

Human Rights Defenders Alert - India

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**Special Rapporteur on the Situation of Human Rights Defenders,
Ms. Margaret Sekagya**

c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland

Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert - India - Urgent Appeal for Action – Odisha/Ganjam District-Human Rights Defender Mr.Dandapani Mohanty who also acted as a mediator between the Government and the Maoist Rebels Arrested -Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the arrest of Mr. Dandapani Mohanty, a Human Rights Activist who acted as an interlocutor between Maoists and the state government during the high profile kidnappings of the then Malkangiri collector R Vineel Krishna in 2011 and Italians Paolo Bosusco and Claudio Colangelo in 2012.

Name of the perpetrators: policemen in plain clothes

Date and time of incident: February 8, 2013

Place of incident: Near Mr. Mohanty's residence in Berhampur city in Ganjam district

About the activists:

Mohanty, prominent civil right activist, who acted twice as a mediator between Maoists and the state government, was instrumental in the release of two Italian tourists Paolo Bususco and Claudio Colangelo last year and also Malkangiri district collector R Vineel Krishna in 2011. In both cases Mohanty was named as mediator by the Maoists. Besides Mohanty, Prof Haragopal and Prof Someswar Rao had also mediated between the government and the Maoists during the abduction of R Vineel Krishna. Mohanty along with B D Sharma had mediated on behalf of the Maoists in the Italian tourists' abduction case. Mr. Mohanty has been critical of the government for "not fulfilling promises made during negotiations and arresting and killing innocent people branding them as Maoists".

Incident:

According to the information received, police in Odisha arrested Mr. Mohanty for his alleged involvement in Maoist activities. Sri Mohanty has been booked under the draconian Unlawful Activities Prevention Act (UAPA) and as the media reported, the cases against Sri Mohanty include murder, extortion, burning buses and destroying telephone towers. Surprisingly, some of these cases lodged against Sri Mohanty are related to incidents that took place in 2009 and 2010. The police allege that there were six non-bailable warrants pending against him and that he was involved in another eleven cases. The charges include: blasting of telephone towers, harboring Maoists, collection of money from people in the name of tax for Maoist organization, and involvement in murder.

However, there is reason to doubt the official story. First, the police did not inform Mr. Mohanty's family of the arrest in violation of guidelines issued of Supreme Court of India i.e. the D.K Basu Guidelines on Lawful Arrest. Second, some of the cases lodged against him are related to incidents that date back to 2009 and 2010, which begs the question—why didn't the police arrest Mr. Mohanty earlier if there were serious charges against him? Also, if such serious charges were actually pending against him, it seems highly doubtful that the Odisha government would have accepted his role as an interlocutor for the release of the abducted Malkangiri Collector and the two Italian tourists in 2011 and 2012. Third, the police have been harassing Mr. Mohanty's family for some time—on December 5 last year, police arrested Mr. Mohanty's son Sangram Mohanty for allegedly supplying arms to Maoists. The son is presently in jail. It seems the police will stop at nothing to intimidate and silence Mr. Mohanty.

Additional Information:

It was alleged that Mr. Dhandapani Mohanty's son Mr. Sangram Keshari Mohanty was arrested on December 5th under 2 cases one including a rape case. Five more cases - four Maoist-related and one rape - were registered against Sangram Keshari Mohanty, son of Dandapani Mohanty, Convener of Jana Adhikar Manch in Ganjam district. While three cases were registered at Badagada police station, two cases, including a rape case, were registered against him at Sorada police station. Sangram was produced in a Sorada court on fresh charges. Sangram was arrested on December 5 on charges of Maoist activities along with Kailash Mandal from Kamalapur square.

Appeal:

We therefore urge you to immediately take necessary steps:

1. To ensure both physical and psychological safety and integrity of Mr.Dandapani Mohanty;
2. To immediately withdraw all the baseless charges which have been foisted against the activist;
3. To take all necessary steps to guarantee the professional and personal freedom of Mr.Dandapani Mohanty;
4. To ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.
5. To guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment;

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary
Human Rights Defenders Alert - India