties.

India is party to the Convention on the Rights of the Child (CRC).[376] It is also party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Optional Protocol), which was adopted by the UN in 2000.[377] The Optional Protocol raises the standards set in the CRC by establishing 18 as the minimum age for any conscription, forced recruitment, or direct participation in hostilities. It also places obligations upon non-state armed groups—article 4 states that "armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen."

The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), a set of international guidelines adopted in February 2007, reiterate that states have a duty to respect the humanitarian character of camps, and ensure that displaced children are not recruited for combat. The Paris Principles recommend individual registration and documentation for all displaced children as a preventive measure.[378]

The Paris Principles also provide guidance for release, protection, and reintegration of children. Children who have been associated with armed forces or armed groups

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[376] India became a party to the CRC on December 11, 1992.

[377] India ratified the Optional Protocol on November 30, 2005, and made the following declaration: "Pursuant to article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, the Government of the Republic of India declare [sic] that:

(i) The minimum age for recruitment of prospective recruits into Armed Forces of India (Army, Air Force and Navy) is 16 years. After enrollment and requisite training period, the attested Armed Forces personnel is sent to the operational area only after he attains 18 years of age;

(ii) The recruitment into the Armed Forces of India is purely voluntary and conducted through open rally system/open competitive examinations. There is no forced or coerced recruitment into the Armed Forces.

[378] The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ("The Paris Principles"), January 30, 2007, http://www.unicef.org/protection/files/ParisPrinciples310107English.pdf (accessed March 25, 2008), para. 6.14.

should not be prosecuted, punished, or threatened with prosecution or punishment solely for their membership of those forces or groups. Prosecution for crimes committed by children when they were members of armed groups should conform to international juvenile justice standards. Further, release and rehabilitation measures should be carried out without any conditions. During release, children should be handed over to "an appropriate, mandated, independent civilian process," and the majority of children should be returned to their family and community or a family and community environment as soon as possible after their release.[379]

A. Government recruitment and use of children as special police officers

Chhattisgarh police have not actively recruited new SPOs since March 2006.[380] Even though the government claims that all children in its ranks have been removed, Human Rights Watch found that children who were appointed earlier continue to serve as SPOs, perform paramilitary tasks, and risk their lives. Police estimate that as of February 2008 there were around 3,500-3,800 SPOs in Dantewada and Bijapur districts;[381] of these, 10 to 20 percent are female.[382] The percentage of children among SPOs is not known.

Many civilians who attended Salwa Judum's public meetings and victims of Salwa Judum raids told Human Rights Watch that they saw underage SPOs in meetings and raids.[383] Vasanti Kumar, an 18-year-old former resident of Konta camp stated that she saw SPOs younger than herself:

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[379] The Paris Principles, paras. 3.11, 7.21, 7.45, 8.7, 8.8, 8.9.

[380] Human Rights Watch interview with Rahul Sharma, superintendent of police of Dantewada disrtict, Dantewada, December 10, 2007 (first interview). Sharma said, "We have not had any recent recruitment. We are currently consolidating existing SPOs." Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld). These volunteers confirmed that there was no recent recruitment of SPOs.

[381] Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007 and second interview, February 1, 2008; Vishwa Ranjan, director general of police of Chhattisgarh, Raipur, December 17, 2007. SP Sharma claimed that there were 3,500 SPOs in Dantewada and Bijapur districts while DGP Ranjan claimed that there were 3,800 SPOs in the same area.

[382] Human Rights Watch interviews with Rahul Sharma, first and second interviews, December 10, 2007 and February 1, 2008 respectively.

[383] Human Rights Watch interviews with Prateek (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007; IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007; teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007; Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007; Tati Dhiren (pseudonym), IDP from Pidmel, village K8, Khammam district, December 6, 2007; Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

> I have seen SPOs younger than me in the camp. I cannot tell you the exact number because they are on duty in different places at different times but there will easily be at least 10 such SPOs [in the camp].[384]

In December 2007 a surrendered Naxalite who now works with the police confirmed that underage SPOs continued to work with the police.[385] A teacher from Bhairamgarh claimed that he recognized school dropouts from his area who were serving as SPOs even in December 2007:

> [I]n Bhairamgarh, about 15 to 20 children dropped out of high school [after class 8 in 2005] to become SPOs—both boys and girls. I live in Bhairamgarh and many of these children also stay there. Now they are all SPOs. Their entire schooling has been ruined—they can never go back to school because they have discontinued education for over two years.[386]

Children interviewed by Human Rights Watch also claimed that they knew school dropouts who were enlisted as SPOs.[387] A student in eighth standard said she had friends who were serving as SPOs even in December 2007: "I know a girl [name withheld] who was studying in seventh standard with me. She stopped studying and became an SPO. She is still an SPO."[388]

A villager from Sankanpalli described seeing children among the police that visited his village:

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[384] Human Rights Watch interviews with Poosam Kanya (pseudonym), former resident of Errabore camp, December 5, 2007; Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

[385] Human Rights Watch interview with Tarrem Kosa (pseudonym), former Naxalite, others details withheld.

[386] Human Rights Watch interview with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007.

[387] Human Rights Watch interviews with teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007; Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007; V6 (who chose to remain anonymous), camp resident, Jayanagar (Nayapara) camp, December 13, 2007.

[388] Human Rights Watch interview with V6 (who chose to remain anonymous), December 13, 2007; Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007.

> The CRPF [Central Reserve Police Force] come to my village every 10 to 15 days, at least twice a month. The SPOs also accompany the CRPF. Each time, about 200 SPOs and 200 CRPF come to my village … The SPOs are of all age groups. The youngest is about 14 to 15 years and there are people in their 20s and 30s also.[389]

Chhattisgarh police say that the minimum age for SPOs is 18, but do not deny that children were recruited initially.[390] They explained that many recruits from rural areas do not have birth certificates or school certificates (many have not attended schools), and therefore they are forced to rely on oral confirmations of age given by the headmen of the applicants' villages. [391]

Police officials also said they have made a concerted attempt to remove all underage recruits from the ranks but were unable to give us additional details.[392] In February 2008 Human Rights Watch interviewed four SPOs from a police station in Konta block of Dantewada district. They looked obviously underage but stated that they were age 18 or 19 even though they did not know their birth years.[393] These SPOs said they had been serving for over two years.[394] They stated that the police or government officials had neither asked them to bring age-related documents (birth or school certificates) at the time of recruitment nor sought age verification more recently.[395]

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[389] Human Rights Watch interview with Prateek (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007. The Central Reserve Police Force is a paramilitary police force deployed by the Indian central government in the region.

[390] Human Rights Watch interviews with Rahul Sharma, first and second interviews, December 10, 2007 and February 1, 2008 respectively; Vishwa Ranjan, December 17, 2007. SP Sharma said that Chhattisgarh police had accidentally recruited children as SPOs.

[391] Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007; Vishwa Ranjan, December 17, 2007.

[392] See below, The Chhattisgarh state government response.

[393] Human Rights Watch interviews with SPO Mandavi Mohan (pseudonym) and three other SPOs (names and details withheld).

[394] Ibid.

[395] Ibid.

The recruitment process

The national law does not contain any age-related criteria for recruitment of civilians as SPOs.[396] The Dantewada police superintendent told Human Rights Watch that the Chhattisgarh police followed three appointment criteria: "Applicants should be above age 18, should volunteer to be an SPO, and should be a victim of Naxal violence."[397]

However, it is obvious that no special care was taken to ensure that all applicants are indeed at least age 18. SPOs explained that the application procedure was simple and does not involve a stringent verification of age:

> To apply to become an SPO, we need to go to the police station and ask for forms and fill out the forms. In the form, they ask for our name, father's name, age, photo, and village name. The form also asks us whether we were sangam [village-level Naxalite association] members in our village…. The police tell us that anyone who has passed fifth class can become SPOs but we know that even people who have not studied at all can become SPOs. They [police] also tell us that only people who are 18 years can become SPOs but they take people who are younger also—it's only approximate and based on their assessment. When applying, we need someone [from our village] to introduce us to prove who we are, from where we are. If we are educated, then we can show our certificate. If we have not studied, then we can call people from our village who will vouch for us—like sarpanch [village official] or patel [village headman]. So they take people who have not studied also.[398]

Even though age documentation is difficult to procure, it was found that in some cases police failed to even inquire whether applicants were at least age 18. A former

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[396] Police Act, 1861. Chhattisgarh state now has a new law, Chhattisgarh Police Act, 2007. SP Sharma stated that no new SPOs were recruited since March 2006 and therefore at the time SPOs were recruited, the only law that was applicable is the Police Act, 1861.

[397] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[398] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms), SPOs, other details withheld.

resident of a camp who was asked to become an SPO said,

> Even boys who were 15 years old were becoming SPOs. There are boys and girls who hold rifles and the rifles are bigger than them … Police asked me also to become an SPO but I refused because I did not want to become an SPO and commit heinous crimes. I did not want to shoot and kill people. They did not ask me how old I was when they asked me to become an SPO. They do not ask anyone how old they are. Even 14-year-olds can become SPOs if the police want them to become SPOs.[399]

In cases where school children become SPOs, age-related documentation or oral verification from teachers is easy to procure, and police have been negligent in not verifying the age of such applicants.

While there is no evidence of police coercion in SPO recruitment, in some cases Salwa Judum leaders, village headmen, or police have approached camp residents and asked them to become SPOs. As one girl explained,

> In the camp they asked me and my sisters to become SPOs. I said I wanted to take care of my sister and would not become an SPO because of that. They keep asking me every time I go to [name withheld] camp. They keep asking my sister also – they tell her "ask your sister to become an SPO."…They ask everyone who is around [age] 16.[400]

In some cases, children have chosen to become SPOs because it provides a livelihood.[401] For example, Irram Seethamma who claimed she was age 18 at the time she was appointed as SPO explained to Human Rights Watch why she signed up:

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[399] Human Rights Watch interview with Poosam Kanya (pseudonym), former resident of Errabore camp, location withheld, December 5, 2007.

