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India: Probe killing of two *adivasi* leaders and release detained activist in Orissa

Authorities in the eastern Indian state of Orissa must ensure independent, credible and impartial investigation into the killings of two *adivasi* (indigenous community) leaders by police and paramilitary personnel in Narayanpatna on 20 November 2009, Amnesty International said today.

The deceased – Singanna and Andrew Nachika – were peacefully protesting outside the Narayanpatna police station in Koraput district along with 80-100 other members of an indigenous people's movement – *Chasi Mulia Adivasi Sangh* (CMAS). The protestors demanded that the police stop harassing the *adivasi* communities who have been campaigning for an end to illegal mining in the area.

Eyewitnesses have informed Amnesty International that the police firing began when one of the leaders, Singanna, entered the police station premises to talk with officials. Another leader, Andrew Nachika, was also shot dead and at least eight other protestors sustained bullet injuries as police and paramilitary forces continued their unprovoked firing at the unarmed and fleeing protestors.

The unnecessary use of force on *adivasi* protestors resulted in at least two deaths. The State authorities are obligated, under international treaties to which India is party, to respect and protect the right to life at all times.

In an attempt to trace the wounded protestors, police raided a number of villages and arrested at least 50 other *adivasi* CMAS supporters. Amnesty International understands that those arrested are accused of several offences including those under Section 121 (waging war against the State) and Section 124A (sedition) as the police have claimed that the CMAS has links with the banned Communist Party of India (Maoist).

A seven-member fact-finding team of social and political activists subsequently visited Narayanpatna to inquire into the killings and related arrests. Their report released at a press conference in Orissa's capital Bhubaneswar on 27 November rejects the police claim of a CMAS-Maoist link and accuses the police officials of unnecessary use of force and arbitrary arrests. On 29 November, the police arrested one of the members of the fact-finding team, Tapan Mishra claiming that he provided arms training to the banned Maoists.

Tapan Mishra is a known activist of the Communist Party of India (Maoist-Leninist) (Kanu Sanyal group) – a recognised political party. Amnesty

International understands that Tapan Mishra has no links with any armed groups and that his arrest may be politically motivated. Following this arrest, other members of the fact-finding team have expressed fears of travelling to Narayanpatna. Amnesty International is concerned that the arrest of Tapan Mishra appears to be an attempt by the State authorities to intimidate and harass those inquiring into the lethal use of force by the police at Narayanpatna.

Amnesty International urges the Government of Orissa to:

- immediately order an independent, impartial and thorough investigation into the use of force by the police and ensure that any officer suspected of using force unnecessarily or excessively, including those who ordered the shooting or were otherwise responsible, is prosecuted in proceedings which meet international standards of fairness;
- provide reparations to the families of those killed, and to those who suffered injuries or other harm as a result of unnecessary use of force by police;
- ensure that police officials as far as possible apply non-violent means before resorting to the use of force and firearms which should be used only if other means remain ineffective, and then only to the minimum extent required, and that firearms may be used only in self-defence or the defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient;
- ensure that the right to peaceful assembly is respected and protected and that police, when fulfilling their public order duties, respect human rights as provided in international treaties to which India is a state party, and
- Stop harassing, intimidating and bringing politically motivated charges against protestors and those engaged in defending human rights in Orissa.

Background

The CMAS is a social movement of *Adivasi* communities in south-western Orissa which has been campaigning, over the last year, against illegal mining in their lands and habitats by non-*Adivasis* and production and consumption of illegal liquor in the region. Since May last, the CMAS has intensified its campaign, leading to some non-*Adivasi* families fleeing their villages and attacks against CMAS supporters.