



Human Rights Defenders Alert - India

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Shri A. K. Parashar

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Sub: HRD Alert - India – Urgent Appeal for Action – Kerala: Case of brutal physical assault, arrest, detention, fabricating evidence, falsifying FIR and remand report of the students of the Students Islamic Organisation of India (SIO) including minors and women by the Kerala police on March 26, 2016 and denying them their rights to freedom of peaceful assembly and association and register their protest in district Kozhikode, Kerala – Regarding

Dear Sir,

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 writing to express our grave concern over the brutal physical assault, arrest, detention, fabricating evidence, falsifying FIR and remand report of the peaceful and unarmed student protesters of the Students Islamic Organisation of India (SIO) including minors and women by the state police in Kozhikode district of Kerala who had gathered to demand justice and highlight issues taking place in Hyderabad Central University, Jawaharlal Nehru University and Ferguson College.

Status of Human Rights Defender:

Students Islamic Organisation of India (SIO) Kozhikode, Kerala is an Indian student organisation which is working among the students across the country with the objective of preparing students and youth to play a constructive role in the society.

Source of Information on the Incident:

- Written communication from SIO Kozhikode, Kerala
- Activists from SIO and other HRDs in the region
- Regional Coordinator of HRDA for South of India
- Media Reports

Date of incident:

March 26, 2016

Place of incident:

Near Head Post Office, Mananchira, Kozhikode District, Kerala

The Perpetrators:

- The Circle Inspector of Police, Mr Pramod of Kasaba Town Police Station, , Kozhikode, Kerala
- The Sub-Inspector of Police, Mr Rajesh of Town Police Station, Kozhikode, Kerala
- The Assistant Commissioner of Police, Kozhikode, Kerala
- Dr. Anas Kunnummel and Dr.Jisha

Details of the Incident

According to sources, on March 26, 2016, at 10 a.m. the Students Islamic Organisation of India (SIO), Kozhikode District Committee, had conducted a peaceful march towards the head post office, Mananchira protesting against the brutal lathi-charge which took place recently in the University of Hyderabad and demanding the release of students and faculty members who were arrested. The protesters also demanded the sacking of vice chancellor of Hyderabad Central University Mr. P. Appa Rao.

During the course of the protest, peacefully protesting students including the girls, were brutally beaten up by the police without any provocation. The police used excessive force with several students beaten sustaining head injuries. Around 40 student activists were admitted to Beach Government Hospital. Circle Inspector of Police, Mr Pramod and sub inspector of police, Mr Rajesh of Town police station were the officers who issued the order for lathi-charge against the students. This lathi-charge was conducted when the students were sitting peacefully on the road and their representatives were in discussion with Assistant Commissioner of Police.

A total of 25 students were arrested initially out of which 5 were minors and 3 were girls all in violation of the Juvenile Act section 30. The minors were arrested and placed with the others, their parents were not informed. Only

the probation officer was informed. They were not provided food and water. The injured as well as others were denied initial treatment for the injuries sustained and were produced before the court only at 12 am midnight almost 13 hours after they were arrested. Girls were beaten by the male police personnel. Although the police report does not mention that girls were involved in the protest and crimes they mentioned, they still were still made to wait until 3 am to be granted bail along with the minors at the police station itself.

Few leaders of SIO went to the police station to enquire about the arrests, who too were detained citing preventive arrest and were let off only at 11 PM. Students who lost consciousness and were grievously injured were only taken to hospital. Seventeen students are currently under remand out of which two are hospitalised. They have been charged with case No.323/16 under Sections 143, 144, 145, 147, 148, 153, 283, 354, 332, 353 of IPC out of which three sections are non-bailable offences.

It is further learnt that as per police reports, no public property has been damaged or destroyed and this itself is a proof of the fact that the protest was peaceful. There were no police barricades at the venue of the protest site and the police used force directly against the students without trying to block or stop the protest march. The police have fabricated reports that police personnel including female police personnel were beaten and injured by the protesters. The police have also falsely stated in the FIR that the students raised slogans like "Down, Down Hindustan" which will obviously have drastic consequences for the students and the organisation. In fact the recordings of the event show that no slogans were raised which prove otherwise that this is fabricated.

The activists have been granted bail but they feel that the police are not done with their assault and registering of false case .Yet another FIR has been registered against the activists who got bail on the false allegation that they raised slogans against the court and the police during the warm reception they were afforded in the court compound after the availed bail. It is also learnt that the police have filed a petition for cancellation of bail on the same reason showing eagerness to mark the activists as anti-nationals and to take revenge on them. It is said that, the Circle inspector of police Mr. Pramodh of Kasaba police station is the master brain behind all this and is using the entire police force and state machineries for furthering his anti-Muslim sangh parivar political interest as also seen in the events at JNU and HCU.

Another fact which shows and proves the graveness of police action is that the wound certificates of the five minors and another four students, who were hospitalized for the serious injuries caused by CI Mr.Pramodh while they are being transported to the police station after arrest, are not to be found anywhere in the hospital records. It is learnt that the doctors are also with the police in this game. A complaint has been filed with the hospital superintendent against Dr. Anas Kunnummel and Dr. Jisha, for misusing their position to help police, no action has been taken till date. These incidents of fabrication of cases and falsification of records are clear and blatant violation of fundamental rights ensured to women, minors, students and religious minorities under Indian constitution and international instruments on human rights.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the Deputy Commissioner and District Magistrate of district Kozhikode:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of brutal physical assault, illegal arrest, detention, fabricating evidence, falsifying FIR and remand report of student HRDs of the Students Islamic Organisation of India (SIO) which included minors and women;
- Takes necessary steps to ensure that the student HRDs are released unconditionally, the cases filed against them are withdrawn and also to take the necessary steps to quash the FIR, enabling them to concentrate in their studies instead of forcing them to regularly visit courts and face harassment;
- Take immediate legal action on the perpetrators in this case personnel of Kozhikode City police for the brutal assault and denial of the right to assemble and associate freely to all the student human rights defenders who participated in the peaceful assembly and protest;
- Take appropriate actions against the police officers involved in using excessive force, fabricating evidence, falsifying FIR and remand report including Circle Inspector of Police Mr. Pramodh of Kasaba station and Sub Inspector of Police Mr. Rajeesh of town police station who are directly involved in this and all other state machineries including the hospital authorities ;

- Take steps to ensure the provisions contained in the Code of Conduct for Police in India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms;
- Puts an end to all acts of attack and harassment against all human rights defenders in general in the state of Kerala to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Take steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
 - Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de

jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

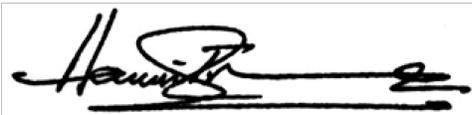
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Kerala to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within the State of Kerala for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Kerala in collaboration with the NHRC Focal Point on HRDs and the SHRC Kerala to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Kerala in collaboration with the SHRC, Kerala to publicly acknowledge the importance and legitimacy

of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ...promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);

- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the State of Kerala.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', written over a horizontal line.

(Henri Tiphagne)

National Working Secretary