



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/UA/South/GOA/01/12/2022

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To
Mr. Indrajeet Kumar,
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- Goa: Social activist Dr. Sebastiao Rodrigues, facing threat to his life and inaction by Old Goa Police.

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 threat to the life of Dr. Sebastiao Rodrigues who exposed the illegal sand mining and challenged the criminals at the Amboi –Vanxim ferry on Mandovi river.

Source of Information:

Communication with our Regional Consultant

Communication with other HRDs in the region

Communication with the HRD

Date of Incident:

October 02, 2022

Place of Incident:

Vanxim- Panaji, Old Goa, Goa

The Perpetrators:

The Police of Old Goa

Premanand Tari from Vanxim

Sadanand Bhosle from Vanxim

About the Human Rights Defender:

Dr. Sebastiao Rodrigues is an activist and environment rights defender who fights for the rights of fishermen to protect Goa's environment and is part of many associations working for the welfare of the fishermen in Goa and its environment.

Background and details of the Incident:

On September 21, 2022, Dr. Sebastiao Rodrigues noticed three boats from Amboi-Vanxim with lights on engaged in sand extraction in Mandovi River at 11.15 pm. He dialed the emergency number to report sand extraction and registered the complaint with reference number 135450. The police vehicle PINKFORCE 09 (GA07G1625, Ph: 7030935471) was assigned to assist. The police arrived at Amboi ferry point at 12.10 am (September 22, 2022) and contacted Dr. Sebastiao Rodrigues over the phone. The Police told him to come to the spot of the illegal sand mining at Vanxim ferry point.

At Amboi ferry point one of the boats started the engine and fled from the spot, others had switched off their lights and stayed still in the waters. The police told Dr. Sebastiao Rodrigues that they did not have a patrol boat and could not apprehend those engaged illegal sand mining, though the boats were at a distance of less than 30 Meters from Vanxim ferry point and were visible to everyone. The police did not even have a whistle to blow and chase away the sand miners.

Dr. Sebastiao Rodrigues was asked to visit the police station in Old Goa and lodge a formal complaint. On September 22, 2022, at 12.50 am, Dr. Sebastiao Rodrigues gave a handwritten complaint to the Police Inspector, Old Goa police station with the subject: Illegal sand mining during nighttime in Mandovi near Vanxim.

On September 25, 2022 at 7.35 am, on board the Amboi-Vanxim ferry in the middle of Mandovi River, Dr. Sebastiao Rodrigues received a threat to life from Prenanand Tari from Vanxim, an employee of Goa Police (Home Guard) for filing the complaint against illegal sand mining near Vanxim. He told Dr. Sebastiao Rodrigues that his illegal sand mining transportation business will be affected due to his police complaint. He told Dr. Rodrigues to not file any more complaints and he claimed that Dr. Rodrigues did not have any support in Vanxim.

On September 27, 2022 at 11.00 am Dr. Sebastiao Rodrigues received message on Facebook messenger from Sadanand Bhosle from Vanxim. The message said that all the legal sand miners of Vanxim had a meeting and that they had decided to kill Dr.Rodrigues.

On September 28, 2022, at 5.00 pm Dr. Sebastiao Rodrigues wrote a letter to the offices of Inspector General of Police, Director-General of Police, Superintendent of Police (North Goa), Sub-Divisional Police Officer (Panjim), Director of Vigilance regarding the threat to his life and inaction by police and copy of the letter was marked to Waman Meshram, National President of Bharat Mukti Morcha, New Delhi and to the President, Goyche Fudle Pidge Khatir, an organisation committed to securing the safety of Goa's future generation.

At around 5.30 pm Goyche Fudle Pidge Khatir team and Roque Menezes from the All Goa Small Scale Responsible Fisheries Union joined him in a delegation to the DSP Sudesh Naik at Panjim Police Headquarters. After a brief discussion the DSP summoned the Old Goa Police Inspector Satish V. Padwalkar and directed him to book both the persons involved in threatening the HRD and the complaint copy was handed over to Old Goa police inspector to take further action at 6.30 pm.

