

118TH CONGRESS
2D SESSION

H. RES. 1339

Honoring the life and legacy of Father Stan, a prominent human rights activist who died while in custody of the Indian state on July 5, 2021, and encouraging India to pursue an independent investigation into his arrest, incarceration, and death.

IN THE HOUSE OF REPRESENTATIVES

JULY 5, 2024

Mr. VARGAS (for himself, Mr. MCGOVERN, and Mr. CARSON) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Honoring the life and legacy of Father Stan, a prominent human rights activist who died while in custody of the Indian state on July 5, 2021, and encouraging India to pursue an independent investigation into his arrest, incarceration, and death.

Whereas Father Stanislaus Lourduswamy, known as Father Stan, was born on April 26, 1937, in a village called Viragalur in the Tiruchirappalli District in the southern Indian state of Tamil Nadu, and inspired by the work of Jesuit priests from an early age, studied theology starting in 1957;

Whereas Father Stan spent his Jesuit regency in 1965 to 1967 at St. Xavier's High School Lupungutu, Chaibasa, in West Singhbhum, now in the central Indian state of

Jharkhand, and there came to love and appreciate the culture and values of India's Adivasi (Hindi: "Original Inhabitants") community, as well as understood the problems they faced and exploitation they endured;

Whereas, in 1971, Father Stan completed his master's degree in sociology in the Philippines, where he met and was influenced by Brazilian Catholic Archbishop Hélder Câmara's work with the poor, and was subsequently put in charge of the Catholic Relief Services charity in the Jesuit Jamshedpur Province, now in the Indian state of Jharkhand;

Whereas Father Stan served as the director of the Indian Social Institute, India's leading Jesuit institution, in the southern Indian city of Bengaluru, from 1975 to 1990, where he trained young people from marginalized communities across the Indian subcontinent alongside educationist Duarte Baretto;

Whereas, through ideas of social justice and liberation theology, Father Stan and the Indian Social Institute trained a generation of young leaders among communities including Dalits, indigenous communities (Adivasis), fishing communities, agrarian communities, and labor movements;

Whereas, after finishing his work with the Indian Social Institute in 1991, Father Stan moved to Chaibasa, in Jharkhand, where he worked for the Jharkhand Organisation for Human Rights, and worked tirelessly with the Adivasi people to protect their lands and homes from unfair expropriation by the state and mining corporations;

Whereas, in 2006, with the support of the Jesuit society and intellectuals and activists such as Xavier Dias and Ram Dayal Munda, Father Stan set up Bagaicha, a research, documentation, and Adivasi training center near the city of Ranchi;

Whereas Father Stan played a key role in one of the most significant Adivasi movements in contemporary India, the Pathalgadi movement, which used Adivasi traditions of stone carving (for instance, for gravestones) to spread information among Adivasi communities regarding rights guaranteed to them under the Indian Constitution;

Whereas, during these decades in Jharkhand, Father Stan advocated for and raised awareness regarding the implementation of provisions of the Indian Constitution like the Panchayat (Extension to Scheduled Areas) or the PESA Act, which instituted self-governance for people dwelling in Adivasi lands;

Whereas Father Stan also worked on ensuring the implementation of the Forest Rights Act of 2006, which recognized the rights of forest-dwelling communities to forest resources;

Whereas Father Stan also worked on ensuring the implementation of the Land Acquisition Act of 2013, which guaranteed the right to fair compensation and transparency in acquisition, and required the assent of the community via its self-governance group called the gram sabha;

Whereas, on noticing widespread arrests of Adivasi youth for peaceful protests against land acquisition starting in 2014 to 2015, in 2017 Father Stan formed the Persecuted Prisoners Solidarity Committee to expose the illegal imprisonment of Adivasi activists, and filed a case

against the state of Jharkhand on behalf of at least 3,000 Adivasi youths languishing in jail;

Whereas, over the course of his long career fighting for the underprivileged, Father Stan authored over 70 books and booklets regarding the socioeconomic and cultural circumstances of the Adivasis in Jharkhand, their rights to development, and the violence perpetrated against them by agents of the Indian state;

Whereas Father Stan published a 2015 Bagaicha report on 102 Adivasi, Dalit, and “backward caste” youths illegally imprisoned titled “Deprived Rights Over Natural Resources, Impoverished Adivasis Get Prison: A Study of Undertrials in Jharkhand”;

Whereas, in 2017, the state of Jharkhand charged Father Stan with “sedition” for a Facebook post written in support of the Pathalgadi movement;

Whereas Father Stan was subsequently released following the change in government in Jharkhand in 2019;

Whereas, in August 2018 and June 2019, Pune police conducted raids on Father Stan’s one-room home in Bagaicha in a case regarding clashes near Bhima Koregaon in the western Indian state of Maharashtra, and subjected Father Stan to hours of intense interrogation;

Whereas, as an octogenarian and a person suffering from Parkinson’s disease, and in the midst of a global pandemic, Father Stan declined to travel to Mumbai from Ranchi for further interrogation, and on October 9, 2020, India’s National Investigation Agency placed Father Stan under arrest;

Whereas Father Stan was incarcerated in Taloja prison from October 9, 2020, until May 28, 2021, which provoked a gradual deterioration in his health;

Whereas, after being ill-treated in prison to the extent of being denied a sipper and a straw to sip water from, and in spite of repeated attempts to secure bail by Father Stan's defense team, bail was consistently denied to him, even after he contracted COVID-19;

Whereas the United Nations Special Rapporteur on Human Rights Defenders Mary Lawlor, along with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on minority issues, stated in a letter to the Government of India that the digital evidence compiled by the forensic reports rendered "the ongoing detention of the 15 accused [in the Bhima Koregaon case, including Father Stan] as arbitrary and unlawful";

Whereas forensic analysts revealed that unidentified hackers fabricated evidence on the computers of at least 2 activists arrested in Pune, India, in 2018, both of whom have languished in jail and, along with 13 others, face terrorism charges;

Whereas researchers at security firm SentinelOne and non-profits Citizen Lab and Amnesty International have since linked that evidence fabrication to a broader hacking operation that targeted hundreds of Indian activists;

Whereas SentinelOne's researchers revealed ties between the hackers and the Indian police agency in the city of Pune that arrested multiple activists based on the fabricated evidence, including Father Stan;

Whereas Arsenal Consulting (“Arsenal”) in Chelsea, Massachusetts, is a digital forensics consulting company with extensive experience with both criminal and civil litigation, having served as expert consultants and witnesses in State, Federal, and international courts;

Whereas Arsenal computer forensics involves identifying, preserving, analyzing, and reporting on electronic evidence using methods acceptable in courts of law;

Whereas an Arsenal forensic report dated December 11, 2022, shows that Father Stan was arrested, incarcerated, and died based on fabricated evidence;

Whereas this evidence suggests that the attacker (or hackers) responsible for compromising Father Stan’s computer had extensive resources and time, and that the obvious primary goals were surveillance and incriminating document delivery;

Whereas over 50 files were planted on Father Stan’s hard drive between 2017 and 2019;

Whereas Arsenal analysts found detailed evidence of the hackers attempting to erase evidence of their activities on the night of June 11, 2019;

Whereas Father Stan’s computer was suspiciously seized the very next day, June 12, by the Pune police;

Whereas these forensic findings indicate that hackers had advance knowledge of the raid on Father Stan conducted by the Pune police;

Whereas Arsenal has connected the same attacker to a significant malware infrastructure, which we now know was deployed over the course of over 6 years to not only attack and compromise Father Stan’s computer, but to at-

tack his codefendants in the Bhima Koregaon case and defendants in other high-profile Indian cases as well;

Whereas, based on various metrics, which include the vast timespan between the delivery of the first and last incriminating documents on multiple defendants' computers, this is one of the most serious cases involving evidence tampering that Arsenal has ever encountered;

Whereas Father Stan, while still in custody of the Indian state, passed away at the age of 84 on July 5, 2021, at Holy Family Hospital, Mumbai; and

Whereas July 5, 2023, marks the 2-year anniversary of Father Stan's passing away: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) encourages India to pursue an independent
3 investigation into the arrest, incarceration, and
4 death of Father Stan, a prominent human rights ac-
5 tivist who died while in custody on July 5, 2021;

6 (2) makes it clear to the Indian Government
7 and all governments around the world that the mis-
8 treatment and incarceration of individuals advo-
9 cating for human rights cannot persist;

10 (3) monitors the status of, and supports, the
11 Adivasi, Dalit, and minority communities in India,
12 as well as other indigenous communities around the
13 world;

14 (4) expresses concern at the misuse of
15 antiterror laws to target human rights defenders and

1 political opponents, and applauds a recent ruling by
2 India's top court to suspend a controversial colonial-
3 era sedition law and urges India's Parliament to
4 make the suspension permanent; and

5 (5) makes it clear to the Indian Government
6 and all governments around the world that freedom
7 of expression is a fundamental human right, as writ-
8 ten in Article 19 of the Universal Declaration of
9 Human Rights and adopted by the United Nations
10 General Assembly in 1948, that enshrines the rights
11 and freedoms of all human beings.

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