



Human Rights Defenders Alert- India

National Coordination Office

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10th November, 2015.

To,

Shri A. K. Parashar

Focal Point - Human Rights Defenders

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email : hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action –Illegal arrest and detention of a community activist and human rights defender Mr. Srikanta Mohanty under false charges by police in district Puri of the state of Odisha - Regarding

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 arrest of a community leader and human rights defender Mr. Srikanta Mohanty under fabricated charges by the Odisha Police in Puri district of Odisha. Mr. Srikanta Mohanty is a leader of Chashi Mulia Adivasi Sangha (Farmer Laborer Association), a peasants' organisation affiliated to the All India Khet Mazdoor Kisan Sabha (AIKMKS, All India Agricultural Labourers and Farmers Association). He is being targeted by local police and district administration for his active involvement in the Sipa Sarubali Land movement in Puri and to suppress the legitimate demands of landless people of the locality.

Source of Information on the Incident:

The Coordinator of HRDA for the East of India

The Human Rights Defenders:

Mr. Srikanta Mohanty aged about 40 years S/O Sachindra Mohanty is a resident of village Kapileswarpur in Bramhagiri Block under the Sadar police station in Puri district of Odisha.

Mr. Srikanta Mohanty is a young leader from the costal district of Odisha and working for the protection of the rights of the deprived section of society specifically the adivasis (indigenous people). The adivasi (Indigenous peoples) in various districts of Odisha especially Koraput are being restricted from cultivating their own lands, as the state government leased out their land to different corporates without taking their consent. Having deprived of their income sources through cultivation, majority of adivasis have been forced to begging for survival or migrate to other states in search of work and income. To assert the indigenous people's land rights, Mr. Srikanta Mohanty initiated an informal platform by organizing them in one platform which is popularly known as "CHASI MULIA SANGHA" (Farmer Labourer Association). As a convener of this platform Mr. Mohanty has been organizing displaced and landless farmers to assert and reclaim their rights.

Mr. Srikanta Mohanty is also associated with another people's movement in his native district Puri. He leads a platform here in the name Upakaliya Jami-o-Jangal Suraksha Samittee (UJJSS), (Costal land & forest protection committee). He has organised the poor marginalised sections who are in possession of government land and cultivating since 2-3 generations. Now the state government has leased out the land to one corporate company to build a hotel project. The peaceful protest by UJJSS is being supported by AIKMKS. Many false case have been filed against Mr. Mr. Srikanta Mohanty and others group members bearing GR Case no 133, 134, 135, 136, 137, 139 by the police authorities in 2009. In all these cases, Mr. Srikanta Mohanty has got bail and cases are under trail stage in lower court in Koraput.

The Perpetrators:

1. Mr. Ashis Kumar Singh IPS, Superintendent of Police, Puri, Odisha
2. Shri Aravind Agrawal, Collector, Puri, Odisha
3. 7-8 police officials

Date of Incident:

25th Oct 2015

Place of Incident:

On the way from Puri to Bramagiri, at Mangalaghat bridge of Puri town, Odisha.

Incident detail:

According to sources on 25th Oct 2015, Mr. Srikanta Mohanty was returning to his native village after attending a strategy meeting at Puri. On his way from Puri to Bramagiri he was intercepted by 8-10 police personnel at Mangalaghat bridge which falls within Puri town. The police arrested him at Mangalaghat Bridge at 10.30 PM. Before arresting him, local police had raided his house illegally two times in mid night and in dawn.

Mr. Srikanta Mohanty is leading Upakaliya Jami-o-Jangal Suraksha Sammttee (UJJSS), the platform of landless farmers of village Sandhapur and nearby villages who are protesting against the forcible land acquisition by Odisha government for a hotel project at Sipa Sarubali under Brahmagiri taluka of Puri district of Odisha. Villagers of Sandhapur and nearby villages were in possession of the government waste land for the last two to three generations and around 1000 families are dependent on the land and nearby forest for their livelihood sources. Now the government of Odisha leased out this land to a multi national company to build a hotel project without taking the consent of the villagers. This land project is popularly known as Samuka Hotel Project at Sipa Sarubali under Brahmagiri taluka of Puri district of Odisha. This project is being collectively opposed by 5 villages nearby from the beginning in 2011. Local people are continuously protesting against the land acquisition. Many false cases are being registered at different point of time by local police authority against the protestor. Many

innocent villagers have been arrested in false cases. The state and district administration is in a hurry to acquire the land for the hotel project but their attempts are obstructed by the villagers through peaceful protest. Now the government has adopted new strategies to suppress the leader of the movement, so the land acquisition can be easy. The police have registered false cases against the members of UJSS. Out of 18 leading members, two persons have been arrested in different point of time who are now in bail. It will be pertinent to mention here that in the process of suppressing the movement local police first tried to arrest many innocent villagers by implicating them in false cases. In June this year, Mr. Batu Kishor Swain was arrested under false charges, who is one of the leaders of the movement. When he was about to be released on bail, an order of detention under draconian law like NSA was passed by Puri District Administration. The order was later declared void by the NSA Advisory Board presided over by a senior sitting high court judge of Odisha. Mr. Srikanta Monanty has been named in one FIR but he failed to appear before the magistrate as a result the magistrate issued a non-bailable warrant against him. Mr. Srikanta Mohanty is now in judicial custody as his bail is being rejected in the trial court.

Appeal:

We, therefore urge you to immediately -

- Order and undertake an immediate, thorough, transparent, effective, independent and impartial investigation into the above-mentioned incident of illegal arrest of social activist and human rights defender Mr. Srikanta Mohanty by the NHRC's investigation wing;
- Take immediate action on the perpetrators, in this case Odisha police of district Puri to illegally arrest the human rights defender Mr. Srikanta Mohanty and using all provisions of law to ensure that the defender is not harassed and intimidated in any way in future;
- Ensure immediate appointment of a competent senior lawyer practicing on the criminal side in Odisha to defend the HRD in all the criminal cases registered against him at State cost and with the counsel so appointed reporting to this

Hon'ble Commission at periodic intervals as determined by the Hon'ble Commission on the development in these cases;

- Guarantee in all circumstances the physical and psychological integrity Mr. Srikanta Mohanty, who is still under risk of further reprisals from the perpetrators;
- Ensure provision of apology to the defender for the psychological sufferings he underwent because of the threat and provide a re-assurance that such actions are not permitted to harass and intimidate HRDs such as Mr. Srikanta Mohanty;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. Srikanta Mohanty in the State of Odisha to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Undertake an immediate intervention to provide legal assistance to the people languishing in jails concerned with this issue of land grab;
- Takes steps to conform to 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Odisha to also take necessary steps to establish a state focal point for

HRDs in order to ensure that HRDs have a new protection mechanism in their own state;

- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Odisha to convene a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within the State of Odisha for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the NHRC Focal Point on HRDs and the SHRC Odisha to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the SHRC, Odisha to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Odisha.

Looking forward to your immediate action in this regard,

Yours sincerely,

S/d-

(Henri Tiphagne)

Honorary National Working Secretary