[400] Human Rights Watch interview with Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007; Madkam Dhairya (pseudonym), camp resident, Jailbada camp, December 13, 2007; Korsa Vishwas (pseudonym), SPO, other details withheld.

[401] Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

> I became an SPO last year in March [2006]. I became an SPO even before my brother to earn money for my family. After we moved to the camp we had no income because we did not have any work. So I thought working as an SPO would give us some money. We used to have fields in [village name withheld] near [name withheld]. But now we do not have any fields. A few of my friends and I discussed becoming an SPO and we all applied together. I studied with them in school. We all studied till the eighth standard and then stopped studying after we came to the camp. I wanted to study but could not continue because I have to help with household work … we needed the money badly.[402]

Lack of vocational training and other activities for youth also appears to be a motivation to sign up for SPO posts. SPO Mandavi Mohan, appointed at age 17, reasoned: "Judum started, what could I do? I couldn't sit around idly. So I became an SPO."[403]

In other cases, SPOs, many of whom were underage when they joined, said that they signed up to avenge Naxalite killings. As one SPO explained,

> I became an SPO to take revenge. My brother was an SPO and he was killed by Naxalites. My brother died in February 2006 when he was coming back from Dornapal after a [Salwa Judum] rally.[404]

At the time of recruitment, most SPOs are given no information regarding the nature of SPOs' duties or possible hazards:

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[402] Human Rights Watch interview with Irram Seethamma (pseudonym), SPO, other details withheld.

[403] Human Rights Watch interview with Mandavi Mohan (pseudonym), SPO, other details withheld.

[404] Human Rights Watch interviews with Telam Suresh (pseudonym), SPO, other details withheld; teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007; Dasru Mangesh (pseudonym), SPO, other details withheld.

> When we go to give the filled-out forms they tell us to come for training. They don't tell us anything else—nothing about SPOs' powers, functions, and duties.[405]

Everyone who applies for the SPO job is tested for physical fitness. From their own experience, SPOs surmise that applicants who do well in the physical fitness regimen are recruited as SPOs, but are not aware of any official screening procedure.[406]

Training and duties

SPO training largely includes physical fitness workouts and some basic training in the use of weapons.[407] All SPOs are issued a service weapon while on duty—a .303 rifle.[408] SPOs explain that, typically, police deploy female SPOs as guards at checkposts, base camps, and police stations: "Women get only *morcha duty* [guard duty]. Occasionally they take women one or two kilometers away to the jungles to show them how it [combing operation] looks."[409]

Male SPOs perform the same guard duties as women but also take part in patrols, Salwa Judum rallies and meetings, and armed fighting.[410] One SPO described how his brother, also an SPO, died while returning from one such Salwa Judum rally:

> My brother died in February 2006 when he was coming back from Dornapal after a [Salwa Judum] rally. Judum was returning from Dornapal and were on their way to Konta in five trucks. There was an ambush and a landmine. Thirty-five SPOs died and my brother was one

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[405] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms), SPOs, other details withheld; SPO Mandavi Mohan (pseudonym) and three other SPOs (names and details withheld); Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

[406] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

[407] Ibid. Human Rights Watch interview with SPO5 (who chose to remain anonymous), other details withheld.

[408] Ibid.

[409] Ibid.

[410] Ibid. Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007 and Vishwa Ranjan, December 17, 2007.

> of them. My brother actually survived the blast but Naxalites then killed him with bow and arrow.[411]

Male SPOs accompany government security forces on anti-Naxalite combing operations in interior areas of Dantewada and Bijapur districts. Three SPOs who participated in combing operations in 2007 told Human Rights Watch that these operations resulted in armed exchanges with Naxalites; the SPOs claimed that they were around age 17 or 18 at that time.[412]

One male SPO who was injured in a Naxalite ambush while on duty stated:

> Sometimes we go on combing operations. We were caught in Naxalite firing on October 29, 2007, on Gangalur road, between Bosaguda and Pamaloia. Fifteen SPOs and five regular police had gone to the area. We were on foot and went there for road opening—we stand on either side of the road and only if we say that the road is clear [of Naxalites' and landmines] will vehicles travel the road; we have to stand guard on either side. As soon as we reached this place, even before we could sit down, [Naxalite] firing started. I got injured in four places. Five SPOs died and three were injured.[413]

Serving as SPOs places children at great risk, particularly male SPOs who serve on the front lines during armed encounters. The Dantewada superintendent of police said,

> [Naxalites are] inflicting terrible blows to the police. Since January 2007 I lost around 137 of my boys [police including SPOs].[414]

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[411] Human Rights Watch interview with Telam Suresh (pseudonym).

[412] Human Rights Watch interviews with SPO Mandavi Mohan (pseudonym) and three other SPOs (names and dates withheld).

[413] Human Rights Watch interview with SPO5 (who chose to remain anonymous), other details withheld.

[414] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

The police stations where SPOs are deployed are poorly protected and thus easily breached during Naxalite attacks. "We are expected to go out and fight the Maoists, but our police stations are little better than cattle sheds," one official complained.[415] For instance, Naxalites attacked a police outpost in Rani Bodli in March 2007 in which around 55 police including 27 SPOs were killed. One journalist who visited this site told Human Rights Watch that he saw the bodies of many SPOs, and estimated that approximately 10 of them appeared under age 18.[416]

SPOs complain to Human Rights Watch that they are not only at the forefront of armed encounters, but at times are also abandoned by better trained and equipped government security forces who run for safety during armed encounters.[417] One SPO said that despite repeated SPO requests to be sent in larger patrol parties, the police sent them on combing operations in smaller groups that were easily overpowered by Naxalites.[418]

SPOs perform duties that make them vulnerable not only to Naxalite attacks but also to reprisals.[419] The Dantewada superintendent of police described SPOs as "the number one target of Naxalites."[420] A Judum leader opined, "If Naxalites say that they will allow people to go back without killing them, then villagers can go back. People who are SPOs and people who are sarpanches or *mukhiyas* [village headmen] cannot go back."[421]

SPOs, including children, have been ordered to participate in a range of human rights violations. Some SPOs admitted that they carried out police orders to kill and beat civilians suspected of being Naxalites, including child recruits. One male SPO who was under age 18 at the time of a 2007 anti-Naxalite combing operation in

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[415] Human Rights Watch interview with a senior law enforcement official in Chhattisgarh (who chose to remain anonymous), other details withheld.

[416] Human Rights Watch interview with local journalist (name withheld), Chinturu, December 6, 2007.

[417] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

[418] Human Rights Watch interview with SPO5 (who chose to remain anonymous), details withheld.

[419] See above, section VII C, Reprisals against Salwa Judum camp residents.

[420] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[421] Human Rights Watch interview with Soyam Muka, Salwa Judum leader of Errabore camp, date withheld.

Maraiguda stated that he was ordered to open fire on a group of children wearing school uniforms.[422] Two other SPOs admitted to accompanying Salwa Judum members and government security forces on raids in Uddinguda, Barraimuga, Birla, Gaganpalli, Ikkalguda, Kattanguda, Darbaguda, and Nendra villages between 2006 and 2007.[423] At the time of these raids, they were age 17 or 18.

One female SPO admitted to beating two suspected Naxalites in the police station:

> Once when I was in the police station the police told me to beat two people who were caught and brought to the police station. The police told me they were Naxalites and so I had to beat them. I was hesitant but because they told me to beat them, I beat both of them.[424]

Working conditions for SPOs

"[W]e are expected to work harder than the police," complained an SPO who also pointed out that they were paid less than regular police.[425] The government pays SPOs 1,500 rupees (roughly US$37) each month. People who are rendered jobless after they abandon their homes, fields, and farming, at times turn in desperation to the risk-ridden SPO post for money. One SPO, speaking for a group of SPOs, said,

> We are not given any uniforms. We have to buy our own uniforms—khaki shirt and pants. They give us 1,500 rupees and expect us to buy a uniform and also survive within this money. We have to feed our family also with this.[426]

The government claims it has a group insurance scheme for SPOs but one SPO informed us that the government does not provide adequate assistance to injured SPOs:

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[422] Human Rights Watch interview with Mandavi Mohan (pseudonym).

[423] Ibid. Human Rights Watch interview with Korsa Vishwas (pseudonym), SPO, other details withheld.

[424] Human Rights Watch interview with female SPO6 (who chose to remain anonymous), other details withheld.

[425] Human Rights Watch interview with SPO7 (who chose to remain anonymous), other details withheld.

[426] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

> Many SPOs are injured. When they are injured, they are given treatment for two days and then they are brought to the house and left —no one to take care of them or ask about them. Sometimes, if they are injured very badly, then they lose their job [otherwise they continue to be employed].... For example, if my right arm is blown, I cannot carry a huge rifle with one hand so they will put me on duty with a small gun. How does that help? That is more dangerous for us. But the government does not care. We have not heard about any group insurance scheme for SPOs.[427]

Another SPO who was injured in an armed encounter with Naxalites stated that he got some government assistance but had to pay for a lot of his medical treatment out of his own pocket.[428]

Freedom to resign from SPO posts

The Dantewada superintendent of police maintained that SPOs had the freedom to resign in case they chose to do so.[429] Some SPOs felt that they could give a resignation letter and leave.[430] They said that four or five SPOs resigned from their police station because they got permanent jobs in government offices.[431]

However, NGO sources working in Dantewada and Bijapur districts stated that in some cases SPOs who were scared of being caught in the crossfire between Naxalites and police had run away, been forcibly brought back to the camp by other SPOs, and had been forced to continue their service.[432] They also felt that it was harder for SPOs who were former sangam members to desert and return to their villages.[433]

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[427] Ibid.

