



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/East/OD/01/09/2023

02 September 2023

To,
Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Odisha: Abduction of the Social activist and EHRD by Odisha police.

Greetings from Human Rights Defenders Alert!

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 to express our concern regarding Abduction of the social activist and EHRD Prafulla Samantara by Odisha Police.

About the Human Rights Defenders:

Prafulla Samantara, aged about 72 years is a social activist and EHRD. He was a winner of Glodman Environmental Prize, 2017.

Source of Information:

- EHRD – Prafulla Samantara

Perpetrators:

Police officials of Odisha.

Date of Incident:

August 29, 2023

Place of Incident:

Rayagada

Background:

The Mountains namely Siji Mali and Kutru Mali are being proposed to carry bauxite mining by Vedanta and Adani group. Lease of Siji Mali was allotted to Vedantha and lease of Kutru Mali was allotted to Adani without the permission of Gram Sabha as per forest rights act, 2006. Public hearing for the environmental clearance has not been done, Hence, the HRDs allege that in order to get environmental clearance through public hearing, Vedanta and its contract firm Maitri infrastructure and mining India Pvt Ltd tried to allure the tribals with the promise of money. On August 2, 2023 the local leaders questioned them, then the people of Maitri company threatened the local leaders with the support of the police.

On August 4, 2023 G. Srinivas Rao, CEO of Maitri infrastructure and mining India Pvt Ltd came to visit the villages Sagarbarai and Sunger under Sunger Gram Panchayath along with proposed mining site at Siji Mali. Aggrieved by this the tribals gathered together at the proposed project site and held a peaceful protest against the mining activities. Aggrieved by this Kashipur PS registered a case in file no 92 of 2023, on August 5, 2023, U/s 143 (Punishment for being a member of an unlawful assembly), 341 (Punishment for wrongful restraint), 342 (Punishment for wrongful confinement), 383 (Extortion), 294 (Obscene acts and songs), 506 (Punishment for criminal intimidation) and 149 (Unlawful assembly guilty of offence committed in prosecution of common object) of IPC based on complaint given by Pitabas Nayak.

On August 7, 2023 at 11.40 AM PS Kashipur has registered FIR against the 100 tribals for alleged unlawfully assembly, conducted road blockage and staged a Dharna at Sarambhai junction for the visit of officials of Maitri infrastructure and mining India Pvt Ltd to the kantamal, Banteji, Sagabari and Sunger Villages in connection with bauxite mining in Sijimali. U/s 143 (Punishment for being a member of an unlawful assembly), 341 (Punishment for wrongful restraint), 342 (Punishment for wrongful confinement), 283

(Obstruction in public way), 294 (Obscene acts and songs), 506 (Punishment for criminal intimidation), 147 (Punishment for Rioting) and 149 (Unlawful assembly guilty of offence committed in prosecution of common object) of IPC based on complaint given by Pradip Kumar Behera.

On August 8, 2023 at 01.30 PM PS Kashipur has registered FIR against the 100 tribals for alleged unlawfully assembly, conducted road blockage and staged a Dharna at Sarambhai junction for the visit of officials of Maitri infrastructure and mining India Pvt Ltd to the kantamal, Banteji, Sagabari and Sunger Villages in connection with bauxite mining in Sijimali. U/s 143 (Punishment for being a member of an unlawful assembly), 341 (Punishment for wrongful restraint), 342 (Punishment for wrongful confinement), 283 (Obstruction in public way), 294 (Obscene acts and songs), 506 (Punishment for criminal intimidation), 147 (Punishment for Rioting) and 149 (Unlawful assembly guilty of offence committed in prosecution of common object) of IPC based on complaint given by Somadatta Padhan.

