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India: Authorities must halt unnecessary and excessive use of police force and civil militia attack on *adivasi* protestors in Orissa

Amnesty International urges authorities in Orissa to immediately halt unnecessary and excessive use of police force and attacks by private civil militias on *adivasi* (indigenous communities) protestors against acquisition of their lands and habitats for industrial purposes in Kalinganagar.

According to eyewitnesses, at least 30 *adivasi* protestors sustained serious injuries in the ongoing police action by about 1,000 police officials and the attack by about 250 well-armed private civil militiamen supporting land acquisition. The *adivasis* are protesting against government acquisition of their lands and habitats for setting up a six million tonne capacity Tata Steel plant and construction of a common road corridor in the Kalinganagar industrial belt.

The protests, which involved some instances of pelting of stones at the police, commenced after the talks between the *Bisthapan Birodhi Jan Manch* (BBJM), an organization opposed to acquisition of *adivasi* lands, and local authorities collapsed on 26 March. The police fired rubber and plastic bullets at the protestors, while the private militias used country made pistols with live ammunition, the eyewitnesses told Amnesty International.

Retired judge of the Orissa high court, P K Mishra, who led a fact-finding team to the area, told Amnesty International that the physician accompanying his team had treated 30 *adivasis* and removed rubber and plastic pellets from their bodies. Only five persons were allowed to leave the area and get admitted to the government hospital at a nearby town for further treatment. Also, the team could not ascertain whether anyone had sustained live bullet injuries in the firing by the civil militiamen who had cordoned off the area and blocked the movement of opposition parties and media personnel.

Mahindra Parida, a journalist who was part of the fact-finding team, informed Amnesty International that it appeared that the police was acting in tandem with the private militia or allowed it a free hand to attack the protestors. The team was able to document accounts of widespread burning of houses, looting of property and killing of livestock by the police officials and private civil militias in three *adivasi* villages in the area - Baligotha, Chandia and Baragadia, before the latter blocked entry of further vehicles into the area. The team also found that the private militia had defaced the memorial stones erected for the 12 *adivasis* killed in the Kalinganagar police firing on 2 January 2006. The *adivasis* alleged that the private militias were sponsored by the ruling Biju Janata Dal in Orissa and were targeting the BBJM protestors and leaders.

Amnesty International reminds the authorities that India has international treaty obligations to protect the right to life. International law places severe restrictions 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). 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 non-violent 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.

In this context, Amnesty International urges the Government of Orissa to:

- order its police to cease all unnecessary or excessive use of force against *adivasi* protestors; force should only be used in accordance with international human rights law and standards; to ensure that militiamen do not use force against protestors or break the law in any other way, and treat them like any other offenders if they do;
- provide immediate medical assistance to people who have suffered injuries in the violence as it appears that these areas are currently cordoned off; provide adequate compensation to those who suffered the loss of property and livestock;
- order an impartial and independent inquiry into all reports of unnecessary or excessive use of police force and the violence in Kalinganagar, 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 peaceful exercise of their rights to freedom of assembly and speech are able to do so without fear of violence, harassment

Background

Four years after the deaths of the 12 *adivasis* in police firing in Kalinganagar, those owing allegiance to the BBJM continue to protest against the construction of the Tata Steel plant, raising concerns that they had received inadequate financial compensation for the land acquired from them by the Orissa government for setting up the plant. A judicial inquiry ordered by the Orissa government into the deaths in the police firing remains inconclusive. In the meantime, Kalinganagar has witnessed recurrent violence involving private civil militias, which the BBJM alleges is being sponsored by the ruling Biju Janata Dal, and *adivasi* protestors.