



International Network for Economic, Social & Cultural Rights  
Red Internacional para los Derechos Económicos, Sociales y Culturales  
Réseau international pour les droits économiques, sociaux et culturels  
الشبكة العالمية للحقوق الاقتصادية والاجتماعية والثقافية

25 January 2013

**TO:**

**Shri Naveen Patnaik, Chief Minister of Orissa**  
**Shri Manmohan Singh, Prime Minister of India**

**CC:**

**Mr. S.K. Mallick, District Collector, Jagatsinghpur**  
**Mr. Debadutta Singh, Superintendent of Police**  
**Hon'ble Justice Shri K.G. Balakrishnan, Chairperson, National Human Rights Commission**  
**Shri. V.Kishore Chandra Deo, Minister of Tribal Affairs**  
**Smt. Jayanthi Natarajan, Minister of Environment & Forests**

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*Movement for the Survival of the Ogoni People, Nigeria*

Sandra Ratjen  
*International Commission of Jurists, Switzerland*

**RE: imminent threats of forcible evictions and violence against protesters in Jagatsinghpur District, Odisha, India**

ESCR-Net is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of 243 organizational and individual members, in 67 countries.

We write to express our collective concern regarding alleged plans by the Indian authorities to proceed with the forced eviction in Jagatsinghpur District, Odisha, to facilitate the construction of the POSCO steel plant, as well as imminent threats against human rights defenders in the area who have mobilized to protect their lands.

According to reports received, on 18 October, 2012, the Gram Sabha (village assembly) of Dhinkia Pachayat (group of affected villages) denounced the land seizures and demanded recognition of the right to informed consent, according to the Forest Rights Act of 2006. This declaration followed a ruling by the National Green Tribunal on 30 March 2012, which suspended the environmental clearance for the project. Notwithstanding the clear absence of consent for the land acquisition and forced eviction, on 28 December 2012, the District Collector of Jagatsingpur, SK Mallik, announced plans to initiate new actions aimed at seizing the above-mentioned land for the POSCO project.

ESCR-Net has received credible reports that residents of affected communities are facing serious threats to their lives, safety and physical integrity. According to information received, ten police platoons are stationed in the area and another eight platoons are soon to arrive. In addition, over 230 criminal charges have reportedly been filed against individuals protesting the project, and several community leaders are currently in jail as a result of their actions to defend human rights.

The livelihood of 4000 families - over 22,000 people - depend on agriculture, fishing and the utilization natural resources associated with this land. Villagers have expressed serious concerns that the steel plant and associated power

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station and infrastructure will destroy rice paddies, betel-vine cultivation and fish-ponds, posing serious threats to the right to food. Concerns have also been expressed that the project would have serious implications on the right to water, as well as the right to adequate housing for the above-mentioned villagers. These impacts represent particular threats for tribal groups and other disadvantaged castes living in the area, as well as women, who anticipate that they will be further marginalized and impoverished if they are dispossessed of their lands.

We wish to recall that India is party to the International Covenant on Economic, Social and Cultural Rights and has thus undertaken the obligation to respect, protect, and fulfill the right to an adequate standard of living, including the right to adequate food and housing, and the right to health for all of its people. It has furthermore been established by the UN Committee on Economic, Social and Cultural Rights that "forced evictions are *prima facie* incompatible with the requirements of the Covenant." According to its obligations under the International Covenant on Civil and Political Rights, the Government of India has the duty to respect the right of all people to freely dispose of their natural wealth and resources and to refrain from interference with the privacy, family or correspondence of its people. It is obligated to guarantee the physical integrity of its people and to uphold the principle that "in no case may a people be deprived of its own means of subsistence."

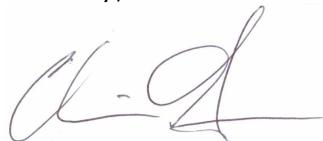
In addition, the criminalization of legitimate dissent runs counter to internationally recognized human rights standards, including the UN Declaration on Human Rights Defenders, which recognizes the right of each person to promote the realization of human rights and provides protection "of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of" their rights as human rights defenders.

Therefore, we urgently call on the competent State and National-level authorities to:

- Refrain from proceeding with forcible land seizure against the objections of affected communities;
- Withdraw the recently-stationed police platoons from the area in and around Dhinkia Pachayat;
- Respect the rights of people who have mobilized to defend their land and protect them from acts of intimidation and repression by third parties;
- Desist from all acts of intimidation, including the filing of baseless charges against villagers resisting the above-mentioned forced eviction;
- Fully comply with India's obligations to guarantee human rights to liberty and security of person, peaceful assembly, food, water, and housing, including prohibitions against forced evictions and cruel, inhuman or degrading treatment.

Finally, we request that you keep us informed of measures taken.

Sincerely,



Chris Grove

Director