



Human Rights Defenders Alert – India

National Coordination Office

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Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

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New Delhi – 110 023

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Dear Sir,

Sub: HRD Alert - India - Appeal for Action – Goa: Former priest, social activist and founder of Musical Warriors, Jose Bismarque Dias found dead, allegedly killed for opposing large scale illegal land acquisition in Goa – Regarding

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 death of Jose Bismarque Dias under mysterious circumstances. A former priest, social activist, and founder of Musical Warriors, Fr. Jose Bismarque Dias's dead body was found in the Mandovi river in Goa on 7 November, 2015 allegedly killed for opposing illegal land acquisitions and environmental degradation by real estate builders in Goa.

Source of Information on the Incident:

- Reports from Media
- The Regional Coordinator of HRDA for South of India
- Advocate Hemavenkatraon on behalf of Prof Haragopal, Chairperson, Praja Udyamala Sangheebhaava Committee

Status of the Human Rights Defenders:

Jose Bismarque Dias was a social activist and a former priest who lived in St Estevam area with his family. He was the founder of Musical Warrior Group. Since their inception, the Musical Warriors—whose protests take the unusual form of songs—have opposed the prospect of construction of a massive resort in the village of Tiracol at the northern tip of Goa.

Jose Bismarque Dias had been actively involved in a number of protests against some of the major government projects and policies including special economic zones, regional plans and the proposed Mopa airport amongst other local issues. He fought against large projects that were not ecologically viable in small villages and stood with poor farmers and the common man against the builders and politicians. He also participated in the protests against the alleged State government-corporate nexus and land grabs in Goan villages. He fought to protect the pristine ecology in his village, assisted in Carmona, Cansaulim, Tiracol and a number of villages which are being colonized by moneyed parties. In 2012 he contested the assembly election as expected lost to the Congress Party's Pandurang Madkaiker. He was popular in Cumbarjua constituency and therefore his political influence was considered a political threat for others. His family was threatened and his home vandalized prior to the election, but he remained unfazed. Besides participating in several agitations, Bismarque had filed a complaint before the National Green Tribunal regarding an illegal road construction in St. Estevam village through the Coastal Regulation Zone area and also fought in the local courts for justice. He was an RTI activist too. Bismarque who walked along the paths of red soil in the mining areas, protested at Azad Maidan against Goa's destruction, stayed up with the fisher-folk in Kharewado supported struggles of displacement movements in Telugu States.

The Perpetrators:

1. Allegedly by the members of the builders lobby in Goa

Date of Incident:

Went missing on 5 November 2015 and on 7 November 2015 his dead body was found

Incident detail:

According to sources, Jose Bismarque Dias was reported missing on 5 November, 2015. He was reportedly out for a swim in the river, which swings by St. Estevam, the neighbourhood in Goa where he and his family have lived for generations. His dead body was found floating on the Mandovi river on 7 November, 2015.

According to sources, a day before Bismarque went missing on 5 November, he had filed a report against a St. Estevam resident named Mr. Cypriano Romero, allegedly for threatening his life, but later it was learnt that no such complaint was registered and instead, Romero had filed a defamation suit against Bismarque some time ago. It was also alleged that Mr. Romero was trying to get the residents of St. Estevam to sell the land to a developer being a pawn, since that's how acquisition happens. First the companies reach out to a few select people, who then convince everyone else. A portion of St. Estevam's geography lies out of everyone's reach, including its residents. There is a dam, built on a stream of the Mandovi River, which cuts this patch off from the rest of St. Estevam. This slim slice of land is what the private developers were after and were trying to build a road on the dam so the land can be accessed as a first step towards acquiring it. Bismarque was opposing that move and Romero was pushing for it. A local newspaper had reported that Bismarque had a long running feud with Madkaikar. In July last year, Madkaikar was accused of illegal land acquisition by the Defence Minister Mr. Manohar Parrikar, who was then the Chief Minister of Goa.

According to private investigation carried out by the Goa Citizens Action Forum, which stated that some leads have surfaced to suggest that a criminal conspiracy involving one or two insiders, few members of the builders lobby in Goa and 4-5 other people was evidently hatched and planned a few weeks ago, to bump off Bismarque as he was creating noise and trouble for the builder lobby in Goa. Meanwhile, it is learnt that, NGO Gennext has petitioned the Union Home Minister seeking directions to the Goa Government to hand over the investigation into the mysterious death of Bismarque to CBI. The Opposition and even civil society groups demanded a more focused probe in the death of Bismarque.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the District Collector and District Magistrate of Goa city:-

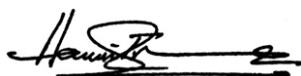
- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of mysterious death of Jose Bismarque Dias;
- Take immediate action on the perpetrators, in this case unknown killers who should be searched with a nationwide alert issued and investigation done transparently and from all angles;
- Guarantee in all circumstances the physical and psychological integrity of the family members , friends and members of the warrior Musical Group of Jose Bismarque Dias from further reprisals from the perpetrators and using all provisions of law to ensure that the witnesses in the case are not harassed or intimidated in future;
- Ensure provision of reparation, compensation, apology to the family of the defender for the psychological sufferings they are undergoing because of the death of Jose Bismarque Dias;
- Put an end to all acts of attack and harassment and killing of all human rights defenders like Jose Bismarque Dias in the State of Goa and to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- 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 Goa 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 Goa 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 coordinated strategy is developed within the State of Goa for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Goa in collaboration with the NHRC Focal Point on HRDs and the SHRC Goa 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 Goa in collaboration with the SHRC, Goa 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 Goa.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary