



Human Rights Defenders Alert – India

National Coordination Office

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4th December, 2015

To,

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

ManavAdhikarBhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Sub: HRD Alert - India - Urgent Appeal for Action – Odisha: Case of intimidation, threat of prosecution and mental torture by the local police and Special Operation Group (SOG) in Odisha forcing an indigenous tribal activist and human rights defender Mr. Dirka Kadraka to commit suicide, Muniguda police station in Rayagada district of Odisha – Regarding

Dear Sir,

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 death of Mr. Dirka Kadraka, an indigenous tribal rights activist and human rights defender of Rayagada district of Odisha. The defender was being regularly targeted, harassed and intimidated by the local police and Special Operation Group (SOG) in Odisha for falsely accusing him to have association with Naxalites and the fear of persecution and perpetual mental torture forced the HRD to commit suicide under Muniguda police station in Rayagada district of Odisha.

Source of Information on the Incident:

The Coordinator of HRDA for the East of India

Status of Human Rights Defender:

Mr. Dirka Kadraka, aged about 45 years was a resident of village Damanapanga, under Muniguda police station in Rayagada district of Odisha. He was an active member of Niyamgiri Surakhya Parishad, a forum of tribal villagers around Niyamgiri hills which has been opposing Vedanta Resources' bauxite refinery in Lanjigarh and mining of Niyamgiri Hills in Odisha. Mr. Dirka Kadraka was associated with the forum for the last 15 years. He was also elected as Sarpanch (PRI) member from his village Damanapanga. Mr. Dirka Kadraka was part of the first Dongria Kondh tribal delegation that went to New Delhi in 2007 to interact with Members of Indian Parliament, Media, Indian Tribal Minister and other social activists. Due to his activism in support of tribal rights he had been subjected to harassment and various pressure tactics by the mighty British multinational mining company Vedanta and the state government. The state security forces had been working hard to break the mass resistance battle against Vedanta by the Dongria Kondh tribes for the last six years. Mr. Dirka Kadraka had been a target of security forces and local police on several occasions in the past and on one occasion was beaten badly and tortured by the police in his own village.

The Perpetrators:

1. Mr. K. Siva Subramani, IPS, Superintendent of Police, Rayagada district Odisha
2. Mr. Kapileswar Behera, IIC, Muniguda Police Station, Rayagada District Odisha
3. SDPO Muniguda Police Station and other police personnel

Date of Incident:

28th November 2015

Place of Incident:

In the village of Ambadhuni under Muni Khol Panchyat, police station Muniguda, district Rayagada, Odisha

Incident detail:

According to sources on November 15th, 2015, Mr. Dirka Kadraka went to his block office at Munikhol with his sister to collect her monthly pension. At Mnikhol about 6 to 8 police personnel came to him and asked him to come to the police station. They told him that they have a complaint against him which says he is a sympathizer of

Naxals. As Mr. Dirka Kadraka tried to leave the place by saying “I am not associated with them”, some of the police persons started following him. Mr. Dirka Kadraka ran away to the nearby forest area due to the fear of arrest, false case and torture at the hands of police. Villagers say that from that day onwards they did not see him in the village. Villagers assumed that he was probably hiding in the forest for last 12 long days out of fear. Villagers later found Mr. Dirka Kadraka body hanging on a Jackfruit tree near his village. Villagers also say that unable to bear this trauma and fear of persecution Mr. Dirka Kadraka committed suicide leaving behind his wife and 5 children, elder one is 21 year of age. Local villagers along with his family members protested outside the Muniguda police station for this barbaric act of police. His wife gave a complaint to higher authorities against the action of police and SOG officials.

According to sources Mr. Dirka Kadraka was an innocent adivasi leader who did not have a single case registered in his name. It is alleged that police had generated a photograph where he was shown keeping his axe on shoulder and fabricated a story saying he had connection with the naxals in the area. Perhaps it is pertinent to mention here that on the basis of such fraudulent presentation of facts innocent adivasis or tribals are being harassed regularly and they are compelled to surrender before the police as naxalites. On many occasions they are implicated in false cases or even face encounter deaths.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Rayagada District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the circumstances responsible for the suicide of Mr. Dirka Kadraka;
- Take immediate action on the perpetrators, in this case police personnel of Muniguda police station and Special Operation Group (SOG), district Rayagada for harassing and intimidating the human rights defender Mr. Dirka Kadraka leading to his death;
- Guarantee in all circumstances the physical and psychological integrity of the family members Mr. Dirka Kadraka who are still under risk of further reprisals from the perpetrators;

- Ensure provision of reparation, compensation, apology to the family of defender for the psychological sufferings they are undergoing because of the death of Mr. Dirka Kadraka and provide a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of attack, harassment and killing of human rights defenders like Mr. Dirka Kadraka in the State of Odisha 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 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 coordinated 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,



(Henri Tiphagne)

Honorary National Working Secretary