Goyche Fudle Pidge Khatir had organised a press briefing outside the police headquarters on the issue of threats and illegal sand mining. At 07.30 pm Dr. Sebastiao Rodrigues received a call from the Old Goa Police Station asking him to come there. A five-member team from Goyche Fudle Pidge Khatir joined him for the meeting with the Old Goa Police team headed by Inspector Satish V Padwalkar. After initial hesitation the police admitted that there was a possibility that Dr. Sebastiao Rodrigues' complaint letter against those involved in illegal sand mining in Vanxim may have been leaked by personnel of the Old Goa Police. The police inspector promised to book two people involved in threatening Dr. Sebastiao Rodrigues.

On October 04, 2022, at 12.28 pm the HRD received a phone call from the Old Goa Police station that they have received wireless message from Superintendent of Police (North Goa) calling Dr. Sebastiao Rodrigues for urgent meeting with him at 4.00 pm at the office of Superintendent of Police, North Goa in Porvorim with the team from Goyche Fudle Pidge Khatir. The HRD was informed that the meeting is postponed on account of some urgent work that the SP had to attend to. The HRD submitted a handwritten letter to the SP-North Goa that noted that he was present for the meeting and requested that he be intimated a day in advance for the next meeting. Immediately the HRD received phone call from Old

Goa Police station while he was still at SP's office that his meeting with the SP was fixed for October 06, 2022 at 04.00 pm.

On October 06, 2022, at 04.00 pm the HRD along with the team from Goyche Fudle Pidge Khatir met with the Superintendent of Police (North Goa). The Old Goa Police Inspector Satish V. Padwal was present at the meeting. The HRD spoke briefly about sand mining and the threats he had received due the leak of his complaint against the accused involved in illegal sand mining. The HRD pointed out to a standing order issued by the DGP, dated March 17, 2022, given under the directions of the High Court, according to which the SP is supposed to visit illegal sand mining hotspots once a month. The HRD also invited SP Saxena to visit Vanxim. The SP asked the HRD to file complaints with Department of Mines and Geology as well as the Collector, North Goa. The HRD agreed to file the complaint. The SP then informed the HRD that every complaint received at 112 is shared with the task force on sand mining headed by the Collector. The HRD then named the police constable at Old Goa Police Station who he alleged was involved in leaking his complaint to the accused. The SP then requested the HRD to immediately file another complaint to him naming the police constable. The HRD then filed a fresh complaint to the SP North Goa with subject title: leakage of my name in violation of DGP Standing order dated March 17, 2022.

On October 07, 2022, at 11.00 am the HRD attended investigation accompanied by Roque Menezes of All Goa Small Scale Responsible Fisheries Union. Investigations were conducted by Head Constable Nilesh Naik. The HRD told him that the police should take statement from the messenger who relayed death threat from Sadanand Bhosle, which the police had not done so far. He further stated that the threats had come about more because of the leak at the Old Goa Police Station. Mr. Naik informed the HRD that his complaint dated September 22, 2022, never reached the police inspector and he was totally in the blind.

On October 08, 2022, at 6.45 am two police cars reached Vanxim early morning searching those engaged in illegal sand mining. They then met the HRD at 7.15 am in Vanxim on the road. They said they couldn't find anyone engaged in illegal sand mining at the Eastern point of Vanxim. The HRD told them that his complaint was regarding yesterday's illegal sand mining.

On October 14, the HRD's complaint on illegal sand mining at vaxim and divar was refused by the Old Goa Police station. The HRD was told by a police official on duty that his repeated complaints at the Old Goa Police Station were creating problems because the HRD had also filed complaints against them for their inaction. The official told him that the police station

did not have patrol vessels to venture into the water and intercept sand mining boats. The HRD was then directed to the Panjim Coastal Police Station based at Ribandar to file a fresh complaint.

On October 15, 2022, the HRD forwarded his complaint that he was refused entry at Old Goa Police station - with covering letter - with subject: "Illegal sand mining in Mandovi near Vanxim and Diwar Islands" to the Director General of Police, Inspector General of Police, SP-North Goa, SDPO Panjim, Collector- North Goa, Director of Mines and Geology, and SP- Coastal Security.

The HRD also filed a complaint to the police inspector, Panaji Coastal Security Police Station, Ribandar with subject: Illegal sand mining in Mandovi at Vanxim and Divar on October 14, 2022. Copies were marked to the PI at Old Goa Police Station, SDPO Panjim, DSP Coastal Security, SP Coastal Security at Panjim.

