

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

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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

Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert - India - Urgent Appeal for Action – India/Tamil Nadu- Tirunelveli:

Activist fighting sand mafia mowed down by truck - 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 case of young anti-mining activist Mr. Sathish who was ran over by a truck by the sand mafia.

Incident

Name of the Perpetrators: Tenzing – Councilor, AIADMK (All India Anna Dravida Munnetra Kazhagam – a Political Party) and his brother Kingston (Truck Driver)

Place of incident: Mithatharkulam, Tirunelveli district, Tamil Nadu

Date of incident: 11th March, 2012

About the activist:

The young activist named Sathish, (21 year-old ITI graduate) son of farmer Esther Vincent Kumar of Mittarkulam village in Tirunelveli district of Tamil Nadu had been actively engaged to curb the sand mafia in the region. He had campaigned at Nambiyaru and organized protests against the miners in Mittatharkulam village. The youth had the support of villagers as sand mining severely affects their farming activity and livelihood. Due to opposition from villagers, the sand mafia used to mine at night.

Case Narrative:

On 11th March 2012, receiving information that mining was going on at Nambiyaru, Sathish alerted the villagers at around 2.00 a.m. Around 20 of them rushed to the spot and tried to stop the truck. Villagers said Sathish and friends stood at one end of the road while the rest of the villagers were on the other end. They blocked the road through which the sand-laden truck was to pass. However, Driver Kingston, a native of Ittamozhi village, trying to flee in the truck, accelerated and ran over Sathish, who was leading the blockade. Sathish, who was critically injured and sustained serious head injuries, died on the spot.

The agitated villagers staged a demonstration and blocked the Vallioor-Tiruchendur road demanding the arrest of those involved in sand mining at Nambiar River. The Vallioor Deputy Superintendent of Police (DSP) NK Stanley Jones rushed to the spot and pacified the protesters promising stringent action against the sand mining mafia.

The villagers alleged Tenzing was in the truck when Kingston mowed down Sathish. After the incident, officials who came to the spot tried to spin the story that the boy was killed in a clash which irked the villagers, who protested.

Following the protest by villagers and refusal by Satheesh's kin to take possession of his body, police registered a case against 10 people, including Tenzing – the AIADMK Councilor of Nanguneri Panchayat Union Council, and arrested Kingston (Tenzing's brother) and the lorry's cleaner Arul Raj, 32, of Achampadu and seized the vehicle. A special team was searching for the prime accused Tenzing.

Meanwhile, police sent Sathish's body for autopsy to Asaripallam Government Medical College Hospital at Nagercoil. Cheranmadevi sub-collector Rohini Ramadoss inspected the incident spot and opened a check-post near the village to prevent illegal sand mining.

Background information:

The areas namely Kottaikarungulam, Vaduganpatti, Mithatharkulam, Anaikarai, Nambikurichi, Mudavankulam, Kasthurirangapuram, Perunkulam and other surrounding villages in southern Tamil Nadu depend on Nambiyar River near Vallioor for drinking water and irrigation needs because the ground water is unfit for drinking. The villagers of Mittatharkulam have been fighting the sand mafia for quarrying sand from the bed of Nambiyar River, the only source of drinking water for more than 15 villages, for over a

decade. Political parties holding office in the state have been aiding the mafia. The mafia had attacked a tahsildar in the same region a few years ago after he tried to stop mining on the Nambiyar river bed.

The sand lobby always had its way irrespective of the party in power. When the DMK (Dravida Munnetra Kazhagam) was in office, AIADMK (All India Anna Dravida Munnetra Kazhagam) functionaries would be in the forefront of the agitation against sand mining and the roles would change when AIADMK formed the government. Sand mined from Nambiyaru was being illegally ferried to Kerala. Truckers have brought coconut waste from Kerala to construct a dirt track on the river bed for their trucks.

The villagers have been fighting the sand lobby for more than 10 years and because of this, the successive governments have foisted false cases on them including women.

Appeal

We, therefore, urge you to immediately take necessary steps to

1. Order an immediate, thorough and impartial investigation in this regard and book the perpetrators under the appropriate provisions of law in order to bring out the facts and political backing behind the issue
2. Guarantee in all circumstances the physical and psychological integrity and safety of the activists / the villagers who are protesting the illegal mining activity on the Nambiyar riverbed;
3. Stop the illegal mining in the region which can wreak havoc on the environment and the lives of the locals and ensure that stringent measures against the illegal mining mafias be taken by the authorities of the state of Tamil Nadu;
4. Guarantee in all circumstances that human rights defenders are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary,

Human Rights Defenders Alert - India