

Human Rights Defenders Alert - India

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February 16, 2012

To,

Mrs. Margaret Sekaggya

Special Representative of the Secretary General on the situation of human rights defenders

Att: Ben Majekodunmi

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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action -India/Odisha: Kandhamal-
Illegal arrest and detention of Human rights defender Junash Pradhan on false
charges - 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 over the illegal arrest and detention of the human rights defender and social activist Mr. Junash Pradhan under false charges.

Incident

Name of the Perpetrators: Mr. Sitakanta Gantayat, the Police IIC (Inspector In-Charge), Daringibadi Police Station accompanied with 30 OSAP (Orissa State Armed Police) force

Place of incident: Linepara village, Kandhamal District, Odisha

Date and time of incident: 9th January 2012 at 4.00 a.m.

About the activist:

Junash Pradhan is a human rights defender and a tribal community leader belonging to a vulnerable minority (Christian) community, who has been working as a social activist for the last 22 years. He has been involved in defending the constitutional rights of adivasis, dalits, women and the economically impoverished and socially marginalized sections. His involvement in social, political, religious and cultural movements is noteworthy. He played a very important role in bringing back peace and communal harmony in the state of Orissa during the Adivasi - Dalit riots in 2001 and the anti-Christian violence in 2007 and 2008. In the last 4 years he has been working as a member of the District Peace Committee under the leadership of the District Magistrate.

Case Narrative:

According to the information received from Mr. **Narendra Mohanty**, (Convener of the organisation named BANABASI SURAKSHYA PARISAD in Kandhamal - working for the protection of human rights of the common people specially the tribal, dalit and poor section of the society), on 9th January, early in the morning at 4.00 a.m., Mr. Sitakanta Gantayat, the Police IIC (Inspector in-Charge), Daringibadi Police Station accompanied with 30 OSAP (Orissa State Armed Police force) personnel gathered near Junash Pradhan's House at Linepara village 2-3 kilometers from Daringibadi block headquarters and told him that the District Magistrate had called for him for a discussion. When Junash replied that he would go to the DM's place in his own vehicle, the IIC forcefully dragged him into the police van denying his request to be shown the warrant. On 9th of January 2012 Mr. J.N. Pankaj, the Superintendent of Police, Kandhamal, through different news channels and newspapers, alleged that Mr. Pradhan has links with Maoists and claimed that the Police have strong proof of the same. Only on the 10th of January, 2012 it was brought to light through newspapers that he was taken to the Baliguda jail, handcuffed and face covered with black cloth.

According to the information, in Police custody he was humiliated and mentally harassed. The police officials also issued threats of harming his family.

According to police sources, cases have been filed against Mr. Pradhan under Sections 120(b),121,121(a),307,302,324,326,124(a),34 of Indian Penal Code, 3 and 4 of the Explosive Substance Act, 25 and 27 of the Arms Act, 16, 20 and 38 of the Unlawful Activities Prevention Act.

Background information:

Junash Pradhan has been protesting against the arrest of innocent tribals on the pretext of being Maoist supporters at the both official and non-official platforms. His stand on the killing of 5 civilians by blasting of an ambulance by the 'Maoists' at Brahmnigaon on 27th November, 2010 and the killing of 3 police constables by blasting a landmine on 5th January, 2012 at Kotagarh area was vastly applauded. According to our sources, he has no involvement whatsoever with any kind of criminal activity during his 22 years of social and political career and also he has no 'link' with the banned outfit CPI (Maoist) or any terrorist or banned organization. Rather, he is a local leader of the political party Biju Janata Dal. He has continued to be a member of an official body 'sub-divisional level Forest Rights' Committee' nominated by the Govt. since 2008. He also contributed a lot in popularizing the PESA, MNREGA and FRA acts among the tribals and dalits in the district. He has never had any lethal weapon like guns etc. in his possession. No weapon was found at the time of arrest or before. There has been no single instance when he or any member of his family has been directly or indirectly implicated in any explosion.

On January 10, 2012 the Kandhamal police arrested him in connection with the landmine blast on Kotagad-Srirampur road under Kotagad police limits, which killed three policemen on the spot and seriously injured three. He had remarked in the wake of the fatal blast that tribal people who are being arrested on the charge of being Maoists or Maoist sympathisers were neither Maoists nor their sympathisers.

He was preparing to contest for the Samiti Member's post in the impending PRI elections and was planning to file his nomination on the 12th January, 2012 – the last date as fixed by the State Election Commission. He did not file his nomination papers because of his arrest and humiliation. He was thereby denied his right as a citizen to contest in the elections.

Appeal

We, therefore, urge you to immediately take necessary steps to

1. Ensure that the false case lodged against Mr. Junesh Pradhan be withdrawn immediately and that he is released immediately from Judicial Custody;
2. Take immediate action against the police officials under the SCs and STs [PoA] Act, 1989 for the false charges made against Junesh Pradhan and ensure that an immediate enquiry is done into the undemocratic manner of his arrest
3. Ensure that Junash and his family members are provided immediate security, compensation and rehabilitative measures under the SCs and STs [PoA] Act 1989 and Rules 1995;
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;
5. Create an enabling environment and guarantee in all circumstances that human rights defenders in India are able to carry out their legitimate 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