[428] Human Rights Watch interview with SPO5 (who chose to remain anonymous), other details withheld.

[429] Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008.

[430] Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

[431] Ibid.

[432] Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

[433] Ibid.

The Chhattisgarh state government response

Government officials maintained that underage SPOs were no longer a part of their SPO force. In fact, Vishwa Ranjan, the state director general of police even denied that underage SPOs were recruited and reasoned that tribal youth appeared younger than they actually were:

> There are many reports of underage SPOs but it's not true. Age is very difficult to assess. Tribal communities have a peculiar way of aging. They look very young even if they are not very young and then after a particular age, they begin to age very fast—so suddenly they look very old when they are actually not that old. We ask people what their age is and verify it with the sarpanch.[434]

However, the Dantewada Superintendent of Police Sharma conceded that there had been recruitment of underage SPOs and stated that the police department had taken action to identify and remove such SPOs from their posts:

> A small percentage of SPOs were underage. It was a bona fide mistake. Now they have all been removed. We got strict instructions from the MHA [Ministry of Home Affairs]. You tell us what we can do—if we ask them [applicants for SPO posts] for their age they say something like "I was born in winter." We cannot go by their height and looks because the tribal build is different. They are also not educated and so we have reduced their educational qualification to allow them to be SPOs—they should have passed class five. However, we have tried to look at available records and have removed those that appear to be underage from the force.[435]

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[434] Human Rights Watch interview with Vishwa Ranjan, December 17, 2007. *Nandini Sundar and others* v. State of Chhattisgarh, Counter Affidavit on Behalf of Respondent, January 22, 2008, p. 311, para. 5(e); p. 315, para. 6.

[435] Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008. See also, National Commission for the Protection of Child Rights (NCPCR), "Visit to Dantewada (Chhattisgarh) and Khammam (Andhra Pradesh) to Investigate Status of Health and Education of Children affected by Civil Unrest, December 17-19, 2007" report, March 2008, p. 11. The NCPCR report states: "With regard to violation of children's rights the Committee [NCPCR] would like to specifically note that in reference to the practice of the recruitment of children under 18 years of age as SPOs, the government and police agreed that this had occurred in the past due to lack of strong protocols on age validation but assured us that these have now been strictly enforced."

The Dantewada superintendent of police claimed that "[o]ver the last four months [September-December 2007], we have removed over 100 SPOs, and in the last six months [July-December 2007], 150 were removed and 50 have left of their own choice," but was unable to elaborate upon the different grounds for their removal.[436] He was not able to give us a breakdown of the 150 dismissals but stated that some of them were also dismissed due to disciplinary reasons.[437] Another police official stated that many underage SPOs were removed before his tenure began in 2007 and apologized for not having additonal details.[438]

The government does not have a scheme for rehabilitation and reintegration of underage SPOs who are released because of their age. The Dantewada superintendent of police clearly stated that people who are dismissed "just go back and live in the camp."[439] A teacher from Bijapur expressed his concern that "[v]illagers have … been removed from their SPO post and no alternative employment is provided to them."[440] The teacher further explained how "[f]ormer SPOs can never go back to their villages because they would get killed [by Naxalites]."[441]

B. Recruitment and use of children by Naxalites

All former Naxalites interviewed by Human Rights Watch stated that they joined different Naxalite wings when they were children. Naxalites organize children between ages six and twelve into bal sangams (village-level children's associations). Depending on their skills and aptitude, children from a bal sangam are "promoted" to other Naxalite departments: sangams (village-level associations), CNMs or chaitanya natya manch (street theater troupes), jan militias (armed informers who travel with dalams), and dalams (armed squads). Typically, there is no direct forced

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[436] Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

[437] Ibid.

[438] Human Rights Watch interview with police officer-1 (who requested anonymity), other details withheld.

[439] Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008.

[440] Human Rights Watch interview with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007.

[441] Ibid.

recruitment, but Naxalites pressure parents by repeatedly "requesting" that they send their children into Naxalite ranks.

Most former Naxalites who served in sangams, jan militias, or dalams said that they had received weapons training when they were children. Children who are recruited into a dalam are given weapons and improvised explosive devices (IEDs), and are involved in armed fighting against government forces. Children in bal sangams, sangams, and CNMs do not actively participate in hostilities, but are nevertheless exposed to great risks during government anti-Naxalite combing operations. As noted above, one SPO who participated in these operations described how the police opened fire on a group of children allegedly because they were part of a CNM:

> In Maraiguda we found a group of children wearing school uniforms sitting and eating food. We … started firing at the group. We were sure that it was a CNM and therefore did not check. We know because the theater group also wears uniforms. The children started running. They did not fire back. We did not bother to check if anyone was dead … We fired and ran from there.[442]

Even if the children were members of a CNM, it would have been unlawful to fire at them.

Human Rights Watch does not have any estimates for the number of children recruited and used by Naxalites, but notes that all of the former Naxalites who were interviewed stated that they started working for Naxalites in some capacity when they were children.

Recruitment into bal sangams

Naxalites usually enlist children between ages six and twelve into bal sangams. Bal sangam is the village-level children's association where children learn Maoist

[442] Human Rights Watch interview with Mandavi Mohan (pseudonym).

ideology. Most children who are part of bal sangams also work as informers and are trained in the use of non-lethal weapons such as sticks.[443]

There appears to be no fixed method, number, or quota for bal sangam enlistment. When we asked how children were chosen to be in bal sangams, former Naxalite Satyam David said, "They included almost all children's names in the bal sangam [in his village]."[444] For example, the largest bal sangam described to Human Rights Watch had 150 members and the smallest had 10-15 members.[445]

Subba Atish, a former Naxalite commander, gave us a brief description of the role of bal sangam members:

> [Children join a] bal sangam from age six or seven. From a bal sangam, they go to a sangam or CNM, and from there to different departments depending upon how good they are. One is in a bal sangam until around age 12 … We used to sing songs at bal sangam meetings. They [senior Naxalites] used to talk about Marx and Lenin. They used to tell us we must join the fight. We [bal sangam members] also worked as informers and told them [dalam members] about police movements and locations…. For example, [bal sangam members] will be playing with jeeps and if they see anyone they will run and tell [dalam members]…. I was in a bal sangam for three years…. Became bal sangam *adhyaksh* [president] when I was in class seven. I continued education up to class nine. We had around 150 children in the bal sangam from our village.[446]

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[443] Human Rights Watch interviews with Tarrem Kosa and Vikas Modhey (pseudonyms), former Naxalites, other details withheld.

[444] Human Rights Watch interview with Satyam David (pseudonym), former Naxalite, other details withheld.

[445] Human Rights Watch interviews with Sushovan Banu, Subba Atish, and Veera Etishan (pseudonyms), former Naxalites, other details withheld. Sushovan Banu stated that there were around 35 children in the bal sangam in his village; there were 10-15 children in Veera Etishan's village and around 150 children in Subba Atish's village.

[446] Human Rights Watch interview with Subba Atish (pseudonym).

When he was part of the bal sangam Satyam David was "on sentry duty and used to collect rice from families for Naxalites."[447]

Subba Atish described the training he received in his bal sangam:

> We [bal sangam members] also got to watch all trainings about planting bombs, even though we weren't given training for these things when we were in the bal sangam. Bal sangam members are trained to fight with sticks…. I was also trained with sticks—how to fight with them, to attack, to take positions and so on.[448]

Two former dalam members Tarrem Kosa and Sushovan Banu also stated that they trained bal sangam children in the use of non-lethal weapons.[449] Coincidentally, Human Rights Watch spoke to Sushovan Banu when he was with Bhushan Corin, one of his former bal sangam pupils from a non-lethal weapons training class,[450] and Sushovan Banu joked that Bhushan Corin was not good at these trainings and therefore had not been inducted into a dalam.[451]

Recruitment into other Naxalite wings, including armed units

Typically, after age 12, bal sangam members are sent to other Naxalite wings depending upon their skills. Children are also recruited into sangams, CNMs, jan militias, and dalams. Human Rights Watch spoke to four former Naxalites who were sent to these Naxalite wings from bal sangams;[452] one of them eventually became a Naxalite dalam commander and was part of many armed encounters with the

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[447] Human Rights Watch interview with Satyam David (pseudonym).

[448] Human Rights Watch interview with Subba Atish (pseudonym).

[449] Human Rights Watch interviews with Tarrem Kosa and Sushovan Banu (pseudonyms).

[450] Human Rights Watch interviews with Bhushan Corin (pseudonyms), former Naxalite, other details withheld; Sushovan Banu (pseudonym).

[451] Ibid.

[452] Human Rights Watch interviews with Subba Atish and Satyam David (pseudonyms); Veka Idma and Bhushan Corin (pseudonyms), former Naxalites, other details withheld.

police.[453] Another former dalam member, Tarrem Kosa, said that there were around seven or eight underage members in his 45-member dalam.

Some children are inducted directly into other Naxalite wings without being trained in bal sangams. Human Rights Watch spoke to six former Naxalites who were directly inducted into other Naxalite wings when they were children—three became sangam members, one joined a jan militia, and two joined a dalam. Subba Atish said that villagers who were being inducted into dalams had to take an oath: "To join a dalam, one has to take a public oath in front of all the villagers—'I have no family any more. You [dalam] are my family.'"[454] Naxalites also recruited school-going children to teach in Naxalite-run schools.[455]

In some cases, Naxalites approach parents and pressure them to send their children to join the "people's war." In other cases, Naxalites visit schools and ask children to join them. Subba Atish, a former Naxalite commander, said, "They go to school and ask children to join a dalam. This has happened in the Jagargonda area. They don't force children but ask them."[456] Typically, recruitment involves repeated visits to homes to convince parents to send their children.

