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

Amnesty International urges authorities in Orissa to immediately halt unnecessary and excessive use of force by police and private civil militias on *adivasi* (indigenous communities) and peasants protesting against the acquisition of their lands and habitats for steel projects respectively in Kalinganagar and Jagatsingpur.

Laxman Jamuda, a 50-year-old *adivasi* leader was killed and ten protesters including a few women were injured in police firing and nine others sustained injuries during clashes in Kalinganagar, on 12 May. Eyewitnesses informed Amnesty International that the action involved more than 1,000 police officials against about 300 *adivasi* protesters, some of whom armed with traditional weapons.

Eyewitnesses said a 200-strong civil militia supporting the takeover of the lands for the proposed Tata Steel plant forced its way into Chandia village where the protesters had gathered; the police went along with the civil militia allegedly backed by the ruling Biju Janata Dal in Orissa demolished some of the *adivasi* houses. During the resultant clash, the police fired on the protesters, killing Laxman Jamuda and several others sustained injuries.

Relatives of Laxman Jamuda have alleged that the Police have secretly cremated his body. A nephew of the deceased, taken by the police for the cremation, said that he was not shown the body.

At Balithutha in nearby Jagatsinghpur district, at least 20 persons sustained injuries on 16 May, three of them seriously, as police used teargas and batons to disperse about 1,000 peasant protesters including women against the takeover of their farmland and village common land for the construction of a steel plant by the South Korean Pohong Steel Company (POSCO).

Eyewitnesses in both places said several areas remained cordoned off during the police action, restricting the arrival of medical assistance for the injured. For the last five years, these protesters had disallowed the entry of officials into the area; the latest round of protests at Balithutha were going on for the last five months,

Amnesty International reminds the authorities that India is obliged, under international human rights law, 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).

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.

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

- order its police to cease all unnecessary or excessive use of force against the protestors; force should only be used in accordance with international human rights law and standards;
- ensure that private civil militia 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 both these areas are currently cordoned off.
- order an impartial and independent inquiry into all reports of unnecessary or excessive use of police force and the violence in both places, 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 or harassment.

Background

For the last two months, Kalinganagar has been witnessing recurrent clashes between the state police and about 250 well-armed private civil militia supporting land acquisition on the one hand and the *adivasis* protesting against government acquisition of their lands and habitats for setting up a six million tonne capacity Tata Steel plant and a common road corridor. On 28 March, 30 adivasi protestors sustained bullet injuries as police and the civil militiamen fired upon a 250 strong group of protestors who pelted stones at them in a bid to prevent them from taking over the land meant for the common road corridor. See Amnesty International, India: Authorities must halt unnecessary and excessive use of police force and civil militia attack on adivasi protestors in Orissa, AI Index: ASA 20/008/2010, 1 April 2010

This violence has occurred, even as relatives of the 13 victims of the police firing against *adivasi* protestors on 2 January 2006 are still awaiting justice. A judicial inquiry ordered by the Orissa government into the deaths in the 2006 police firing remains inconclusive.

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