

URGENT ACTION

INDIGENOUS PEOPLES ADVOCATE RELEASED ON BAIL

Upendra Nayak, a 65-year-old lawyer, was granted bail and released from custody on 23 March 2018. Charged with several offences, including ‘sedition’ and ‘waging war against the government of India’, in relation to cases registered by the police over eight years ago, he could face life imprisonment if found guilty.

Upendra Nayak was granted bail after the local court cited old age and ill health on 22 March 2018 and was released from custody the following day.

Arrested on charges including “waging war against the government of India”, conspiracy, and committing a “terrorist act”, Upendra Nayak was remanded in judicial custody to a jail in Gajapati in Odisha state, eastern India on 21 February 2018. The charges relate to cases that were filed in 2009 and 2010 against several people, some of whom were represented by Upendra Nayak and subsequently acquitted.

The Odisha state police have accused Upendra Nayak of providing Maoist armed groups with logistical support from 2009 to 2010. During that time, several Adivasis were arrested for supporting Maoists, and Upendra Nayak defended them in at least 10 court cases, leading to the acquittal of many of those arrested. For over three decades, Upendra Nayak has defended Adivasi accused facing fabricated charges.

A spokesperson for the Ganatantrik Adhikar Surakhya Sangathan (GASS), a local organisation in Odisha that challenges fabricated cases filed by the police against Adivasis in the state, told Amnesty International India that Upendra Nayak was arrested because he had represented Adivasis in the courts, and that the state had fabricated charges against the advocate.

Upendra Nayak will still face trial for the criminal offences laid against him. Amnesty International will continue to monitor his trial and issue updates, as appropriate.

No further action is requested from the UA network. Many thanks to all who sent appeals.

This is the first update of UA 43/18 India Further information: <https://www.amnesty.org/en/documents/asa20/7984/2018/en/>

Name: Upendra Nayak
Gender m/f: m

Further information on UA: 49/18 Index: ASA 20/8155/2018 Issue Date: 2 April 2018

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