Given Naxalites' brutal punishment of dissent or non-conformist behavior as described above, a mere recruitment request to families creates tremendous pressure on them. In some cases Naxalites simply note down children's names during meetings and ask them to join.[457]

In two cases, two former dalam members told Human Rights Watch that Naxalites abducted and inducted them into dalams when they were children.[458] Vikas Modhey recounted how he joined a dalam:

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[453] Human Rights Watch interview with Subba Atish (pseudonym).

[454] Ibid.

[455] Human Rights Watch interview with Veera Etishan (pseudonym).

[456] Human Rights Watch interview with Subba Atish (pseudonym).

[457] Human Rights Watch interviews with Veera Etishan and Sushovan Banu (pseudonyms). Veera Etishan stated that Naxalites noted down his name along with three other boys' names, asking all of them to go for sangam meetings. Similarly, Sushovan Banu stated that Naxalites called him for a meeting, noted down his name, and told him he was a sangam member.

[458] Human Rights Watch interviews with Tarrem Kosa and Vikas Modhey (pseudonyms).

> I joined when I was 15 years old. I was working in the fields in the evening, and they took me away. I was in Konta when a dalam came and took me. I was alone. They said they wanted to train me. They knew me from before because they had come to my village. They didn't say anything, but I thought they would beat me if I didn't go.[459]

Similarly, Tarrem Kosa was taken from his school with the assurance that he would be sent back in 15 days:

> I joined the military dalam when I was 13 or 14 years old. I was studying in an *ashram* school [government-run residential school]—eighth standard—when Naxalites came to my hostel…. They took four [students] from my school, but after 10-12 kilometers, the other three were sent away, and only I was kept. Two of them were in the eighth and one was in the seventh. I don't know why the others were sent back…. After two or three days, I told them I wanted to go back to school. The dalam leader said, "Don't worry, we will send you to school till the 10th." [460]

Tarrem Kosa said that there were others from his dalam who had experiences similar to his:

> In the group of 90, there were about 30 or 40 my age—14 or 15. I don't know if the others left school to join our dalam. They may not have studied. Some were abducted. I wasn't told the truth about what would happen to me after 15 days. Most of the others were also like that.[461]

Veera Etishan used to study in a residential school. Naxalites sometimes came to his school for food. They often asked him and other students from his school to join

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[459] Ibid.

[460] Human Rights Watch interview with Tarrem Kosa (pseudonym).

[461] Ibid. The group of 90 also included cooks and guards. All 90 members seldom regrouped together. They were split into smaller groups called local guerilla squads to conduct their operations.

them. When he was around age 15, they told him that he had to join the sangam in his village. Veera said that he tried to refuse but was given no choice: "They said, 'We have already added your name.'"[462] He continued to study but participated in sangam activities. When he was in class six, Naxalites recruited him as a teacher for a school run by them.[463]

Satyam David felt that "Naxalites used to stop us [children] from studying, particularly when we went to *ashram* schools outside the village."[464] On January 25, 2007, when he was in class nine (roughly age 14 or 15) he was forcibly taken out of school and brought to a Naxalite camp in the jungle. They called a people's court and accused him of being a police informer and said that he should be killed. His family begged some sangam members to intercede, and he was spared. However, he was told to stay in the village and not return to school—"People used to follow me all the time. I was forced to attend [sangam] meetings."[465] Eventually, Satyam David was recruited as a jan militia member.

Lingu Gopal was around age 14 or 15 when Naxalites came to his village in 2000 or 2001 and announced his name among those of several other boys and girls who had been selected to join a jan militia group. Before that he had already been deployed as an informer: "We used to be on sentry duty to check on police movements. We used special whistles and drum beats to inform the sangam members."[466] He claimed that he initially told Naxalites that he did not want to be part of a jan militia but had no choice: "They [Naxalites] said, 'Why will you not join? Do you want to join the police?' I was scared and so I went."[467]

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[462] Human Rights Watch interview with Veera Etishan (pseudonym).

[463] Ibid.

[464] Human Rights Watch interview with Satyam David (pseudonym).

[465] Ibid.

[466] Human Rights Watch interview with Lingu Gopal (pseudonym), former Naxalite, other details withheld.

[467] Ibid.

When Veka Idma was about age 12 or 13, he joined a jan militia group. When he was in class five, a Naxalite range committee member inducted him into the group.[468] He was told he could continue schooling. His training began with physical exercise to build stamina. Then he was taught to fight with sticks and eventually he learned how to use and clean rifles. He also learned how to make bombs. When he went with the jan militia group he had "tiffin bombs [bombs packed in tiffin boxes] and wire bombs." He also learned how to use AK-47 and Insas rifles. Veka Idma said, "There were 25 people in my jan militia—seven others were about my age and younger."[469]

Naxalites asked Vattam Fanu to quit school and join a dalam. He refused saying that he wanted to study. This upset Naxalite commanders who visited his family every day and asked him to sign up. Eventually, at age 16, frightened that he would not be able to escape Naxalites, he ran away to a town nearby:[470]

> They [Naxalites] came to the village and asked all young men and women, as well as teenage boys and girls to join them. They first told us to attend a meeting. They sang songs and made speeches. Then they started writing down names of boys and girls and told them to come to the jungle to learn to fight. I went as well. They were training people in the use of sharp, pointed sticks. They told me I must join a dalam. I refused and told them that I wanted to study. They were angry. They started coming to our house every few days. This went on for three or four years. Then they started becoming much more insistent, saying that I had studied enough. Finally, I was forced to run away. For a long time I lived in the forest, sleeping in trees to be safe. My mother would come in the middle of the night to feed me."[471]

When Himmatlal Korbe was in class six (around age 16 or 17), Naxalites went to his house and asked his parents to send him with them. His parents told them that they

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[468] Naxalite committees follow the following hierarchy—National or central, state or zonal, division, range, and village committees.

[469] Human Rights Watch interview with Veka Idma (pseudonym).

[470] Human Rights Watch interview with Vattam Fanu (pseudonym), SPO, other details withheld.

[471] Ibid.

wanted him to study. Himmatlal Korbe was not at home when Naxalites visited his house. When he returned, his parents explained what had happened and sent him away to a hostel in another village. He stayed in the hostel and studied there to avoid Naxalite recruitment. Naxalites came to his house again when he was studying in class eight and demanded that his parents send him. When he found out that Naxalites were looking for him he ran away from the hostel and settled near a village close to a police station. He was forced to discontinue his schooling and has been living in this village since the day he ran away from the hostel. In February 2008, three or four years after he first ran away, Himmatlal Korbe still had not returned to his native village to visit his parents. His parents visited him occasionally.[472]

Himesh Karan is the eldest of three brothers. As a child he was raised by his maternal grandfather and only returned to his native village after finishing class five. Soon after he came to his native village Naxalites attempted to recruit him:

Naxalites came to our village and asked for a meeting with all those who were educated. The villagers told them that I knew how to read and write. So they came to me and asked me to join them. I refused and they were very angry. They said that it was the duty of educated boys like me to help them. Frightened, I went away from the village once again to stay with my uncle.[473]

Training

All former Naxalites who served in sangams, CNMs, jan militias, or dalams said that they had received weapons training when they were children. Dalam members used to run training camps in the village for them. Sushovan Banu who became a sangam member when he was around age 12 or 13 said,

> Whenever the dalam [in charge of that area] came, they would organize a training camp for sangam members—about Mao, Lenin, weapons training, training in landmines, and bombs. I knew how to plant landmines and bombs when I was in [my village] sangam, and

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[472] Human Rights Watch interview with Himmatlal Korbe (pseudonym), SPO, other details withheld.

[473] Human Rights Watch interview with Himesh Karan (pseudonym), other details withheld.

> later on when I became a dalam member I trained other sangam members.[474]

Kripash Hari who also became a sangam member when he was a child said,

> As a sangam member, I assembled people for meetings, cooked for dalam members when they came to the village, and worked as an informer. I had bows and arrows and was trained to use tiffin bombs [bombs packed in tiffin boxes] and other types of wire-bombs. I was also given training to use guns and rifles but was not given a rifle. I was only a sangam member—sangam members do not get rifles. [475]

Similarly, children who served as informers in jan militias received weapons training. They each also had their own bag with different bombs which they had to carry when they were accompanying dalam members. Veka Idma, who became a bal sangam member in class four and a jan militia member when he was studying in class five, said,

> After I went with the jan militia people I had my own bag with tiffin bombs [bombs packed in tiffin boxes] and wire bombs … I also underwent training with AK-47 and Insas.[476]

Two other youth, Tarrem Kosa and Vikas Modhey, told Human Rights Watch they had been armed, received weapons training, and were part of armed encounters with the police, all while still children.[477]

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[474] Human Rights Watch interview with Sushovan Banu (pseudonym).

[475] Human Rights Watch interview with Kripash Hari (pseudonym), former Naxalite, other details withheld.

[476] Human Rights Watch interview with Veka Idma (pseudonym).

[477] Human Rights Watch interviews with Tarrem Kosa and Vikas Modhey (pseudonyms).

Tarrem Kosa's life as a dalam member

A dalam interrupted Tarrem Kosa's school days when he was in class eight. They came to his school one day, watched him playing sports, and saw that he was agile and strong. That sealed his fate and decided his career. Dalam members approached him and asked him to go with them. He said he wanted to study, but they promised to let him go after 15 days. Unfortunately, they did not keep their promise.

