

27 February 2018

India: Bail denied for human rights lawyer in Odisha state

On 23 February, the bail application of senior counsel and human rights lawyer **Upendra Nayak** was rejected by the Junior Magistrate First Class (JMFC), Mohana in Gajapati district in Odisha state. He was arrested on 20 February by Paralakhemundi Police. His next bail application will be filed before the District Judge.

[Upendra Nayak](#) is a human rights lawyer with a focus on protecting the rights of *adivasi* (indigenous) people. He is practicing as an Advocate in the courts of Gajapati, a southern district in Odisha where *adivasi* people constitute 51 percent of the population. Upendra Nayak has successfully defended a number of *adivasi* youth in Gajapati who were arrested in fabricated and false cases under the guise of anti-Maoist operations.

On 21 February 2018, Upendra Nayak appeared before Gajapati Judicial Magistrate and was sent to R. Udaygiri Jail.

On 20 February, Upendra Nayak was arrested in relation to ten criminal cases where he himself was the defense lawyer and has been charged under sections 121, 121-A, 124-A of the Indian Penal Code which are related to sedition, waging war against the State, and various sections of the Unlawful Activities (Prevention) Act. These cases were registered between 2009 and 2010 wherein he successfully defended *adivasi* individuals who were arrested under anti-Maoist operations. All the trials ended in acquittals.

This is not the first case where a lawyer representing or working with *adivasi* people has been subjected to judicial harassment in India. Most recently, Advocate A. Murugan was arrested in 2017 in relation to criminal cases in which he had been defending the accused.

Front Line Defenders condemns the arrest of of human rights defender Upendra Nayak, as it strongly believes that it is directly linked to his peaceful and legitimate work as a human rights lawyer in Odisha state in India. The arrest of Upendra Nayak runs contrary to the “*Basic Principles of the Role of Lawyers, 1990*” (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders) which clearly states that lawyers “shall not be identified with their clients or their clients’ causes as a result of discharging their functions” and “shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”.

Front Line Defenders urges the authorities in India to:

1. Immediately drop all charges against Upendra Nayak;
2. Guarantee that human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.