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Public Statement

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India: Excessive use of force against adivasi protestors in Orissa

Amnesty International is gravely concerned by reports of excessive use of force by police officials during a protest, on 2 January 2006, by indigenous people (*adivasis*) at Kalinga Nagar in Jajpur district, Orissa. At least twelve *adivasis*, including three women and a 12-year-old boy, were reportedly killed in the police firing and one policeman was reportedly killed by the *adivasis*.

Reports have suggested that hundreds of *adivasis* from Gobarghati, Nuagaon and Chandia villages had gathered at approximately 11am on 2 January 2006 upon hearing that construction was to begin that morning at the site of the Tata Steel project. The *adivasis* had been protesting for some months against the plant construction and had raised concerns that they had received inadequate financial compensation for the land acquired from them by the Orissa government to allow construction of the six million tonne capacity project.

The reports have suggested that violence erupted as the *adivasis* -- some of whom were armed with bows and arrows -- were attempting to stop the erection of a boundary wall and a few detonators were set off at a ditch near the site, as a four person delegation from the *adivasis* was approaching the site of construction.

During the resultant chaos, members of the police forces reportedly fired rubber bullets, teargas shells and live rounds at the protestors. Several reports have stated that police officials continued to shoot *adivasis* as they fled and several individuals were shot in the back. Seven people are reported to have been killed on the spot and at least 40 others injured. Five others injured in the police firing were later pronounced dead at the Jajpur district hospital.

Amnesty International is alarmed by reports that, at the time the Orissa police returned the dead bodies of these five individuals to their relatives, their hands had been severed. The Orissa police have claimed that the hands were cut off for purposes of forensic identification. The Orissa police have further asserted that the medical personnel who conducted post-mortem examination of these bodies had severed the hands without the knowledge or permission of the victims' families. However, some reports indicate that these injured protestors were further assaulted while being carried in police vehicles and their hands, in an act of revenge, had been chopped off. No plausible explanation has been given as to how the removal of a hand could assist in "forensic identification" and, in view of the fact that such mutilation constitutes a violation of the dignity of the deceased, the authorities must investigate the circumstances of the removal of the hands and hold those responsible for any wrongdoing accountable.

The Orissa government has now ordered a judicial inquiry into the violence, transferred two district officials and suspended three medical personnel pending investigation. The Orissa and the Union

governments have announced relief packages to the kin of those killed in the protests and to the injured. The company, Tata Steel, says its officers were not present at the time of the incident, nor was there any other involvement by the company. Nevertheless, reports suggest that contractors were trying to erect the boundary wall on the day of the firing.

The Government of Orissa should ensure:

that the judicial inquiry into the circumstances surrounding the firing incident be prompt, independent and impartial and that findings of the inquiry are made public, public servants, including police, suspected of being responsible for human rights violations, including excessive use of force, torture or other cruel, inhuman or degrading treatment are prosecuted. All proceedings must meet international standards of fairness and must not include the imposition of the death penalty.

Amnesty International believes that full consultations about the human rights impact of economic decisions with those to be affected -- including with activists and with non-governmental organizations and other representatives of affected communities -- are vital means through which human rights are safeguarded in the context of development.

In this respect, Amnesty International calls on the Government of Orissa to:

ensure that individuals and activists engaged in peaceful protests against development projects should be able to do so without fear of violence, harassment or false accusation of involvement in criminal activities,
announce a consistent policy of full consultation with local populations before any development affecting their lives can take place,
ensure that, where populations are resettled, there is just, adequate and culturally-sensitive rehabilitation, resettlement and reparation for those affected.

Background

The protestors against the Tata Steel plant, largely belonging to the *Munda adivasi* community were affiliated to Bistapan Virodhi Manch, a group protesting the displacement of *adivasi* people at Kalinga Nagar, which is promoted as an industrial hub by the Orissa government-owned Industrial Development Corporation (IDCO). They allege that IDCO was acquiring their lands at inadequate rates and selling the same to companies at high rates. Activists and the *adivasis* have reported that they were not consulted and provided with access to information, but are excluded from decision-making and subject to excessive force by police.

Thirteen major steel plant projects are coming up at Kalinga Nagar, where more than 100 chrome washing plants are already in operation.

In the last four years, the Government of Orissa has so far signed 43 agreements to set up steel plants in the state.