First he was trained to use bows and arrows. Because he was good, the dalam leader promoted him and gave him a rifle. They also trained him to plant bombs. Looking back at his years as a dalam member and the separation from his family, Tarrem said,

> I used to think of home a lot. I worried I would never be able to contact my parents. I used to read magazines to kill time … Sometimes I would sit and cry. I never had the opportunity to contact my parents. I thought of home a lot, but never had a way to get back.

During his three years with a dalam, he participated in several armed encounters with government security forces. Despite his young age there was no place for fear during such encounters: "You can't be scared, you just have to run." Dalam members did not get paid. They depended on villages and schools for food.

His decision to leave his dalam brought deep personal tragedy. After he deserted, the Naxalites killed both his younger brothers. They beat his mother and broke her arm, took all their belongings, and burned their house.

After his surrender to the police when he was under age 18, Tarrem began to work for the police as an informer, and was then promoted to the post of SPO. The Chhattisgarh police gave him additional weapons training, and he now accompanies government security forces on anti-Naxalite combing operations. As part of these operations, Tarrem is often involved in many armed encounters with Naxalites. He is now a top Naxalite target and says he has seen posters with his photograph stating that he should be killed.

Naxalites' policy regarding recruitment and use of children

Naxalites do not deny the recruitment and use of children in armed hostilities. In late 2006, Ganapathi, general secretary of the CPI (Maoist) party (a prominent Naxalite political party), openly admitted to using children in dalams:

> As regards training minors under 18 years in the use of arms, we wish to make it clear that our policy and the PLGA [People's Liberation Guerrilla Army] constitution stipulate that no one should be taken into the army without attaining 16 years of age. And this age limit is strictly followed while recruiting. In the specific conditions prevailing in the war zone [Dantewada and Bijapur districts of Chhattisgarh] children attain mental and political maturity by the time they complete 16 because they are directly or indirectly involved in the revolutionary activity from their very childhood. They receive basic education and political training early in their lives and have organisational experience as members of balala sangam (children's associations).... When the enemy [Salwa Judum and police] is erasing every norm of international law, the oppressed people have the full right to arm themselves and fight. Making a fuss over age makes no meaning in a situation where the enemies of the people are targeting children too without any mercy. If the boys and girls do not do resist with arms they will be eliminated completely. The intellectuals of the civil society should understand this most inhumane and cruel situation created by the enemy and take the side of the people instead of pushing them more into defensive by raising all sorts of idealistic objections.[478]

Government failure to provide rehabilitation and reintegration assistance

The Indian central and Chhattisgarh state governments have no scheme for the identification, rescue, demobilization, and rehabilitation of child Naxalites. In some cases police officials say they have arrested child Naxalites, but in other cases

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[478] Letter from Ganapathi, secretary general, CPI (Maoist), to the Independent Citizen's Initiative, October 10, 2006, http://www.cgnet.in/N1/maoistreplytoici/view?searchterm=reply (accessed February 20, 2008), para. 5.

officers claim they view child Naxalites as "victims" more than offenders and therefore prefer not to arrest them.[479]

The police in Jagdalpur described one case from an armed encounter. They found two young girls, ages 13 and 15, who were recruited by dalam members. The girls were frightened when the shooting started and hid in a small ditch. When the police team found them, they were carrying weapons. The girls were brought to the police station. According to the police, the two girls looked visibly frightened and started crying and pleaded for mercy. They explained to the police that Naxalites had forcibly inducted them into a dalam. Since they were children, the police decided to make them complainants and asked them to lodge a complaint against the Naxalite commander who recruited them. The police said, however, that they could not assist the girls because the government had no scheme to rehabilitate and protect such children. They traced the girls' parents and sent the girls home even though the parents begged that their children should not be sent back—they feared they would be re-recruited or killed.[480]

In some cases, police use "surrendered Naxalites" (former Naxalites who police claim deserted Naxalite forces and sought police protection) as SPOs or *Gopni Force* (informers), irrespective of whether they are underage. These former Naxalites receive weapons training from government forces. Human Rights Watch spoke to four surrendered child Naxalites who are being used by the police as informers or SPOs. The informers and SPOs participate in armed combing operations conducted by the police and also fear Naxalite reprisals.

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[479] Letter from superintendent of police, Bijapur district, to Aruna Kashyap, March 6, 2008, No. G-265; Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007; G. P. Singh, superintendent of police of Bastar district, Jagdalpur, January 26, 2008.

[480] Human Rights Watch interviews with G. P. Singh, January 26, 2008; station house officer of a police station in Bastar district (name and location withheld), January 27, 2008.

IX. Impact of the Conflict on Education

A. Disruption of schooling in Dantewada and Bijapur districts

The conflict has severely impacted children's access to education. A survey conducted by a local NGO indicates that around 40 percent of the children between ages 6 and 16 residing in camps are not attending schools.[481] Many villagers told Human Rights Watch that schools stopped functioning as soon as Salwa Judum started. A villager from Mukudtong told Human Rights Watch,

> All children from our village stopped going to school after Salwa Judum started because Salwa Judum used to abduct children and take them to the camp. From our village, they forcibly took about 20 people, both adults and children. This happened at the time of *Dusshera* [an Indian festival in September-October] last year [2006].[482]

Similarly, Prakash, who was displaced from Kannaiguda village, stated that teachers stopped going to the local school because Salwa Judum members beat them for allegedly assisting Naxalites:

> There used to be schools around Gangarajpadu. The nearest school was in Maita, around two kilometers away. After the Judum started, children stopped going to school. The teachers also stopped going because Judum people used to beat teachers accusing them of giving midday meals to Naxalites instead of students. So teachers also got frightened and stopped teaching.[483]

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[481] Vanvasi Chetna Ashram, "Way Forward, Survey of Families in Camps," (Disha Pariyojana, Raahat Shiviroan Ka Parivarik Survey," undated. Human Rights Watch does not have information about the percentage of school-going children prior to June 2005.

[482] Human Rights Watch group interview with Vadtam Veera and Vadtam Cheena (pseudonyms), IDPs from Mukudtong, village K10, Khammam district, December 7, 2007.

[483] Human Rights Watch interview with Prakash (pseudonym), IDP from Kannaiguda, Kothooru, Khammam district, December 4, 2007

Many schools buildings have been destroyed by Naxalites to prevent Salwa Judum and police from using them for their operations. For instance, one villager said,

> The Basaguda [Salwa Judum] meeting was conducted in the Basaguda school. Tharrem school [10 km from Basaguda) was used as a CRPF [Central Reserve Police Force] camp for three days. Maoists have now destroyed the Tharrem school.[484]

The Dantewada district collector confirmed that "[o]n police operations, police use government buildings." He further added that, "Naxalites target government buildings—even if it's a school or a health center—so many of these buildings have been damaged."[485] Villagers gave Human Rights Watch the names of around 20 schools that they knew were destroyed by Naxalites prior to February 2007; most of them were destroyed after Salwa Judum started in June 2005.

In a public statement in October 2006, Naxalites defended their destruction of schools:

> As for destroying schools used by the CRPF as their camps, neither the people nor our Party think it is wrong. The schools, once they are occupied by these forces, are transformed into torture chambers and concentration camps and there is no hope that they will once again be used as schools in the near future…. Education of the *adivasis* [tribal communities] is not affected by destruction of school buildings used by the security forces but by the destruction of entire villages (up to 900 villages had been uprooted since June 2005) by the state police, para-military forces and Salwa Judum goondas with active police support…. We are curious to hear what you would say of hundreds of

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[484] Human Rights Watch interview with IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007. The Central Reserve Police Force or CRPF is a paramilitary police force deployed by the Indian central government in the region.

[485] Human Rights Watch interview with K. R. Pisda, district collector of Dantewada district, Dantewada, December 10, 2007.

> other villages which do not have schools although "Maoist threat" does not exist in those villages?[486]

Unless they are being occupied by military forces, international humanitarian law prohibits the destruction of schools, since they are civilian objects.[487]

The Indian National Commission for Protection of Children's Rights (NCPCR) has recommended to all parties that schools should be recognized as "zones of peace":

> In recognizing schools as a critical element in ensuring the protection of children's rights, the NCPCR Committee strongly urges that schools be identified as "zones of peace" by all parties. This would include non-use of schools for any other than educational purposes, separation of schools from the camps, and introduction of programmes addressing the psycho-social needs of the children delivered within the school environment with appropriate training of teachers.[488]

The Chhattisgarh government has relocated or merged around 260 schools from Dantewada and Bijapur districts since Salwa Judum started.[489] For instance, what was originally the Dornapal day-school campus now functions as a day-school and a residential school. It houses 12 residential schools with around 1,000 children, some studying in tents and corridors for lack of space. The relocation of schools has in some cases separated children from their families because they are studying in residential schools far away from their home villages.[490] The government has also

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[486] Letter from Ganapathi, secretary general, CPI (Maoist), to the Independent Citizen's Initiative, October 10, 2006, http://www.cgnet.in/N1/maoistreplytoici/view?searchterm=reply (accessed February 20, 2008), para. 5.

[487] See ICRC, *Customary International Humanitarian Law,* rule 8 ("military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction … in the circumstances ruling at the time, offers a definite military advantage"); rule 10 ("civilian objects are protected from attack, unless and for such time as they are military objectives").

[488] National Commission for the Protection of Child Rights (NCPCR), "Visit to Dantewada (Chhattisgarh) and Khammam (Andhra Pradesh) to Investigate Status of Health and Education of Children affected by Civil Unrest, December 17-19, 2007" report, March 2008, p. 4.

[489] Letters from Block Education Officers of Usur, Bhairamgarh, and Konta, to public information officer, District Collectorate Dantewada (copied to Himanshu Kumar), July 5, 2007.

