



Human Rights Defenders Alert – India

National Coordination Office

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18th April, 2016

To

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

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 – Odisha: Arbitrary arrest, detention and torture in police custody of tribal rights activist and human rights defender Mr. Dasru Kadraka, convener of youth Niyamgiri Surakhya Samiti in fabricated cases by the Muniguda Police in Rayagada district 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 writing to express our grave concern regarding the arbitrary arrest, detention and torture in police custody of a youth tribal leader, activist and human rights defender Mr. Dasru Kadraka, convener of Niyamgiri Youth Association. The defender was arrested from a daily market in Muniguda in the district of Rayagada in Odisha. The defender was targeted for defending the culture, tradition, language and environmental rights of the Dongria Kondhs and other primitive tribes residing near Niyamgiri hills of Odisha who have been facing threats to their lives and livelihood resources due to the rampant mining in the hills.

Source of Information on the Incident:

Media Reports

Status of the Human Rights Defender:

Mr. Dasru Kadraka, aged about 30 years is an adivasi leader and activist of Niyamgiri Surakhya Samiti (NSS), Odisha. Son of Mr. Majji Kadrakahe belongs to Gorata village under Muniguda Police limits in Rayagada District of Odisha. He is a local Kondh youth who has dedicated himself for the protection of the Niyamgiri hills situated in the districts of Kalahandi and Rayagada in Odisha. He leads the youth wing of Niyamgiri Surakhya Samiti (NSS). Mr. Dasru Kadraka has been the convener of the Nyamgiri Bachao Andolan (NBA) since 2010. NSS is a local resistance group fighting for the protection of the hills due to the rampant mining. According to Lada Sikaka, Secretary NSS, Mr. Dasru Kadraka was the one who has organised villagers of 12 villages for the public hearing. The apex court ordered Vedanta Alumina to stop mining operations in the area and after that the company either directly or indirectly has been harassing those who have been at the forefront of the resistance movement led by Dongria Kondh tribals against the bauxite mining project in Niyamgiri hills.

The Perpetrators:

- Sub Divisional Police Officer (SDPO) & Inspector In-Charge (IIC) Muniguda Police Station, Rayagada District, Odisha
- Laxman Ku Patel, Additional Superintendent of Police, Rayagada District, Odisha
- K. Siva Subramani, Superintendent of Police, Rayagada District, Odisha

Date of Incident:

April 8, 2016

Place of Incident:

At the weekly market in Muniguda

Details of the Incident:

According to sources on April 8, 2016. while the HRD Mr. Dasru Kadraka, was on his way to the Muniguda daily market, he was picked up by 6 to 8 police personals from the district headquarter and Muniguda police station. The police personnel came on a four wheeler. The police have slapped several false cases on him. According to the

claims of the local police, the HRD Mr. Dasru Kadrakawas involved in road blocking at Rajulguda, murdering of an unknown person near Ambadani, planting IED near village Hata Muniguda, burning of a tractor and a JCB near village Dalia Kuji, killing of Shyama Kadraka of Nirgundi village, exchanging fire with police near Dangamati village. These cases have been filed in Muniguda and Ambadola Police Stations. The local Police falsely claimed him to be a Maoist militia leader but they have not recovered any arms-ammunition or incriminating evidence to prove it. Sources have also revealed that before being produced to the magistrate, Mr. Dasru Kadraka was subjected to torture by the police of Muniguda police station in custody and was made to sign false confessions implicating himself and others and forced to endorse the Vedanta project

It is to be noted here that after the Supreme Court order, Vedanta Alumina Ltd. was restrained to continue its mining activities in the area. The 12 public hearing organized by the active involvement of Mr. Dasru Kadraka in the area had gone against the business interests of the company. As a result of that the company is now following a retaliatory and vindictive approach and with close association and involvement of the local authorities it is unleashing a reign of terror over the innocent Dongria Kondh tribal communities of the region. Tribal communities under the NSS have been protesting against the police atrocities. Last year a tribal Mr. Mana Kadraka was alleged to have been killed by the police in a false encounter and now the police is targeting the innocent NSS leaders by implicating them in false and fabricated cases.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of arbitrary arrest under false charges, detention and torture in police custody of tribal rights activist and human rights defender Mr. Dasru Kadraka;
- Ensure immediate action on the perpetrators, in this case police officers of district Rayagada, Odisha for the illegal arrest, detention and harassment of the human rights defenders Mr. Dasru Kadraka and using all provisions of law to ensure that the defender is immediately released on bail and not harassed, ill-treated and falsely implicated by the police in future;

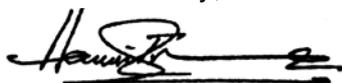
- The immediate appointment of a competent senior lawyer practicing on the criminal side in Rayagada District of Odisha to defend the HRD in all the criminal cases registered against him at state cost;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Dasra Kadraka who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of his arrest, detention and torture and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment of human rights defenders like Mr. Dasru 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 NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for

PWDs, 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