

Human Rights Defenders Alert - India

National Coordination Office

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Shri A. K. Parashar

Focal Point - Human Rights Defenders

National Human Rights Commission

Faridkot House

Copernicus Marg

New Delhi-110001

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Odisha: Gajapati- Illegal detention of the human rights defenders including women by Odisha Police - 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 allegations of illegal detention, harassment and humiliation faced by the human rights defenders including women in Gajapati by the Odisha police.

Incident

Name of the perpetrators: Gajapati policemen

Place of incident: Gajapati District, Odisha

Date and time of the incident: November 9, 2011 at 1:30 p.m

According to the information received that a case of harassment and humiliation against Human Rights Defenders including women in Odisha by the Odisha police.

On 09.11.11 four members of a Fact Finding Team organised by Women against Sexual Violence and State Repression (WSS), on their way to Kandhamal were

detained by the Officer in Charge of Adava Police Station (Gajapati district) at Adava for almost 4 hours and were not allowed to enter into Daringibadi area of Kandhamal district, where a number of allegations of rape, abuse, harassment, killing of women came in media against the Police, security forces and Maoist leaders. The Fact Finding Team members included PUCL State Secretary, Ms.Pramodini Pradhan, President - Banabasi Surakshya Parisad, Kandhamal, Mr.Narendra Mohanty, two women human rights defenders from Bhopal Ms.Rinchin and Ms. Kalpana. They were taken to the local Police station at 1.30 p.m today, while they were having their lunch in a hotel at Adava along with their local guide Mr. Gandhi Mallik of Aliganda village, Daringibadi block and released at 5.30 p.m.

Women Against Sexual Violence and State Repression (WSS) a nationwide network of women from diverse political and social movements, including women's organizations, mass organizations, civil liberty organizations, student and youth organizations, mass movements as well as individuals campaigning against Sexual Violence against Women by state and non-state actors and advocates for immediate legal and punitive action against all accused perpetrators. WSS had organised three fact finding missions in conflict zones of Odisha from 6th to 10th November 2011 to study various alleged cases of sexual violence occurred in those areas. Some eminent women human rights defenders of Odisha such as Ms.Pramodini Pradhan, Ms. Ranjana Padhi, Ms.Mamata Dash and Ms.Sharanya are part of in these Fact Finding Teams.

Even though Ms.Pramodini along with others had met with the Superintendent of Police, Gajapati district and conveyed about their mission and got verbal approval of the later to visit different areas, the Adava IIC detained them telling it was an order from higher official to crosscheck them for being supporters of Maoists. During detention he was in constant touch with the SP and had taken photographs of the WSS against their will. Almost after 4 hours of interrogation the Team members were freed. But, the IIC was not prepared to release their local guide Mr. Gandhi Mallik (a well-known local forest rights activist) until the Sarpanch of Aliganda came to the Police Station from his village 20 kilometres away from the Police Station.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

1. Guarantee, in all circumstances, the physical and psychological integrity of the aforementioned human rights defenders including women and their family members;
2. Put an end to any kind of acts of intimidation and harassment – including at the judicial level – against all aforementioned members of the fact finding team and more generally against all human rights defenders in India;
3. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
 - Its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
 - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
 - and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
4. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon'ble National Working Secretary
Human Rights Defenders Alert - India