On August 12, 2023 at 11.30 PM PS Kasipur has registered FIR against the 200 tribals basing on the complaint of Pitabas Nayak stated that Maitri infrastructure and mining India Pvt Ltd have awarded with the operations of Sijimali Bauxite mine by Vedanta Ltd. When the company officials and office bearers to the visit of the proposed mining site accompanied by eight police staff. The FIR alleged that the 200 people from villages Banteji, Kantamal, Aliguna, Bandel, Talaamba Padar, Amarsigh gude, Khurigaon and Siadimal came in from of them and surrounded them. The FIR is registered U/s 147 (Punishment for Rioting), 148 (rioting, armed with deadly weapons), 341 (Punishment for wrongful restraint), 323 (Punishment of voluntarily causing hurt), 324 (Voluntarily causing hurt by dangerous weapons or means), 307 (Attempt to murder), 364 (Kidnapping or abducting in order to murder), 294 (Obscene acts and songs), 506 (Punishment for criminal intimidation), 353 (Assault to deter public servant from discharge of his duty), 332 (Voluntarily causing hurt to deter public servant from his duty), 427 (causing Mischief) and 149 (Unlawful assembly guilty of offence committed in prosecution of common object) of IPC, R/w Section 7 of Criminal law Amendment Act, 1932 (Molesting a person to prejudice of employment or business) and Section 25 of Arms Act.

Basing on the complaints, the police targeted 21 tribal HRDs, they have arrested them and remanded them in Rayagada District Jail. On August 16, 2023 HRDs Dhanful Majhi, Sitaram Majhi and Anil Nayak who are leaders of the NSS were arrested by the District Police of Rayagada without informing their family members about their whereabouts and in violation of D.K Basu Guidelines in connection with the FIR No 93, 96, 97 and 101 in Kasipur police station.

On August 29, 2023 Prafulla Samantara met the few tribal HRDs in Rayagada jail and he scheduled a press conference against bauxite mining in Siji Mali and illegal arrest of tribal HRDs.

Details of the Incident:

According to the statements of the HRD on 29th August, 2023 at 03.40 PM three unknown people in civil dress who were later on identified as the police by the hostel Swagath owner who was informed by them as police, entered Hostel Swagath at Rayagada and the room No 103 there they snatched EHRDs two phones and tied his hands backside with his gamuchha, covered the HRD's head and face with a towel form the hotel room and forced the HRD to get out the room when the HRD resisted, they lifted and carried him and forcefully pushed into a four-wheel vehicle which was stationed outside the hotel. Knowing about the abduction there was a massive media outrage over the abductions of EHRD.

According to the HRD they were 4 people along with him in the vehicle and they drove for two hours. The 72-year-old EHRD repeatedly requested to untie his hands and remove the towel as he had difficulty in breathing. EHRDs request was denied by them, it was only after receiving an order from the higher officials they left the EHRD at Berhampur at 09.30 PM which 225 KM away from the place of abduction.

On August 30, 2023 the EHRD filed a complaint and send it by post to I.I.C police station Rayagada, through the Superintendent of Police of Rayagada District stating the details of the incident and requesting to register an FIR. According to EHRD till today he has not received any copy of the registered FIR

HRDA strongly believes that the apprehension of the Prafulla Samantara is an act of reprisal for their activism as an Environmental Human Right Defender.

The **Article 5** of the Universal Declaration of Human Rights and **Article 7** of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Every person has a the right to life and liberty enshrined under Article 21 of Indian Constitution 1950, Article 3 of Universal Declaration of Human Rights 1948, Article 6 of International covenant on civil and political rights, 1966. The Right to life includes right against arbitrary arrest or detention. The targeted attack of the EHRD by the police amounts to serious violation of life and liberty of the EHRD.

The United Nations Declaration on Human Rights Defenders 1999 states the following:

- Article 12 (2) and (3) "*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.*"
- Article 9 (1) "*In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights*".

- Article 12 *“Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms”.*

Appeal:

We urge the Hon’ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry of abduction of HRD and submit the report to NHRC within Two Weeks.
- Based on the result of the inquiry, direct the Director General of Police Orissa to immediately suspend and file a cause of torture against policemen who illegally picked up HRDs in violation of DK Basu guidelines and harassed him through degrading treatment in custody and submit a report to the NHRC within two weeks.
- Direct the Director General of the Police of Orissa to ensure the safety of HRD’s and their family to protect them from further harassment by the police.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary