



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 14, 2021

To
Mr. C.S Mawri,
National Focal Point - Human Rights Defenders & Assistant 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: Brutal lathi-charge and illegal detention of HRDs Mr. Narendra Mohanty, Mr. Debendra Swain, Mr. Muralidhar Sahoo and others.

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 writing in to express our concern over the brutal police action including an illegal lathi-charge on environmental HRDs in Dhinkia village at the site of JSW Utkal's upcoming steel complex, and arrest of activists Mr. Narendra Mohanty, Mr. Debendra Swain and Mr. Muralidhar Sahoo by Odisha Police.

On January 14, 2022, at 1.30 pm at the proposed JSW project site in Dhinkia village, Jagarsinghpur district, Odisha, the deployed police personnel were arbitrarily desolating the betel vine plantations. Villagers confronted the police to save their crops. Subsequently, police resorted to lathi-charge to disperse the protesting villagers. Police brutally thrashed several villagers and arrested several persons. Many people have been injured and villagers are not allowed outside the village nor anyone else allowed in.

About the Human Rights Defenders:

- Mr. Narendra Mohanty is a well-known social activist associated with the Campaign Against Fabricated Cases (CAFC). He is also Coordinator INSAF, present anti-JSW movement leader.
- Mr. Debendra Swain and Mr. Muralidhar Sahoo are environmental activists associated with the Jindal Pratirodh Sangram Samiti, which is spearheading a peaceful resistance against JSW Utkal's upcoming steel complex in Odisha's Jagatsinghpur district.

Source of Information:

- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Mr. Pradyumna Behera, Inspector In Charge, Abhyachandpur police station
- Other personnel attached to Abhyachandpur police station and stationed at police pickets around Dhinkia village.

Date of Incident:

January 14, 2021

Place of Incident:

Dhinkia panchayat, Jagatsinghpur district, Odisha

Background of the Incident:

Since December 2021, police have been destroying betel farms and other cash crops in the JSW Utkal project area in Jagatsinghpur district to facilitate. The demolitions continued despite many locals opposing the project fearing large scale land alienation and loss of livelihoods.

On January 12, 2022, the Odisha Industrial Infrastructure Development Corporation (OIIDC) began constructing a boundary wall around the project site with the help of workers hired from outside. Local residents held a demonstration against this alleging that the police was targeting protestors and appealed for support from other civil society groups in Odisha.

On January 13, 2022, several well-known activists including Mr. Narendra Mohanty and Mr. Kalyan Anand arrived in Dhinkia for a fact-finding regarding police excesses on protestors. Policemen tried preventing them from entering the village, but were outnumbered by women HRDs from the village who arrived at the spot and escorted Mr. Mohanty and others inside.

Details of the Incident:

On January 14, 2022, Mr. Debendra Swain, Mr. Muralidhar Sahoo and other villagers of Dhinkia village organised a peaceful rally demanding a halt to demolition of betel vines and removal of police pickets from around the village. Mr. Narendra Mohanty, Mr. Kalyan Anand and other HRDs attended this rally.

At around 1.30 PM, when the rally was passing through the village road, it was intercepted by a large, all male police force in riot gear. Policemen launched an indiscriminate assault on protestors without providing any warning. Videos captured by locals showed police charging at protestors and striking heavy blows on them with their batons. Several HRDs, including women, elderly HRDs and children were seriously injured in the indiscriminate lathi charge and received treatment in the village. It is alleged that more than 1000 policemen entered the houses and continued to suppress the situation.

Police detained Mr. Narendra Mohanty, Mr. Debendra Swain, Mr. Muralidhar Sahoo and other HRDs from the spot in an arbitrary and illegal manner. They are said to be currently detained at the Abhaychandpur Police Station.

A large number of villagers are now injured and can't move out of the village as police are flag marching in the village street.

We firmly believe that Mr. Narendra Mohanty, Mr. Debendra Swain, Mr. Muralidhar Sahoo and others were assaulted and arrested in reprisal for their activism in support of the villagers of Dhikinia.

These actions on the part of police officials amount to a gross abuse of their powers. The fundamental right to life and personal liberty and freedom to assembly and protest are granted by Articles 21 and 19 of the Indian Constitution. Brutal crackdown on protestors without following any standard operating procedures in the management of assemblies is a grave violation of fundamental right to assemble and protest.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clause 2 and 3 of Article 12 of the declaration state: *"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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."*

We fear for the life and liberty of the HRDs who are currently illegally detained by the Odisha police without any information to their family or fellow HRDs.

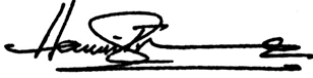
Appeal:

We thus request the Hon'ble Commission to urgently:

- Direct the Director General of Police of Odisha to immediately release the HRDs and protect them from further arrest by police and custodial torture.
- Direct the Director General of Police of Odisha to immediately suspend the Superintendent of Police of Jagatsinghpur for the unauthorised lathi charge on the peaceful protestors and for illegal arrest of the HRDs.
- Direct the Director General of Police of Odisha to ensure that the brutal acts of the local police against the protesting villagers is immediately stopped.
- Direct NHRC's investigation wing to undertake an independent inquiry into the incident of brutal assault on peaceful protestors, misuse of laws and powers, and arrest of HRDs and submit a report in two weeks. Depending on the result of the inquiry, take stern action against errant police and administration officials.

Looking forward to your immediate action in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Henri Tiphagne", with a horizontal line underneath it.

Henri Tiphagne
National Working Secretary