



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 15, 2017.

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy 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: Regarding intimidation, abduction and wrongful confinement of Adivasi leaders and members of Niyamgiri Suraksha Samiti by Odisha Police in the 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 now writing to express our grave concern regarding the intimidation, abduction and wrongful incarceration of Adivasi-Dalit leaders, activists and members of Niyamgiri Suraksha Samiti (NSS) by Odisha Police.

Source of Information on the Incident:

- The East zone Coordinator of HRDA
- Communication with NSS members

Status of Human Rights Defender:

Niyamgiri Suraksha Samiti (NSS) is a un registered platform to protect the Niyamgiri forests. Residents of 12 villages in the foot hills of Niyamgiri are member of this platform. NSS been spearheading the movement to safeguard life, livelihood and environment under the banner for more than 12 years. They are protesting against the Vedanta mining company.

The Perpetrators:

- Mr. S Saini, Deputy Inspector General of Police (DGP), South-Western Range Koraput
- Mr. K. Siva Subramani, IPS Superintendent of Police (SP), Rayagada,
- Mr. Ananta Prasad Mallick, SDPO, Muniguda Cell No.9437458600
- Mr. Kapileswar Behera, IIC, Muniguda, Cell No.9438070605

Date of Incident:

From May 1, 2017

Place of Incident:

In many villages under Muniguda police station.

Background incident:

On May 1, 2017 the police raided village Gorata at midnight and abducted 20-year-old Ms. Kuni Sikkaka, who is the daughter in law of Mr. Dodi Pushika, the village leader as well as a highly respected leader of NSS. Later when Kuni's family went to secure the release of Kuni Sikkaka, all of them were blackmailed by the DIG and SP to sign statements that they are Maoists and will surrender to the police. They were also forced to make false statements in front of the media. When they protested and told the truth to the media, the police manhandled and muffled them. When Ms. Kuni Sikkaka was illegally arrested by the police, members of NSS had helped her family members to secure her release by writing complaints to different forums.

After this incident, the local police started to threaten and intimidate the villagers who were even remotely associated with NSS. The police started filing false charges on such persons while they come out of their village to markets. Due to the harassment and intimidation of police, the villagers were made to be confined within their villages as they were in the fear that they will also be arrested by the police.

Incident detail:

According to sources, a team of NSS members travelled from Muniguda to Bhubaneswar to file a complaint petition in the regional office of National Commission of Scheduled Tribes (NCST) on June 4, 2017 regarding the intimidation, abduction and wrongful confinement of members of NSS by Odisha Police.

While they were travelling to Bhubaneswar on June 4, 2017, many members of NSS and from nearby villages who were accompanying them were intimidated by the personnel from Muniguda Police Station that if they continue to go and complain in NCST, they will have to face the consequences. Due to this threat many villagers and NSS members did not continue their journey to Bhubaneswar. But a few NSS members continued their journey despite repeated threats by the police and registered the complaint with NCST.

After filing the complaint petition on June 05, 2017 a few NSS members addressed a press conference at Bhubaneswar along with the family members of the persons arrested by the police on false cases and mentioned about the police torture and atrocity inflicted on them.

They shared to the press how police had arrested many Adivasi leaders from the area and all are now languishing in jail in fabricated charges like, Mr. Dasuru Kadraka who has been picked up from the market has been languishing in jail for more than a year charged with several false cases. It is pertinent to note that HRDA has sent a complaint to NHRC on arbitrary detention and torture of Mr. Dasru Kadraka (Case No. 3053/18/32/2016). This case was arbitrarily closed by the NHRC on February 2, 2017, completely based on report submitted by Superintendent of Police, Rayagada.

They also alleged that police personals of the district threatening and illegally arresting many Adivasis in the area who ever speaks against the government are been falsely tagged with number of case.

Appeal :

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned Intimidation, torture, abduction and wrongful incarceration of the members of Niyamgiri Suraksha Samiti and innocent adivasis in the Niyamgiri area of Rayagada district;
- Revise its order in case no. 3053/18/32/2016 and call for submissions by HRDA, complainant in the case. Undertake independent investigation into human rights violations and threats to human rights defenders in Niyamgiri.
- Order standing instructions to the Odisha Police to abstain from restricting people's freedom of movement and reprisals for cooperating with human rights institutions.
- Similar to NHRC's order in the case of reprisals for cooperating with NHRC for an enquiry into cases of sexual violence by security forces, NHRC should in this case too, order the NHRC's investigation team to undertake the enquiry.
- Guarantee in all circumstances the physical and psychological integrity of both the human rights defenders members of the Niyamgiri Suraksha Samiti who are still under risk and reprisal from the perpetrators and provide a re-assurance of not engaging in such acts against;
- Put an end to all acts of attack and harassment of human rights defenders 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”;
- 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.

Yours sincerely,



Henri Tiphagne
National Working Secretary

Copies to:

Justice (Retd.) H L Dattu

Chairperson, National Human Rights Commission

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**Special Rapporteur on the situation of human rights defenders,
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Chairperson, National Commission for Scheduled Tribes

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