[490] Human Rights Watch group interview GR3 with volunteers working with school children (names and location withheld), December 9, 2007.

permitted local NGOs to take children from camps to other towns or cities in Chhattisgarh for their schooling.[491] In some cases, such relocation has separated children from or limited contact with their parents who are residing in camps.[492]

B. Displaced children's access to education in Andhra Pradesh

Children of internally displaced parents who have fled to Andhra Pradesh often drop out of school because they do not speak the language of instruction: schools in Andhra Pradesh teach in Telugu while schools in Chhattisgarh teach in Hindi.[493] In addition, many children do not possess school leaving certificates from their Chhattisgarh schools, making it difficult to enroll in local schools in Andhra Pradesh.[494] According to Sitara Foundation, a local NGO that provides medical and other humanitarian assistance to displaced persons, around 450 internally displaced children have dropped out of school in Chinturu *mandal* [administrative division] alone.[495]

At this writing, the Andhra Pradesh government had yet to sanction a single Hindi language residential bridge course (a course designed to mainstream out-of-school children into regular schools) despite requests from local NGOs and activists.[496] The Integrated Tribal Development Agency (ITDA) project officer for Warangal district said,

> IDPs are not much interested in attending schools because of the language problem and distance … In this district the mother tongue of [local] tribals is Telugu. So we are not planning to establish schools in any other language. In other districts, there are other languages.[497]

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[491] Human Rights Watch interview with Pillay, Gayatri Sangh Parivar, Jagdalpur, January 26, 2008; phone interview with Sandhya Madharia, Gayatri Sangh Parivar, Raipur, February 6, 2008.

[492] Ibid.

[493] Human Rights Watch interviews with J. P. Rao, professor from Osmania University, Hyderabad, November 28, 2007 (first interview); local activist N3 (name and details withheld), Warangal, November 29, 2007; Dr. Haneef, Sitara Organization, Chinturu, December 4, 2007 (first interview); NCPCR, "Visit to Dantewada and Khammam," p. 7.

[494] NCPCR, "Visit to Dantewada and Khammam," p. 7.

[495] Human Rights Watch interview with Dr. Haneef, first interview, December 4, 2007.

[496] Ibid.

[497] Human Rights Watch interview with S. Sunder Abner, project officer for Warangal district, Integrated Tribal Development Agency, Eturnagaram, November 29, 2007.

The ITDA project officer for Khammam district assured us that schools were open to all children including those displaced, but failed to address the problem of language as a barrier to education. He offered a "solution" to the language problem—that because displaced children are bilingual (speaking both Hindi and Koya, a tribal language) they could go to Koya schools in interior villages.[498] A local NGO however said that this solution would not address the language barrier—written Koya uses the Telugu script, and poses the same problem as Telugu-medium schools.[499]

The Indian central and Chhattisgarh state governments should take immediate steps to ensure that government security forces avoid using school buildings, restore damaged schools, and facilitate contact between parents and children where they have been separated due to schooling needs. Naxalites should immediately stop destroying school buildings to ensure that civilians who voluntarily return to villages are able to use government facilities in interior areas. The Andhra Pradesh government should immediately provide access to education in Hindi to ensure that displaced children are able to continue their education.

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[498] Human Rights Watch interview with K. Bhaskar, sub-collector of Khammam district holding charge as ITDA project officer for Khammam district, Bhadrachalam, December 7, 2007.

[499] Human Rights Watch interview with Dr. Haneef, Chinturu, December 7, 2007 (second interview).

X. Recommendations

To the Indian central government

End support to Salwa Judum; direct the Chhattisgarh state government to investigate and prosecute security forces and Salwa Judum members responsible for abuses, and provide information about missing persons

- Take all necessary and appropriate measures to end unlawful Salwa Judum activities, end all government support to Salwa Judum, including the provision of weapons, and end all participation by government security forces in Salwa Judum operations, including raids and reprisals.
- Take all necessary steps to ensure that government security forces abide by India's obligations under international law and the Indian Constitution, including respect for the rights to freedom from arbitrary arrest and detention, and from torture and other mistreatment.
- Consistent with its constitutional obligation to ensure state compliance with the Constitution, the Indian central government should call upon the Chhattisgarh state government to immediately investigate and prosecute individuals, including senior government officials, implicated in serious human rights abuses in Dantewada and Bijapur districts. The Indian central government should also express its willingness to conduct an investigation upon a request by the Chhattisgarh state government.
- Call upon the Chhattisgarh state government to promptly make public the progress of and findings from its investigations against individuals implicated in serious human rights abuses in Dantewada and Bijapur districts.
- Protect all witnesses, victims, and others who provide information for criminal prosecutions from possible reprisals, including by establishing an adequately funded witness protection program.
- Immediately ensure that the Chhattisgarh government reconstitutes an effective State Human Rights Commission to pursue all complaints of human rights abuses, including abuses linked to the conflict between Naxalites, Salwa Judum, and government security forces. Ensure that the Commission

uses all authority at its disposal including powers of *suo motu* investigation and subpoena.

Protect displaced persons

- Develop and implement a national policy and scheme for internally displaced persons in consultation with displaced persons, and governmental, nongovernmental, and intergovernmental organizations, and in accordance with the UN Guiding Principles on Internal Displacement (UN Guiding Principles). The policy should provide guarantees against arbitrary and unlawful displacement. It should also implement the rights of displaced persons to government assistance without discrimination, facilitate safe return where people are willing to return, ensure sustainable resettlement, and provide adequate compensation for loss of property during displacement.

In the interim,

- Ensure that Andhra Pradesh government officials immediately stop the destruction of IDP hamlets, illegal forced evictions, forced relocation of displaced persons, and confiscation of their property.
- Permit the Andhra Pradesh government to allow displaced persons to use reserved forest areas for non-forest purposes (including as habitation).
- Instruct the Andhra Pradesh and Chhattisgarh state governments to provide displaced persons all government services, including employment guarantees or other means of sustaining a living, access to food-for-work benefits, and subsidized food rations, and issue all documents required by them to benefit from these welfare programs.
- Closely monitor the progress of rehabilitation schemes being developed by the Chhattisgarh and Andhra Pradesh state governments in order to ensure the safe return and rehabilitation of villagers who are willing to return.
- Provide additional special infrastructure support to the Chhattisgarh state government to clear landmines from Dantewada and Bijapur districts in particular.

Maintain law and order in accordance with international human rights standards

- Thoroughly revise the police training curriculum to include appropriate training on human rights issues including lawful interrogation techniques and best practices. All training should be consistent with international human rights standards, such as the UN Code of Conduct for Law Enforcement Officials and other international human rights standards.

Prevent child recruitment in hostilities and assist in reintegration of children recruited and used by all armed parties

- Take steps to ensure that all children under age 18 serving as special police officers (SPOs) are identified, removed, and provided with alternative education or vocational training opportunities.
- Amend the Indian Police Act, 1861, to introduce age 18 as the minimum age for recruitment of SPOs to prevent future recruitment of children.
- Develop a national scheme for the identification, release, and reintegration of children recruited by armed groups or police in consultation with governmental, nongovernmental, and intergovernmental organizations, and in accordance with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.
- Develop and implement effective measures to ensure that all individuals recruited for police duties are at least 18 years old; develop and impose appropriate sanctions against individuals found to be recruiting or using children under age 18, including those using underage former Naxalites as police informers or SPOs.
- Implement the Registration of Births and Deaths Act, 1969, and provide proof of birth to all children.
- Ratify the Worst Forms of Child Labor Convention (International Labor Organization Convention No. 182), which defines the forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labor.

To the Chhattisgarh state government

End government support to Salwa Judum, address impunity for Salwa Judum and police abuses, and prevent further abuses

- Take all necessary and appropriate measures to end unlawful Salwa Judum activities, and end all government or police support to Salwa Judum, including provision of weapons, and participation by police or SPOs in Salwa Judum operations, including raids and reprisals.
- Initiate serious and independent investigations of individuals responsible for carrying out or ordering human rights abuses, regardless of rank, and prosecute as appropriate. Also investigate the role of senior police and administrative officials in Dantewada and Bijapur districts in the commission of or failure to prevent such abuses, and take appropriate action, including removal from office and/or criminal prosecution.
- Immediately make public the progress of and findings from investigations against individuals implicated in serious human rights abuses in Dantewada and Bijapur districts.
- End deployment of SPOs for paramilitary operations against Naxalites.
- Adopt and disseminate public statements denouncing human rights abuses linked to Salwa Judum.
- Determine the fate of those who "disappeared" including those taken to Salwa Judum camps, arbitrarily detained in police stations, or killed; provide this information to family members.
- Establish a district-level missing persons' unit in which families and concerned parties may give information about missing family members without fear of retaliation.
- End the practice of arbitrary detention and strictly implement the D.K. Basu guidelines on arrest and detention issued by the Supreme Court of India; initiate disciplinary action against police officers who have violated them. Create awareness campaigns to disseminate information regarding people's rights during arrest and detention.
- Repeal the Chhattisgarh Special Public Security Act, 2005.
- Avoid the use of schools for military or Salwa Judum operations.
- Investigate and prosecute as appropriate, harassment, threats, and violence against journalists and activists reporting on the conflict between Naxalites,

Salwa Judum, and government security forces, or advocating on behalf of victims of human rights abuses. Ensure humanitarian organizations have free and safe access to provide assistance to displaced persons and others affected by the conflict.

Protect and assist persons displaced by the conflict

- Take measures at all levels of government to stop harassment by police, SPOs, or Salwa Judum members of displaced persons who have resumed cultivation, and those who have returned to their villages.
- Ensure, in accordance with the UN Guiding Principles, that internally displaced persons are protected against attacks or other acts of violence, and that they are provided without discrimination, safe access to essential food and potable water, basic shelter and clothing, and essential medical services and sanitation.
- Set up a state-level planning committee to facilitate the return of villagers who are willing to return to their villages. The planning committee should consist of representatives of governmental, nongovernmental, and intergovernmental organizations with relevant expertise, as well as representatives of *gram panchayats* (elected village-level council) from evacuated villages and other displaced villagers drawn from tribal communities (not only *gram panchayat* members). The committee should develop a return program that will ensure that displaced communities can return to their homes in safety and dignity, and resume their livelihoods. All return programs should be consistent with the UN Guiding Principles and respect the rights of internally displaced communities.
- Ensure that infrastructure for villages is restored at least to the standard that existed prior to their destruction and evacuation, at state cost.
- Form a district-level team including NGOs, activists, government officials, and displaced persons to conduct a new survey of displaced persons from camps and other sites who wish to return to their villages. This survey should include documentation of family and village names, and the losses incurred by each family during displacement.

- Release complete information, updated through June 2008, of the number of displaced persons residing in camps and in all other sites where displaced people reside in Bijapur and Dantewada districts.
- Where villages are inaccessible for security reasons, or where villagers are unwilling to return, pay appropriate levels of compensation, including maintenance for the internally displaced, and ensure their access to health, education, and employment or other means of sustaining a living.
- Ensure equal access to all government services for displaced persons in areas not recognized as camps, including permanent housing sites and unrecognized camps.

Prevent recruitment of, and identify and rehabilitate underage SPOs

- Identify all SPOs under the age of 18 and remove them from service; provide them with appropriate assistance, including alternative education or vocational training.
- Offer honorable discharge to all SPOs who were recruited when they were less than age 18, and provide them with alternative vocational opportunities.
- End the use of underage former Naxalites as police informers or SPOs.
- Implement the Registration of Births and Deaths Act, 1969, and provide proof of birth to all children.

To the Andhra Pradesh government

- Extend all government schemes and services to internally displaced persons (IDPs), and issue job cards, ration cards, voter identity cards, and other documents required by displaced persons to make use of all government programs and services.
- Order the Forest Department to immediately end unlawful destruction of IDP hamlets, forced eviction or relocation of villagers, and confiscation of property.
- Instruct all *gram panchayats* in Khammam and Warangal districts to cooperate with displaced persons; make public announcements assuring displaced persons that they will not be harmed if their identities are revealed.

- Protect displaced persons from harassment by local tribal communities and initiate legal action where appropriate.
- Ensure that government officials who instigate local tribal communities to commit offenses are prosecuted as per the law.
- Protect displaced persons from harassment by Salwa Judum members from Chhattisgarh.

To the CPI (Maoist) Party

- End human rights abuses and laws of war violations against civilians, including killings, the use of threats, extortion, the indiscriminate use of landmines, and reprisals against individuals who have participated in Salwa Judum, or served as SPOs or police informers.
- Immediately end bomb and other attacks against schools.
- Ensure strict adherence to international human rights standards and international humanitarian law.
- End jan adalat (people's court) proceedings that do not meet international fair trial standards, and cease all death sentences and all extrajudicial punishments, including against suspected informers and others suspected of offenses against the Naxalites.
- End attacks that deliberately or indiscriminately target civilians or civilian objects.
- Issue and implement policies guaranteeing safe return for villagers who wish to leave Salwa Judum camps and return to their villages.
- Immediately stop all recruitment of children under the age of 18 in any capacity, including into bal sangams (children's associations).
- Release all children and give those recruited before age 18 the option to leave.
- Inform families (through public announcements and use of the local media) that children under age 18 will not be recruited.
- Take all appropriate steps to ensure that Naxalite commanders and other cadres do not recruit children under age 18, "voluntarily" or otherwise, and provide the international community with documentation of disciplinary actions taken against Naxalite leaders responsible for such recruitment.

- Cooperate with UNICEF and other appropriate agencies to demobilize children from Naxalite forces and transfer them into appropriate rehabilitation and reintegration programs.
- Cease all reprisals against people, including children, who leave Naxalite forces, and against the family members of such people.

To Foreign governments, Intergovernmental Bodies, and International Financial Institutions

- Publicly and privately urge the Indian central and Chhattisgarh state governments to end all support to Salwa Judum, cease arbitrary arrests and torture, and pursue accountability for violations of human rights.
- Encourage the Chhattisgarh state government to use existing funds allocated to heath care and education facilities to provide such facilities for all displaced persons in Chhattisgarh and Andhra Pradesh without discrimination, and where possible, to increase the funding available for such facilities to ensure that basic health and education standards are met.
- Assist programs for appropriate human rights training for the Indian central and Chhattisgarh government security forces including the Chhattisgarh state police.

Appendix I

Villagers from the following villages reported killings—Sankanpalli (seven), Durma (three), Kamarguda (three), Kothooru (one), Lingagiri (four), Nayapara (eight), Boreguda (four), Etagatta (15), Mukudtong (one), Kotacheru (five), Nendra (four), and Neeram (two).

Villagers from the following villages reported abductions—Nayapara, Pisheypara, Ramavaram, Pidmel, Nendra, Birla, Gorgonda.

Villagers from the following villagers witnessed looting—Sankanpalli, Durma, Darbha, Surpanguda, Lingagiri, Boreguda, Pisheypara, Ramavaram, Pidmel, Tolnai, Mukudtong, Etagatta, and B2.

Villagers from the following villages witnessed their villages being burned—Sankanpalli, Nambi, Kamarguda, Surpanguda, Kothooru, Lingagiri, Korsagudem, Boreguda, Pisheypara, Etagatta, Mukudtong, Gorgonda, Bechapal, and B2.
These villagers also gave Human Rights Watch names of 26 villages neighboring villages that they knew were burned by Salwa Judum and police. Dongrigudem, Ethuguppa, Mukram, Singaram, Nillampalli, Kamarguda, Penta, Baiyampalli, Parlagatta, Tolewarti, Kursangal, Kariguda, Gondupalli, Kondasawali, Gorkha, Nendra, Kotacheru, Chintagupha, Nagaram, Bandaras, Gaganapalli, Gomapad, Regadgatta, Maraiguda, Tetrai, and Arlampalli.

Villagers from the following villages witnessed beatings— Sankanpalli, Durma, Darbha, Kothooru, Nambi, Boreguda, Nayapara, Pisheypara, Etagatta, Pidmel, Mukudtong, Birla, Kannaiguda, Padiyarpara, Bechapal, and Satwa.

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Appendix II

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April 28, 2008

Sri E.S.L. Narasimhan
The Hon'ble Governor of Chhattisgarh
Raj Bhawan
Raipur—492001

Dear Governor Narasimhan:

Human Rights Watch is an independent, non-governmental international organization that monitors human rights developments in over 70 countries around the world.

We would like to draw your attention to the failure of the Andhra Pradesh government to properly address the needs of internally displaced persons (IDPs) from Chhattisgarh, who fled there because of the conflict between the Naxals and the Salwa Judum and government security forces. Not only have they suffered loss of livelihood and property as they fled from their homes, but they have also faced unlawful forced evictions by Andhra Pradesh forest officials without any regard to their security and well being. As recently as on April 5, 2008, there was a violent crackdown by the Andhra Pradesh forest department against an IDP settlement in Kothooru in Khammam district.

We are happy to learn that you participated in an official meeting on April 8, 2008 in Bhadrachalam to jointly work with the Andhra Pradesh government to safeguard the interests of tribal communities. We also appreciate you for having given several local activists and IDPs the opportunity to present their case before you. We have

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received a copy of the written representation that they submitted to you and hope that you will take into account their concerns, and make a decision in accordance with the United Nations Guiding Principles on Internal Displacement, which would protect the rights of the displaced tribal communities.

In late 2007 Human Rights Watch traveled to Khammam and Warrangal districts of Andhra Pradesh to investigate the plight of IDPs settled in these areas. In interviews with us, these villagers said that they were reluctant to return to Chhattisgarh until there was a concrete plan by the government to ensure their safe return in consultation with them.

The UN Guiding Principles on Internal Displacement, while not a binding instrument, reflect and are consistent with international human rights and humanitarian law. They provide that displaced persons have the rights to seek safety in any part of the country, to liberty and freedom to choose their residence, and to protection against forcible return to or resettlement in any place where their life, safety, liberty or health would be at risk. Displaced persons also have the right to an adequate standard of living. They also state that plans for relocation and rehabilitation should be drawn up in consultation with displaced persons, especially women.

Unfortunately, the Andhra Pradesh forest department has repeatedly unlawfully forcibly evicted and relocated many IDPs without developing a safe rehabilitation arrangement in consultation with them. The Andhra Pradesh authorities have also failed to extend government welfare benefits to many IDPs.

Persons displaced by the infighting in Chhattisgarh have a right to seek safety, protection, and humanitarian assistance in any part of India including Andhra Pradesh.

We urge you to use your extraordinary powers under the Fifth Schedule of the Indian Constitution and ensure that:

a) IDPs communities are not unlawfully forcibly relocated to Chhattisgarh without adequate and safe alternative housing arrangements.

b) Chhattisgarh government assists the Andhra Pradesh government in extending benefits of all government schemes to IDPs without discrimination
c) A policy for safe and voluntary return and rehabilitation for IDPs is prepared in accordance with the UN Guiding Principles on Internal Displacement in consultation with government officials, nongovernmental organizations, inter-governmental organizations, lawyers, and IDPs.

We would appreciate learning the steps you have taken in this regard. Responses may be emailed (beckerj@hrw.org) or faxed (+1-212-736-1300) to us.

