

Modi government's "terrorism" frame-up vendetta leads to death of 84-year-old tribal-rights activist

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The shocking July 5 death of Stan Swamy, an 84-year-old tribal rights activist and Jesuit priest, after 9 months of cruel imprisonment has sparked widespread condemnation of the Narendra Modi government and India's police, penal authorities and courts, both in India and internationally.

The Indian state is undeniably responsible for Swamy's death. He succumbed to complications after contracting COVID-19 while in prison awaiting trial on frame-up terrorism charges. He is yet another victim of the vicious police-state measures now firmly institutionalized by Modi, his chief henchman, Home Minister Amit Shah, and the Hindu supremacist Bharatiya Janata Party (BJP) government.

Swamy was arrested and thrown in jail by India's notorious National Investigation Agency (NIA) last October under the draconian Unlawful Activities Prevention Act (UAPA). His arrest was based on a 10,000-page NIA charge-sheet that accused him of conspiring to bring together Dalit and Muslim forces to create an armed militia to take on what Swamy supposedly referred to as the "fascist government." Swamy was also alleged to have instigated "violence" on January 1, 2018, at the annual Elgar Parishad event, a Dalit celebration-rally in Koregaon, Maharashtra.

During its six years in office, the Modi government has used the UAPA to victimize thousands of its opponents, including left-wing student activists, lawyers, playwrights, poets, and journalists. Muslims, particularly in disputed Jammu and Kashmir, have been especially targeted.

Persons charged under the UAPA or under the Modi government's other preferred legal bludgeon, "sedition," can be made to rot in prison indefinitely without bail awaiting a court trial that due to India's clogged, bureaucratic judicial procedures might come only a decade or more after their arrest.

The courts cruelly denied Swamy temporary release from prison to seek medical treatment although he was in very poor and rapidly declining health. Ultimately, he died in a private hospital in Mumbai from cardiac arrest, a direct result of his having contracted COVID-19.

The special NIA court which oversees and adjudicates cases filed by the NIA twice denied his request for release for

medical treatment. In an act of extreme cruelty, it even refused to order prison authorities to immediately supply Swamy, who could not raise a cup since his hands shook uncontrollably due to Parkinson's disease, with a straw-equipped cup with which to drink fluids.

The rejection of Swamy's two petitions to the NIA court for temporary release played out over five months. Subsequently, his lawyers were able to initiate proceedings before the Bombay High Court. It too was in no hurry to act and dragged its feet for over a month before finally on May 28 granting him a measly two weeks for medical treatment. The High Court also ruled that Swamy bear the full cost of his medical care. This despite the fact that the state imprisoning him in an overcrowded prison was why he contracted COVID-19 in the first place.

As soon as Swamy was shifted to a hospital, he was diagnosed as having COVID-19. As his condition worsened, the Bombay High Court kept extending his bail by two weeks with his third extension granted until July 5, the day Swamy died.

The claim that Swamy was in any way responsible for the violence that ensued on January 1, 2018, during the 200th anniversary of Elgar Parishad was entirely cooked up. This yearly event commemorates the gallantry that several hundred Dalit soldiers enrolled in the British colonial army displayed in a battle against the much larger force fielded by the upper caste Peshwa-ruled kingdom, now a part of the state of Maharashtra. This defeat has come to be celebrated by sections of Maharashtra's historically oppressed Dalit population as a fitting humiliation of the Brahmin Peshwas who were notorious for their ill treatment of Dalits.

Swamy, however, had absolutely nothing to do with this event, let alone the violence that ensued. Living hundreds of miles away, he neither participated nor had any hand in organizing it. As for the violence, it was incited by two Hindu-communist leaders who exhorted a mob of their followers to attack the gathering, which had tens of thousands of Dalit participants. The latter fought back. The two masterminds of the Elgar Parishad attack continue to run around scot-free,

because they enjoy the protection of the Modi government. One of them, Sambhaji Bhide, a prominent Hindu supremacist leader, has been personally praised by Modi.

Instead of arresting the true culprits, the police and NIA, in what is becoming an all too familiar pattern, have sought to pin the blame on 16 prominent pro-Dalit anti-Hindutva activists, including the now dead Stan Swamy. All 16 have been charged under the UAPA and accused of being what the government and police term “urban Naxals,” that is clandestine urban supporters of the banned Communist Party of India (Maoist), which for decades has been waging a guerrilla insurgency in some of India’s most remote jungle regions.

The NIA has claimed proof that they are Maoists was found in the form of documents and letters on computers they seized from the activists. The accused have vehemently denied any knowledge of these documents and, from the outset, suspicion among all but government and police partisans has been that they were deliberately planted.

In February of this year, the *Washington Post* reported that a forensic analysis performed on the computer belonging to one of 16 arrested activists, Rona Wilson, by US-based Arsenal Computing, has shown that the documents were indeed planted. This was done by an unknown, well-financed hacker using malicious software (Malware).

The incriminating documents, which were injected over a span of two years, were never opened by Rona Wilson since he was not even aware of their existence on his computer. They resided in a hidden folder the malware had created to copy the documents into. Arsenal Computing in its report notes that this “is one of the most serious cases involving evidence tampering that Arsenal has ever encountered.”

The NIA, no doubt egged on by Home Minister Shah and his cronies behind the scenes, has persisted in its now years-long vendetta over the Elgar Parishad affair. Last September 30th, it ordered Swamy to show up at its Mumbai offices within five days, although this would require he travel 1800 km from his home in Ranchi, the state capital of Jharkhand. Prior to this, police had grilled Swamy in July 2020 for about 15 hours over 5 days.

The NIA claimed that it was summoning Swamy to Mumbai for interrogation about his role in the violence at the January 1, 2018 event. The tribal rights activist and priest refused, pointing out that to travel such a long distance during a raging pandemic would put his life at risk. The police agency would not relent and sent a team to forcibly arrest Swamy and transport him to Mumbai.

However, having brought him there, instead of interrogating him about the Elgar Parishad event, the agency dragged him before the NIA kangaroo court charging that he had links to the banned Maoists. The NIA court promptly ordered his imprisonment in Talaja Central Jail.

Swamy was targeted for his pro-tribal activism in the state of Jharkhand where tens thousands of tribals have been

dispossessed of their lands due to mining activities by state and private corporations, and thousands of tribal youth have been thrown in prison for opposing the mining projects on their traditional lands. Swamy in a video states that he became a thorn in the side of the national and state governments after he formed the Persecuted Prisoners Solidarity Committee (PPSC) along with the labour lawyer Sudha Bharadwaj, one of the fifteen others targeted in that Elgar Parishad frame-up. They challenged the imprisonment of around 3,000 tribal youth by filing a case on their behalf in Jharkhand High court.

In response to a question in the Indian parliament, the Modi government revealed in February that as many as 1,948 persons were arrested under the UAPA just in 2019. Between the years 2015 and 2018, over 4,000 were incarcerated.

India’s Supreme Court has played a particularly foul role in giving a free hand to the NIA to carry out its Gestapo-style activities. It has struck down lower court rulings granting bail to those accused under the UAPA. A particularly egregious case involves two Muslim men, Mohammed Ilyas and Mohammed Irfan, who were arrested in 2012 under the UAPA on the basis of the most shoddy evidence. In 2019, the Bombay High Court granted Irfan bail, after observing that there was no prima facie evidence that the grave charges against him were true. But when the NIA appealed to India’s highest court, arguing that his release may “[affect] the security of the nation,” the Supreme Court dutifully stayed Irfan’s bail and he was back in prison just four months after his release. Subsequently, the NIA special court, notorious for conniving with the prosecution, had to exonerate both men. But by that point, because they were arrested under the draconian provisions of the UAPA, they had spent nine years in prison.

In July 2019, the Modi government rammed through parliament an amendment to the UAPA that vastly increases the power of the NIA and permits the government to declare an individual a terrorist and seize his or her properties. While this amendment was making its way through parliament, India’s Supreme Court ruled in its July 2019 Watali judgment, that the NIA’s evidence has to be considered “prima facie true” even if the charges are based upon evidence that would be inadmissible in a trial.



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