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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement^{*} submitted by the Asian Forum for Human Rights and Development
(FORUM-ASIA), a non-governmental organisation
in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Specific religious group becomes target of communal violence in Orissa, India¹

Between August and October 2008, about 27,000 people, mainly Christians from the Kandhamal District of the Orissa State, east of India were displaced from their homes. During this time, Christian leaders were attacked and killed, and thousands of homes belonging to Christians' were burned. Thirty-seven people are confirmed killed and many more disappeared. This violence in Orissa involved numerous violations against the right to freedom of religion or belief, and discrimination against indigenous communities.

The recent incidents mirror an **on-going pattern of communal hostility in Orissa toward religious groups, which is rooted in the government's arbitrary allocation of indigenous peoples and Dalits in the area.** In Kandhamal, Christian missionary groups have been working for many years, and many Dalits and Adivasis have converted to Christianity. Christian families have been at the centre of the violence, and often experienced destruction of property and physical assaults. Their religious institutions and religious schools have also been attacked.

The distinct lack of police presence and its control over the violence in Kandhamal was widely noted. It took about five to seven days for the state administration to respond to the violence, and this gave rise to speculation that the authorities gave implicit support to the perpetrators of this violence.

The central government has asked the state government to deploy the companies of the central paramilitary forces, but refused to send more troops to properly deal with the crisis. This indicates a "hands-off" approach or reluctance of the central government in responding to the violence. In the absence of any serious governmental interventions to improve the condition in the area, the schools and ashrams have been providing meager alternatives, along with institutions run by Christian missionaries and NGOs. This has further intensified dependence on social services by religious groups, resulting in more conflict of religious politics in the region.

Similar violence of varying intensity has affected Orissa throughout the past decade. After each incident, the state police was accused of failing to adequately investigate, prosecute and punish those responsible. **The impunity is a key factor in recurring cycles of violence in Orissa.** There are also reports from human rights activists that many non-Hindu institutions and organisations were denied of police protection when they requested it.

Meanwhile, external observers have little access to the affected areas in Orissa. **During the periods of violence, the state administration prevented political leaders, media and human rights organisations from visiting trouble-hit parts of the state,** while Vishwa Hindu Parishad (VHP) leaders were allowed to move freely with state protection. For example, the entire Kandhamal District was put under curfew and was completely left out from the rest of the world for days, while the people in Orissa lived in fear. Even after three weeks of violence, the state administration continued to prevent the media and human rights organisations from accessing the victims by enforcing a regulatory policy of prior permission for them to travel in the affected

¹ This written statement is based on the fact-finding mission of People's Watch, a member organisation of FORUM-ASIA. The mission was conducted in the Kandhamal District of Orissa on 7-8 October 2008, following the outbreak of violence against Christians in the state. The complete report is available at: http://www.forum-asia.org/news/press_releases/pdfs/Orissa%20FF-Report.pdf.

areas or relief camps. The administration insisted that the situation has returned to normal, but the denial of outsiders' access has only contributed to an atmosphere of impunity.

The People's Watch fact-finding team found that there was no legal assistance provided to the victims to file cases with the police or courts. In order to be compensated for their loss of property, many victims wanted to file complaints with the police. However, there was no effort from the authorities to assess the loss of property with view to working out a compensation and rehabilitation package. Many victims also reported to the fact-finding team that Hindu organisations frequently threatened them not to file any complaints with the authorities.

Thus, FORUM-ASIA makes the following recommendations.

- a) The central government should order the Central Bureau of Investigation (CBI) to investigate this violence situation in Orissa. The investigation should look into the actions of police officers who abandoned their duties or were complicit with the violence against Christians. Investigations must be completed within a reasonable time-frame and filed in court. If the number of cases is large, establishment of a special court could be considered to expedite the process.
- b) The state government should ensure full security for the Christian population remaining in Kandhamal. As recommended by the National Commission on Minorities, it is necessary to post an adequate number of police and paramilitary officers in such areas. The state government should provide police protection to churches and institutions, as well as the areas where Dalit and tribal Christians live. The state government should be on special alert during religious festivals, given that much of the past violence in Kandhamal has taken place during these occasions.
- c) The state government should ensure the security of the people in the relief camps and should not force displaced people to return to the areas that remain unsafe. When people return to their homes, the state government should guarantee the safety of all returnees.
- d) The families of people who were killed should be compensated by the state and central governments. The state and central governments should compensate the displaced people and families whose houses were damaged.
- e) The National Human Rights Commission and State Human Rights Commission should develop a monitoring mechanism for communal violence in Orissa, investigate and publish a report on the recent incidents of violence, and make recommendations for improvement in the state's response to such violence.
- f) In situations of communal conflict and violence, the state government should allow the free entry of civil society and human rights organisations into the affected areas to conduct their assessment and help the victims.
- g) The state government needs to build measures to bridge communities. This is a vital tool to maintain lasting and durable peace among neighbours. A peace committee involving

all parties should be organised for the state, district and other levels. Civil society organisations should also be included as committee members.

h) The state and central governments should take immediate and genuine efforts to act upon all the recommendations identified by the Special Rapporteur on the freedom of religion or belief after her country visit to India on 3-20 March 2008 as contained in the report A/HRC/10/8/Add.3.