Sincerely,

Jo Becker,
Advocacy Director

CC:

1. Shri Raman Singh, Chief Minister of Chhattisgarh.
2. Minister of Tribal Welfare, Chairperson of Tribal Advisory Council, Chhattisgarh.

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April 28, 2008

Sri Narayan Dutt Tiwari
The Hon'ble Governor of Andhra Pradesh
Raj Bhawan
Hyderabad—500041

Dear Governor Tiwari:

Human Rights Watch is an independent, non-governmental international organization that monitors human rights developments in over 70 countries around the world.

We are extremely concerned about the failure of the Andhra Pradesh government to properly address the needs of internally displaced persons (IDPs) from Chhattisgarh, who fled to Andhra Pradesh because of the conflict between the Naxals and the Salwa Judum and security forces. Not only have they suffered loss of livelihood and property as they fled from their homes, but in Andhra Pradesh they have also faced forced evictions by forest officials without regard to their security and well being. As recently as on April 5, 2008, there was a violent crackdown by the Andhra Pradesh forest department against an IDP settlement in Kothooru in Khammam district.

We are happy to learn that Andhra Pradesh officials including senior police and revenue officials participated in a meeting on April 8, 2008 in Bhadrachalam to review the government's approach towards the IDP situation. We also appreciate the Andhra Pradesh officials for having given several local activists and displaced persons the opportunity to present their case before them. We hope that you will take into account their concerns, and make a decision that would

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protect the rights of the displaced tribal communities in accordance with the United Nations Guiding Principles on Internal Displacement.

In late 2007 Human Rights Watch traveled to Khammam and Warrangal districts of Andhra Pradesh to meet with some of the IDPs settled in these areas. Since June 2005, around 30,000 to 50,000 IDPs from Chhattisgarh have settled in Andhra Pradesh.

A majority of the IDPs we met stated that they fled from Chhattisgarh to escape attacks by Salwa Judum members and government security forces. They also stated that they were reluctant to return to Chhattisgarh until there was a concrete plan by the government to ensure their safe return in consultation with them.

The UN Guiding Principles on Internal Displacement, while not a binding instrument, reflect and are consistent with international human rights and humanitarian law. They provide that displaced persons have the rights to seek safety in any part of the country, to liberty and freedom to choose their residence, and to protection against forcible return to or resettlement in any place where their life, safety, liberty or health would be at risk. Displaced persons also have the right to an adequate standard of living. The guidelines also state that plans for relocation and rehabilitation should be drawn up in consultation with displaced persons, especially women.

Unfortunately, instead of adopting the safeguards set out in these guidelines, the Andhra Pradesh forest department has repeatedly forcibly evicted and relocated many IDPs without developing a safe rehabilitation arrangement in consultation with them. The Andhra Pradesh authorities have also failed to extend government welfare benefits to many IDPs.

We urge you to use your extraordinary powers under the Fifth Schedule of the Indian Constitution and ensure that:

d) IDPs are publicly consulted and given opportunities to participate in decision making processes.

e) IDPs are not unlawfully forcibly relocated to Chhattisgarh without alternative adequate and safe housing arrangements.
f) Andhra Pradesh government extends the benefit of all government schemes to IDPs without discriminating against them.
g) A policy for safe and voluntary return and rehabilitation for IDPs is prepared in accordance with the UN Guiding Principles on Internal Displacement in consultation with government officials, nongovernmental organizations, inter-governmental organizations, lawyers, and IDPs.

We would appreciate learning the steps you have taken in this regard. Responses may be emailed (beckerj@hrw.org) or faxed (+1-212-736-1300) to us.

Sincerely,

Jo Becker
Advocacy Director

CC:

1. Shri Y.S. Rajasekhara Reddy, Chief Minister of Andhra Pradesh
2. Minister of Tribal Welfare, Chairperson of the Tribal Advisory Council, Andhra Pradesh.

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April 28, 2008

Shri Raman Singh
Chief Minister of Chhattisgarh
Mantralaya
Raipur

Dear Chief Minister Singh:

Human Rights Watch is an independent, non-governmental international organization that monitors human rights developments in over 70 countries around the world.

We conducted an investigation into human rights issues in Dantewada and Bijapur districts of Chhattisgarh from November 2007 through February 2008.

We are extremely concerned about the suffering of ordinary civilians who are caught in the middle of the conflict between Naxals and the Salwa Judum and government security forces. We found that all parties have been responsible for serious human rights abuses. However, abuses by the Naxals do not justify abuses, including killings, beatings, abductions, arbitrary detentions, and looting and burning of villages, by Salwa Judum members with the support of the security forces.

We will be issuing a report in mid-2008 based on information collected during the research mission. Before we issue this report, we are keen to incorporate your government's views on how these

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problems can be addressed. In particular, we would like to include your views on the development, impact, and outcomes of Salwa Judum—specifically, your responses to the questions annexed to this letter.

We appreciate your responding to our questions, which if received by May 15, 2008, will be taken into consideration in the preparation of our report. Responses may be emailed (beckerj@hrw.org) or faxed (+1-212-736-1300) to us.

We also stand ready to engage in dialogue with you about important human rights concerns in Dantewada and Bijapur, and possible solutions to the problems faced by tribal communities in the region.

Sincerely,

Jo Becker
Advocacy Director

List of questions for your response:

1. Following NGO and fact-finding reports that government officials including police were involved in human rights abuses committed by Salwa Judum, has the government initiated any action against any government official (including police officials) **before** the Supreme Court ordered the NHRC investigation on April 15, 2008? Please furnish details including names of officials, nature of action initiated, when such action was initiated, and any outcome.
2. Given the nature of accusations of involvement of senior state police officials and government security forces in human rights abuses, what precautions is the government taking to ensure that such officials are not involved in investigations?
3. What measures is the government taking to protect victims and witnesses while deposing before NHRC?
4. What steps has the government taken to prevent custodial torture and arbitrary arrest and detention of persons alleged to be Naxals? Has the

government investigated any allegation of arbitrary detention and arrest of alleged Naxals?

5. What steps has the government taken to trace persons who have gone missing after Salwa Judum started?
6. Has the government developed a scheme for safe return and rehabilitation alternatives for residents of government-run Salwa Judum camps (also known as relief camps or base camps)?
7. What steps has the government taken to ensure protection and humanitarian assistance to persons from Chhattisgarh who fled and settled in Andhra Pradesh?
8. Following NGO and fact-finding reports that the government has recruited under-age SPOs, what measures has the government taken to identify and rehabilitate underage SPOs? How many underage SPOs were identified and rehabilitated? Please furnish details.
9. What measures has the government taken to identify and rehabilitate child Naxals? Is there any special scheme for rehabilitating child Naxals? If yes, then please furnish a copy of the scheme.

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May 12, 2008

Justice Shri Rajendra Babu
Chairperson
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi—110001

Dear Justice Rajendra Babu:

Human Rights Watch is an independent, non-governmental international organization that monitors human rights developments in over 70 countries around the world.

We are happy to learn that a team constituted by you is investigating allegations of abuses by Salwa Judum members, government security forces, and Naxalites since June 2005 in Dantewada and Bijapur districts of Chhattisgarh.

Human Rights Watch conducted a research mission in these areas in late 2007 and early 2008 to investigate human rights abuses. Our findings will be published in the coming months.

We would like to share some of our preliminary findings with you in the hope that this will be of assistance.

We found that government security forces and Salwa Judum members forced civilians from many villages in Dantewada and Bijapur districts to support Salwa Judum by threatening, beating, abducting, and killing local residents, and burning and looting hamlets. They also carried out reprisal measures against those who chose to leave the camps and return to their home villages. While the Chhattisgarh police have not actively recruited special police officers since March 2006, we found that they had not taken any concrete measures to identify, demobilize, and rehabilitate children who had been recruited to be special police officers.

We also found that the Naxalites have committed human rights abuses including reprisals against those perceived as dissenters and police informers, including abductions and killings of camp residents. Naxalites also recruit and use children in armed combat.

We thus request you to ensure that the team constituted under your guidance investigates the following aspects in detail:

1. Specific cases of human rights abuses committed by government security forces and Salwa Judum members, including killings, arbitrary arrests, enforced disappearances, beatings, torture, and rape, as well as burning and looting of hamlets.
2. Reprisal measures taken by Salwa Judum members and government security forces to prevent camp residents from returning to their villages.
3. Establishing command responsibility of senior administrative, police, and paramilitary police personnel to prevent abuses by Salwa Judum members and government security forces or failing to appropriately punish those responsible for abuses.
4. Any failure by government authorities, including the Chhattisgarh state human rights commission, to investigate complaints of human rights abuses, including the failure to register criminal complaints, and to appropriately hold accountable all those, regardless of rank, responsible for abuses.
5. Measures taken by government officials to identify, demobilize, and reintegrate children recruited and used as special police officers.
6. Specific cases of human rights abuses committed by Naxalites, including extortion, killing and beating as sentences from *jan adalats*, recruitment and use of children in Naxalite forces, reprisal measures against camp residents, Salwa Judum leaders or members, and suspected police informers.
7. Chhattisgarh government's alleged harassment of journalists, activists, and humanitarian aid workers.
8. Living conditions in camps, especially those areas that are not officially recognized as camps but which house people who were forcibly relocated by Salwa Judum members and government security forces.
9. Unlawful forced evictions of displaced persons settled in Andhra Pradesh and their living conditions.

We are aware that many of those affected by the conflict are extremely concerned about their own security and may not be entirely forthcoming. We are also concerned that government security forces may intimidate or influence witnesses or victims at the time of testifying before your Commission's team and therefore request you to take appropriate witness protection measures to ensure that the investigation is conducted in a manner that assures their safety.

Sincerely,

Jo Becker
Advocacy Director

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