

# URGENT ACTION

## TWO INDIGENOUS ACTIVISTS FACE LIFE IMPRISONMENT

**Adivasi activists Judhishtira Jena and Babula Samal have been arrested for their role in the resistance to forced acquisition of land for a steel plant. Both men also face numerous other cases, some of which are with regard to alleged actions ten years ago. If convicted, they could face life imprisonment.**

**Judhishtira Jena** and **Babula Samal** were arrested on 18 and 19 December 2017 respectively, in relation to a criminal case registered against them in 2010 for their peaceful activism. Both are indigenous residents of Dhinkia village in Odisha state in eastern India. They are two of many residents of Jagatsinghpur district who have been active in resisting the efforts of the government to forcibly acquire farmland and common land for a plant previously proposed by steel giant POSCO. Accused of numerous offences including rioting, criminal intimidation, attempt to murder and unlawful assembly, they are currently being held in the Kujang sub-jail in Jagatsinghpur, while their bail pleas are pending at the district court. If convicted, both could face life imprisonment.

The First Information Report on the basis of which the activists were arrested relates to an incident on 15 May 2010 when the police used tear gas and batons to disperse about 1,000 peasant protestors, some of whom threw stones at the police. The report does not mention any names. On several previous occasions, anti-steel plant activists in the region have been arrested on politically motivated charges. Amnesty International believes the charges against Judhishtira Jena and Babula Samal to be politically motivated as well.

Both Judhishtira Jena and Babula Samal are active members of a local resistance group called *POSCO Pratirodh Sangram Samiti* (PPSS) which was founded after the announcement by POSCO in 2005 that it would open operations in the area. Indigenous residents of the area have organised peaceful protests to call for an end to forcible land acquisition and the destruction of forests and vineyards. From 2006 to 2014, over 2000 indigenous villagers, including Judhishtira Jena and Babula Samal, had criminal cases filed against them after they exercised their right to freedom of expression.

### **Please write immediately in English or your own language urging the authorities to immediately:**

- Release Judhishtira Jena and Babula Samal, and drop all politically motivated charges against them;
- Drop all politically motivated criminal cases against other activists, and end the repression of communities in the project area;
- Process individual and community forest rights claims before putting the acquired land to any other use.

### **PLEASE SEND APPEALS BEFORE 1 MARCH 2018 TO:**

Chief Minister of Odisha

Naveen Patnaik  
Odisha Secretariat  
3<sup>rd</sup> Floor  
Bhubaneswar-751001  
Odisha, India  
Phone: +91674-2530700  
Email: cmodisha@nic.in

Salutation: **Dear Chief Minister**

Minister of Home Affairs

Rajnath Singh  
17 Akbar Road  
New Delhi 110001  
India  
Fax: +91 11 23014184  
Email: 38ashokroad@gmail.com  
Salutation: **Dear Minister**

**And copies to:**

District Superintendent of Police  
**Jai Narayan Pankaj**  
Jagatsingpur Police Station  
Jagatsinghpur,  
Odisha 754103, India  
Fax: +916724-220570  
Email: spjps.orpol@nic.in

### **Also send copies to diplomatic representatives accredited to your country.**

HIS EXCELLENCY MR YASHVARDHAN KUMAR SINHA, Office of the High Commissioner for India, India House Aldwych WC2B 4NA, 020 7836 8484, Fax 020 7836 4331, [info.london@hclondon.in](mailto:info.london@hclondon.in), [www.hclondon.in](http://www.hclondon.in), salutation: **Your Excellency**

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In June 2005, South Korean steel company POSCO signed a Memorandum of Understanding (MoU) with the Government of Odisha to invest in a project consisting of iron ore mines (an integrated steel plant) and a captive port, in Jagatsinghpur district of Odisha. Much of the land that was proposed to be used for the project is common land – village property that falls under the authority of local bodies – containing betel vineyards that many families depended on for their livelihoods. Local activists say that state authorities have consistently failed to recognize local communities' individual and community rights over common lands, as recognized under the historic Forest Rights Act 2006. Many villagers said that they had submitted forest rights claims to local authorities, but these claims were not processed. According to PPSS, the local resistance group, 2000 acres (8 km<sup>2</sup>) of common land were forcibly taken over by the government in 2011. In 2013, an additional 700 acres (2.8 km<sup>2</sup>) of common land were taken over in Dhinkia village. Residents were not consulted or given adequate notice, and those who refused compensation had their land seized without their consent.

Since the MoU was signed, the project has faced staunch resistance from local communities' as well serious questions from human rights and environmental groups on its social and environmental impacts. Village assemblies in the affected areas have passed numerous resolutions prohibiting the use of land for the POSCO-India project. In June 2013, a report by ESCR-Net highlighted several human rights abuses linked to the project, and called for it to be suspended. In October 2013, eight independent UN human rights experts, including the UN Special Rapporteurs on adequate housing, the right to food, the right to health and freedom of peaceful assembly, called for a halt to the project, citing serious human rights concerns, including the impact of forced evictions on livelihoods, access to natural resources, and fabricated criminal charges. In 2015, following an international outcry over the environmental and human rights risks of projects run by POSCO, Norges Bank decided to exclude the company from the investment universe of the Norwegian Government Pension Fund Global. In March 2017, POSCO stated that it was withdrawing from the project and requested the Odisha government to take back the land transferred to the company.

However an Indian steel company, JSW Steel Limited, shortly afterwards announced its plans to open operations in the area. Local resistance to the proposed plans are mounting following the ongoing construction of a boundary wall for the new project, without the settling of forest rights claims to the lands. Local activists fear that the arrests of Judhishtira Jena and Babula Samal, citing old cases from the POSCO era, will be first in a series of a tactics to quash future peaceful protest.