

Human Rights Defenders Alert - India

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February 13, 2013

To

The Chief Minister,
Chief Ministers Office,
Secretariat,
Chennai-6000409
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Sub: HRD Alert - India - Urgent Appeal for Action – Mercy Petition for the four wrongly implicated convicts in Veerappan's case rejected by President-to be hanged soon -Belgaum/Karnataka-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 situation of Mr. Simon, Mr. Gnanaprakash, Mr. Madhaiah, and Mr. Bilavendra, the four innocent Tamils, implicated wrongly in the Veerappan Case, who are about to be executed if no action is taken.

Background Information/Case narrative:

On receiving information about the place of hiding of notorious criminal Veerappan and his gang, a Police party headed by Superintendent of Police, K. Gopalakrishnan, on 9th April, 1993, proceeded to nab them. The party comprising of police personnel, forest watchers and informants went in two buses. As a result of blasting of land mines that had been laid, the bus which was in front exploded. The explosion resulted in injuries to many and death of 22 persons. The incident took place at about 11.00 a.m. The injured were shifted to the hospital in the second bus for

treatment. After the explosion of the land mines, there were exchanges of fire also. The FIR was recorded at 2.45 p.m. on the date of the occurrence. Case was filed against 121 persons, 50 persons were arrested and prosecuted. The trial resulted in conviction of four appellants. The first appellant is Simon (accused No.18), second Gnana Prakash (accused No.30), the third Madhiah (accused No.31) and the fourth appellant is Bilavendra (accused No.32). The remaining accused have been acquitted. The Special Judge, TADA Court, Mysore, by the impugned judgment and order, has convicted the appellants for offence under Sections 3, 4, 5 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (for short 'the TADA Act'), Sections 143, 148, 307, 302, 332, 333, 324, 120(B) and 149 Indian Penal Code, Section 3 of the Explosive Substances Act and Section 25 of the Indian Arms Act. In respect of the main offences, the appellants have been sentenced to undergo rigorous imprisonment for life besides fine and further imprisonment in default of payment of fine.

Whereas the Hon'ble Supreme Court of India on 29/1/04, on an appeal from the state, has set aside the orders passed by the lower court and ordered for a death sentence claiming that the punishment is inadequate. (A link to the Supreme Court Judgment is annexed at the bottom).

Incident:

These four men who have not seen Veerappan in their entire life have been falsely implicated and detained in the Belgaum Central Jail. The Supreme Court gave its verdict on 29/1/2004 and the convicts filed an mercy petition which stands denied by the President of India on 11.02.2013.

Appeal:

We therefore urge you to immediately take necessary steps as:

1. These men are innocent and have never seen Veerappan in their entire life. Therefore, the hangings should be called off. There is no greater human rights violation than a transgression of the right to life.
2. Secret hangings should not take place; rather, proper intimation must be made to the families beforehand.

3. Before a death sentence is carried out, there should be sufficient time to allow the prisoners or civil society to intervene before the Supreme Court
4. In all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India should be ensured.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

Henri Tiphagne

Honorary National Working Secretary
Human Rights Defenders Alert - India