

Human Rights Defenders Alert - India

National Coordination Office
No.6, Vallabhai Road, Chokkikulam, Madurai 625 002, Tamil Nadu, INDIA
Tel: +91-452-2539520 Cell Phone: +91-9994368540 Email: hrda.india@gmail.com

February 22, 2011

Special Rapporteur on the situation of human rights defenders,
Mrs. Margaret Sekaggya
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland
Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert - India - Urgent Appeal for Action – Foisting of false case on human rights defender to intimidate him - Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the intimidation and the false case filed against Mr. Susai Raj Babu, the Coordinator of SICHREM District Human Rights Centre in Kolar District in Karnataka, by the Robertsonpet Police, KGF, Kolar District.

Incident

People's Watch has been informed by the South India Cell for Human Rights Education and Monitoring (SICHREM) about the false case filed against Mr. Susai Raj Babu.

Mr. Susai Raj Babu was the District Human Rights Monitor (DHRM) from 2006-2009 in the National Project on Preventing Torture in India, jointly initiated by the European Union (EU), FNST, People's Watch and SICHREM, working on the issue of documenting instances of torture and intervention in the courts and with human

rights institutions. And later became the Coordinator of the Kolar District Human Rights Centre.

According to the information received, on 5th February 2011 one Ms. Krishnamma W/o. Venkatesh had repeatedly called Mr. Susai Raj Babu to her house for some talks, he initially refused to go but due to the incessant calls, he went along with Mr. Manohar an advocate friend of his. On reaching her house, they realized that there was a trap being laid to implicate him in a case and immediately left the place.

Later through reliable sources, SICHREM got news that Robertsonpet Police had registered a First Information Report (FIR) against Mr. Susai Raj Babu in Crime No:22/2011 U/ Sec 448, 384,506 R/w 31 OF Indian Penal Code(IPC) (Details appended).

The case on him was filed on a complaint by Ms. Krishnamma at the behest of the police, since Babu on behalf of SICHREM had taken up a case of torture and illegal detention by police on Nava Kumar (her estranged son) with the State Human Rights Commission. The police in order to intimidate and restrain Mr. Susai and SICHREM from taking up this, and other cases that have been filed earlier with the National and State Human Rights Commission, is indulging in foisting of false cases through the help of local persons.

It is noteworthy that the FIR has been recorded at 5.30 PM on February 5, 2011, based on a complaint given by Mrs. Krishnamma wherein she alleges that Mr. Susai was threatening her at the same time. Unless she can be at both the police station and her home at the same time, it is but fair to infer that this whole exercise is a sham and a brazen attempt is being made to fix Mr. Susai.

We are gravely concerned about the intimidatory tactics employed by the police, and the alleged afore mentioned facts and recalls that the authorities have to fulfill their obligations under international human rights law to protect the right to life and to protect the rights of a human rights defender to perform his duties without any hindrance. The State authorities must ensure that police forces comply with international human rights standards on law enforcement, in particular those relating to the defenders rights.

We are deeply concerned by the developments and accordingly call on the competent authorities to ensure that the investigation is carried out promptly,

effectively, thoroughly, independently and impartially, the result of which must be made public, in order to bring those responsible for the filing of the FIR, before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that authorities:

- Carry out a prompt, effective, thorough, independent and impartial investigation into the filing of false case (FIR) on Mr. Susai Raj Babu., the result of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- Drop all charges drawn up against Susai Raj Babu immediately;
- Ensure that an effective remedy as well as the right to full redress, including compensation, is granted to the Susai Raj Babu;
- Guarantee the respect of human rights defender and the fundamental freedoms in accordance with national laws and international human rights standards.
- Ensure that all such human rights defenders can freely conduct legitimate activities promoting and protecting human rights without fear of reprisals, in accordance with the UN Declaration on Human Rights Defenders.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

National Coordinator

Human Rights Defenders Alert - India

Section 448-(house-trespass) the punishment being imprisonment of either description for a term which may extend to 1 year, or with fine which may extend to 1000 rupees, or with both.

****Section 384-(extortion) the punishment being with imprisonment of either description which may extend to 3years or with fine, or with both.***

****Section 506-(criminal intimidation) the punishment being with imprisonment of either description for a term which may extend to 2years or with fine, or with both.***

Copies to:

H.E. Shri.H.R.Bhardwaj,
Governor of Karnataka
Raj Bhavan Road, Bangalore-560001
Ph no: 22254102
Fax: 22258150
E-mail: rbblr@vsnl.com

Hon'ble Mr. Justice.Jagdish S Khehar,
The Chief Justice of Karnataka,
High Court of Karnataka,
Dr. Ambedkar Veedhi,
Bangalore-560001
Ph no: 22954700, Fax: 22954603

Justice S.R.Nayak,
Chairperson, Karnataka State Human Rights Commission,
4th Floor, 5th Phase, M.S.Building,
Dr. Ambedkar Vidhana Veedhi
Bangalore – 560001
Ph No: 22392200, Fax: 22392206

Shri .B.S.Yeddurappa
Honourable Chief Minister,
Government of Karnataka,
Vidhana Soudha,
Dr Ambedkar Vidhana Veedhi,
Bangalore.Ph.22253414
Fax.22253424,
chiefminister@karnataka.gov.in

Mr. R.Ashok,
Honourable Minister for Home,
Government of Karnataka,
Vidhana Soudha,
Dr Ambedkar Vidhana Veedhi,
Bangalore
Ph 22253835, fax.22033234

Mr. S.V. Ranganath,
Chief Secretary,
Government of Karnataka,
Vidhana Soudha, Bangalore-560001,

Phone:080-2225 2442, 2203 3476,
(F) 2225 8913, (M) 99805-21211,
cs@karnataka.gov.in Personal E-mail: cskarnataka@gmail.com

Shri. S.T.Ramesh,
I.P.S, Director General & Inspector General of Police,
Karnataka State, Office of the DG & IGPN0.1,
Nruputhunga Road,
Bangalore - 560001, Ph. No: 22211777, Fax: 22215911

Shri. Jairaj.K,
Addl.Chief Secretary to Government,(Home),
2nd Floor, Vidhana Soudha,
Government of Karnataka,
Bangalore-560001, 080-2225 7982, 2203 3400,
(F) 2225 6306, (M) 98450-66304,
acs@karnataka.gov.in Personal E-mail: kjairaj@gmail.com

The Superintendent of Police,
Champion Reef Post,
K.G.F-563115, ph 08153- 274291
The Deputy Commissioner and District Magistrate,
Kolar, Karnataka
Ph no: 08152 222001