

Human Rights Defenders Alert - India

National Coordination Office

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Special Rapporteur on the situation of human rights defenders,

Ms. 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 - Tamilnadu: Tirunelveli District: False cases filed against the human rights defender Bharathan who is working for the dalit communities - 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 false cases implicated against Mr. Bharathan who is a human rights defender mainly working for the upliftment of the dalits in Tirunelveli District, in Southern Tamilnadu. Human Rights Defenders Alert - India had already issued an urgent appeal in May 29, 2009 condemning the filing of a false and baseless murder case against him. Now he has been also nominated for the Human Right Defenders Tulip prize.

About the activist:

Mr. M. Bharathan is a human rights defender who has been very active in Tirunelveli and surrounding southern districts of Tamil Nadu in work with Dalit communities by forming Dalit Federations, conducting legal awareness trainings and rehabilitation for Dalit victims of human rights violations. He

heads an organization named Human Rights Education and Protection Council (HREPC) also known as Kalam in these parts and has been instrumental in the filing of the highest number of cases under the SC/ST (Scheduled Caste / Scheduled Tribe) (Prevention of Atrocities) Act, 1989 in the past year in a district in Tamil Nadu. Mr. Bharathan has also been campaigning for police reforms and against custodial torture.

Incident:

According to the information received, Mr. Bharathan was subjected to harassment by the dominant castes people of the Tirunelveli District and by the Tirunelveli police. On the Indian Independence Day, the 15th of August, 2012, he had organized a hunger strike along with some Dalit villagers, protesting the untouchability that they were subjected to.

As a consequence of this, two FIRs were filed against him. One in Crime Number 304 / 2012 in Ambasamudram Police Station, where he has been booked under sections 143, 149 and 188 of the Indian Penal Code and under Section 2 of the Prevention of Insult on National Honour Act. And the other in Crime Number 316 / 2012, also of Ambasamudram Police Station, under section 107 of the Criminal Procedure Code for Apprehension of Breach of Peace and Tranquility in an area.

The police deny permission to organize any meeting or demonstration that Mr. Bharathan organizes or participates in. Mr. Bharathan's organization has been denied registration under the Foreign Contribution Regulation Act (FCRA) because of the murder cases pending against him.

Earlier, in July 2011 yet another false case was filed against him in Pudukottai Police Station for staging a road-block protest to demand a burial ground for Dalits who are denied access to existing burial places.

Appeal

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

1. To ensure the physical and psychological safety and integrity of Mr. Bharathan;

2. To immediately withdraw all the false cases which have been foisted against the dalit human rights activist;
3. To conduct, transparent and an impartial investigation into the said case and book the police officials under the appropriate provisions of law who were involved in filing false cases;
4. To ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.
5. To guarantee in all circumstances that all 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;

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Honorary National Working Secretary

Human Rights Defenders Alert - India