On October 20, 2022, at 05.17 pm the HRD received a call letter from the Police Inspector Ajit R Umarye with a request to remain present at the inquiry regarding illegal sand extraction at Vanxim and Divar as mentioned in the complaint dated 14.10.2022.

On October 21, 2022, at 01.30 am four policemen attached to the Panaji Coastal Security Police Station visited the HRD's residence. The purpose of late-night visit was to let the HRD know that they were moving to catch the illegal sand miners and had attended a meeting with the Police Inspector Ajit R Umarye for an hour from midnight. The HRD, along with Roque Menezes from all Goa Small Scale Responsible Fisheries Union, went along with the policemen to the Panaji Coastal Security police station.

Two main points made by the coastal police: one, that the police station, though entrusted with Coastal Security, did not possess even a single patrol vessel to enter water. Two, they were facing manpower shortage to enforce DGP Standing order on sand mining. The police said that it was therefore impossible to implement DGP Standing order on sand mining. He directed the HRD to file complaints with the Director of mines and Geology, and Captain of Ports. He also requested the HRD to write to the concerned authorities requesting that all the seven Coastal Security Police stations in Goa be equipped with functional patrol vessels. For the past three years Coastal Police doesn't have functional patrol vessels and patrolling of the rivers is done through roads in jeeps which was not sufficient.

The HRD signed a statement to the Panaji Coastal Security Police Station requesting a stop to all illegal sand mining. On October 27, 2022, the HRD received a telephonic information

about illegal sand mining that posed a threat to the Konkan Railway bridge on the Mandovi near Old Goa.

On October 28, 2022, The HRD received a correspondence dated 19/10/2022 from the Directorate of Vigilance to the Director Mines and Geology, and the Superintendent of Police (North Goa) regarding illegal sand mining near Vanxim and Diwar.

Dr. Rodrigues has been receiving threatening messages through messenger. The entire sequence of events was reported as a complaint on September 21, 2022, marking the Inspector General of Police- Panjim, The Director General of Police Panjim, The Superintendent of Police, North Goa- Povorim, The Sub- Divisional Police officer, Panjim and The Director of Vigilance, Panjim, Goa regarding the threats at midnight and illegal sand mining by the unknown people.

HRDA believes that this apathy of the Old Goa police towards illegal sand miner denotes a possible collusion between the police officials and the illegal sand miners and the indifference towards HRD Dr. Rodrigues despite his continuous pleas for security are an indication of the indifference towards crimes against citizens working to defend rights. The Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 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.”*

Furthermore, the failure of the police to give protect or take action on the complaint against the illegal sand mining at Amboi –Vanxim ferry on Mandovi river is a gross negligence and breach of duty by them. The Police department has sullied its credibility in this incidence: first by not taking any action against the criminals, second by involvement of one of its staff and the last but not the least by leaking the details to the criminals. Even acts and omissions committed by non-State actors under the instructions, control or direction of the State can, under certain circumstances, give rise to State responsibility.

HRDA most respectfully appeals that this Hon'ble Commission to immediately take necessary steps and consider exercising Section 12(a) of the Protection of Human Rights Act wherein the Commission should "inquire, suo-motu or on a petition presented to it by a victim or any person on his behalf 1[or on a direction or order of any court], into complaint of violation of human rights or abetment thereof; or ii-negligence in the prevention of such violation, by a public servant.

Appeal:

We urge the Hon'ble Commission to immediately take necessary steps to:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of threats issued to RTI Activist and HRD Dr. Sebastiao Rodrigues and inaction on complaint by the police personnel and submit the report to the NHRC within two weeks.
- Direct the Director General of Police of Goa to ensure complete physical safety of Dr. Sebastiao Rodrigues and his family who fear for their life from the perpetrators by providing them police protection and without hampering his freedom to operate as an activist and submit the report to the NHRC within two weeks.
- Direct the Director General of Police of Goa to initiate an inquiry into inaction by Police of Old Goa on his complaints on illegal sand mining and the threat calls and messages.
- Direct the DGP Goa to conduct a free, transparent, independent and fair inquiry into the illegal sand mining activities at Amboi –Vanxim ferry on Mandovi river and strict action on any police personell involved in illegal activities and submit the report in 4 weeks.
- Direct the Chief Secretary of Goa to conduct an inquiry into the negligence and inaction of Old Goa and submit a detailed report on the same.

Yours sincerely,



(Henri Tiphagne)
National Working Secretary