

Human Rights Defenders Alert - India

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27th October 2014.

Shri A. K. Parashar
Focal Point - Human Rights Defenders & Joint Registrar,
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Odisha: Human Rights Defender illegally arrested in Rayagada - Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavors 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 illegal arrest of a human rights defender and prominent tribal leader in the Rayagada district of Odisha State.

Source of Information on the Incident:

The Coordinator of HRDA for the East of India

The Human Rights Defenders:

Mr. Haribandhu Kadraka is a prominent tribal rights activist aged about 34 years residing in Rajuluguda Village in Muniguda Police limits in the Rayagada District of the eastern Indian state of Odisha.

He is the former president of Lok Sangram Manch, a local level platform which has been fighting for cause of the poor tribals by organizing a land rights movement in the district for the last 12 years. Mr. Kadraka was also associated with the protest against the Vedanta Alumina Company's bid for mining exploration in the undivided Koraput district.

The Perpetrators:

- Mr. K Siva Subramanyam, the Superintendent of Police of Rayagada
- The Sub Divisional Police Officer, Muniguda Police Station and other police personnel.

Date of Incident:

The 20th of October 2014.

Place of Incident:

Muniguda Police Station in Rayagada District in Odisha

Incident:

According to sources, last week, on the 20th of October 2014 Mr. Haribandu Kadraka was summoned to the Muniguda Police Station by the Sub Divisional Police Officer and after his arrival he was forcibly taken to the district police headquarters.

Sources say that the fact remains that he was arrested for his anti-Vedanta activities (against bauxite mining by Vedanta Aluminium Limited [VAL] in the region) and raising his voice against police atrocities on the Dangaria tribals in the name of anti-Maoist operations but he was produced before the press by the Superintendent of Police, Rayagada, who alleged that he was associated with a Maoist group and was planning to plant a landmine under a culvert near Sarabali village under Muniguda police station limits. Protesting against this illegal arrest hundreds of tribal today gheraoed the local police station.

It is noteworthy that there are 11 cases registered against him and except one that involves a land issue, all others are on the charges that he is involved in Maoist activities which apparently are false.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for Rayagada

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the concerned Policemen to book or else the right to assemble by human rights defenders against social, economic and cultural rights violations as well as civil and political rights atrocities that take place will never be ensured ;
- Ensures the immediate release of the defender and withdrawal of all the false charges against Mr. Kadraka and the provision of adequate compensation to him for the undue harassment he has faced;
- Ensure that the investigation by the NHRC also looks into the veracity of all the false charges registered against the HRD and at what stage each of the investigation into those cases presently are.
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr. Kadraka as he continues to be under risk of further harassment from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- To order the appointment of a senior competent lawyer practicing on the criminal side as a lawyer to appear on his behalf and take necessary action to ensure that the rights of the HRDs as an activist is protected and his rights violations are properly challenged in a court of law at the expense of the District Legal Services Authority and the said appointed lawyer periodically reporting on the the prograes of the actions to the NHRC;
- Along with local district officials puts an end to all acts of harassment against all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - 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”

- Article 12.2, which provides 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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in Odisha.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

Henri Tiphagne

Honorary National Working Secretary