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India: Probe police violations against protestors in Andhra

Amnesty International urges the Indian authorities to launch an impartial inquiry into the unnecessary and excessive use of force by police leading to the death of at least two people demonstrating against a thermal power project in northern Srikakulam district, Andhra Pradesh.

On 28 February 2011, at least two protestors were killed, allegedly as a result of police firing, and five others sustained injuries as police tear-gassed them. The protests took place at the Kakarapalli area of Andhra Pradesh, where the 2,640 megawatt thermal power project covering 800 hectares has been proposed by East Coast Energy (ECE), an Indian company. Over the last month, protestors have demanded cancellation of the project as they allege that the acquisition of common wetlands for this project would reduce fishing activities and threaten their livelihoods.

Following the deaths, India's Ministry of Environment and Forests suspended plant construction activities and fixed a hearing on 7 March to ascertain whether the company had complied with environmental regulations. Construction activities have proceeded since the Ministry had cleared the plant in April 2010, despite an official expert panel concluding four months later that the plant activities would irrevocably damage the area's wetlands and ecology.

Eyewitnesses informed Amnesty International that, on 28 February, more than 500 police officials entered the Vadditandra fishing village near Kakarapalli town and fired tear-gas shells directly into the village, causing a fire which destroyed 100 houses and rendering around 400 residents homeless. Following this, a section of the 700-strong group of protestors turned violent and the police fired on them using live ammunition, killing at least two persons – Erraiah and Giri Rajeswar Rao. The protestors burnt a police vehicle.

On 25 February, the police had fired on protestors in Vadditandra resulting in bullet injuries to four persons. They also tear gassed protestors injuring 30 persons including three journalists. On the same day, 46 fasting protestors were arrested and charged with disrupting public order. Police have also cordoned off Kakarapalli and five surrounding villages since 25 February.

Amnesty International acknowledges the responsibility of the Indian government to maintain public order, but notes international law severely restricts on the use of force by law enforcement officers. At the heart of these restrictions lies the state's duty to respect the right to life and freedom from torture and other cruel, inhuman or degrading treatment or punishment. Both these rights are provided in international human rights law and standards, including in treaties binding on India, and in particular the International Covenant on Civil and Political Rights (ICCPR), ratified by India in 1979.

Under international law and standards, police may use force only when strictly necessary and only to the extent required for the performance of their duty and must, as far as possible, apply nonviolent means before resorting to the use of force. If force cannot be avoided, police officials must exercise restraint in such use, and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.

Amnesty International urges the Government of Andhra Pradesh to:

- Halt all unnecessary or excessive use of police force at Kakarapalli village;

- Order an impartial and independent inquiry into all reports of unnecessary or excessive use of police force, forced evictions, torture, cruel and degrading treatment and the violence at Kakrapalli village on both 25 and 28 February and promptly make the findings public;
- Ensure that state officials, police personnel, and others who are suspected of being responsible for human rights violations are prosecuted, in proceedings which meet international standards of fairness;
- Ensure that, while law and order should be maintained, those who are engaged in the peaceful exercise of their rights to freedom of assembly and speech are able to do so without fear of violence or harassment.

ENDS/

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