



CURIA GENERALIZIA DELLA COMPAGNIA DI GESÙ
Segretariato per la Giustizia Sociale e l'Ecologia (SJES)



Bail denied to Fr. Stan Swamy SJ in India
The Secretariat and the Society of Jesus remains firmly united in solidarity with our brother Stan and other human rights defenders

A Statement from the Social Justice and Ecology Secretariat, Rome

The Society of Jesus is deeply pained to hear that on Monday March 22, 2021, the special court of the National Investigation Agency (NIA) rejected the bail application of our brother Fr. Stan Swamy SJ after keeping him in the prison for 164 days. Stan was arrested on 8 October 2020, from his residence in Ranchi, Jharkhand and since then he has been held in judicial custody in Taloja prison near Mumbai in the midst of the Covid-19 pandemic.

What is more worrying is that bail is denied to an 83 old human rights defender who suffers from many illnesses including severe Parkinson's. As Jesuit companions, we affirm that Stan engaged himself in the defense of *adivasis* (indigenous people) and other deprived communities whose fundamental rights were denied and systematically trampled upon. We confirm that Stan unequivocally believes, professes and engages in activities to "secure to all its citizens: JUSTICE..., LIBERTY..., EQUALITY..., and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation" (Preamble to the Constitution of India). The Jesuits also believe and practice the values of peaceful dialogue and 'nonviolence' as practiced by Mahatma Gandhi, the Father of the nation.

Hence, as Jesuits spread all over the world, we are bewildered and outraged to read the 34-page order of the NIA court. Basing itself on the documents provided by the prosecution, the court has *prima facie* stated that Stan "hatched a serious conspiracy, along with the members of banned organization, to create unrest in the entire country and to overpower the government, politically and by using muscle power" (#67). The Society of Jesus strongly denies and condemns such a statement by the learned court. We stand united with Stan and many other human rights defenders at this crucial juncture. We commit ourselves to continue our effort, both nationally and internationally, to bring truth and justice to light and advocate for the rights of vulnerable people in a peaceful, non-violent way.

As Jesuits who have walked the difficult path of being 'at the crossroads of ideologies, in the social trenches' (Pope Paul VI, Dec. 3, 1974) for the past 5 centuries, we have faced innumerable such situations in many parts of the world. We are conscious of the consequences of our *option*



for being with the poor. Some Jesuits, like Bl. Rutilio Grande in El Salvador and A.T. Thomas in Jharkhand, India, who opted to be with the poor, were killed. Hence, we are not very surprised by the special NIA court order denying bail to Fr. Stan.

In the present case, it is important to note that the legal ambit of this particular NIA court is limited to the Unlawful Activities [Prevention] Act (UAPA) and to a few others but not to all the laws of the nation. The Act violates the established principles of '*a person is innocent until proven guilty*' and the general rule of '*bail is the norm; jail is the exception*'. The UAPA, by putting the onus of proving innocence on the accused, goes diametrically opposite to these legal axioms. Moreover, this UAPA was amended in July 2019. The amendment made under Section 35 and 36 of the principal Act of 1967, simply arms the central government to designate an individual or an organization 'terrorist' and incarcerate anyone they find as undesirable with almost no possibility for bail. In the present Bhima Koregaon case, some have spent almost 3 years in the prison, without facing trial.

What is happening in the country especially in the last few years are not stray incidents. It is indicative of a malaise and erosion of democracy in India as pointed out in the international report on democracy (*Democracy under Siege*, Freedom in the World 2021, [Freedom House](#)). This is the plight not only of Stan Swamy but also of so many other human rights defenders, students, women, farmers, intellectuals, civil society movements and anyone who has dared to oppose or critique the policies of the government in the last few years. They are labelled 'terrorists, criminals, and anti-nationals' and are imprisoned indefinitely under the draconian UAPA with lack of transparency in investigation.

In this context, we recall what Stan in a [video](#) message, recorded just two days prior to his arrest. He said, "*What is happening to me is not something unique happening to me alone. It is a broader process that is taking place all over the country... I am happy to be part of this process because I am not a silent spectator but part of a game and ready to pay the price for it, whatever be it.*"

Following his detention, the Society of Jesus and a number of civil society groups campaigned, mobilized and advocated throughout India and worldwide for the release of Stan and 15 others who were incarcerated since 2018. In a [press release](#) on October 20, 2020, UN **High Commissioner for Human Rights**, Michelle Bachelet, expressed her concern about the case of Fr. Stan Swamy and urged the Indian authorities "to release people charged under the **Unlawful Activities Prevention Act** for simply exercising basic human rights that India is obligated to protect." On November 3, 2020, the United Nations Vice-Chair of the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on minority issues released a [statement](#) raising



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concerns over the arbitrary detention and harassment of Fr. Stan Swamy in response to his peaceful human rights work.

Despite our pain and disappointment, we resonate with the words of Fr. Jerome S. D'Souza SJ, President of the Jesuit Conference of South Asia. He says in his press statement of 22 March 2021, "We continue to hope and pray that justice will prevail, and Fr. Stan will be released soon and acquitted after a fair trial, as we have a deep faith in the Constitution of India and in the judiciary." We also believe in the words of St. Paul who said, "We are afflicted in every way, but not crushed; perplexed, but not driven to despair; persecuted, but not forsaken; struck down, but not destroyed" (2 Cor. 4: 8-9). During this time of Holy week, the words of St. Paul make a lot of sense to us: that we "always carry in the body the death of Jesus, so that the life of Jesus may also be made visible in our bodies" (2 Cor. 4: 10).

We believe that "justice will prevail and all the morally upright will be vindicated" (Ps. 94: 15). We appeal to all governments, international bodies and civil society groups and organizations to call on Indian State to repeal UAPA and release Stan and all other human rights defenders immediately.

Fr. Xavier Jeyaraj SJ
Secretary, SJES-Rome
31 March 2021