



Human Rights Defenders Alert – India

National Coordination Office

No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu, INDIA

Tel: +91-9994368540 Email: hrda.india@gmail.com

17th May, 2016

To

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan, Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Tamilnadu: Brutal murder of Dalit social activist and human rights defender Mr. Chinnasamy, regional secretary of 'Dalit Freedom Party' by dominant castes in Erode district of Tamilnadu - Regarding

Greetings from Human Rights Defenders Alert - India!

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

We are writing to express our grave concern regarding the brutal murder of Mr.Chinnasamy, regional secretary of 'Dalit freedom Party' for raising issues related to atrocities committed on the members of scheduled caste communities at a meeting of people from Arunthathiyar and Gounder Communities convened by the Divisional Revenue Officer in Erode Tahsildar Office in Tamilnadu.

Source of Information on the Incident:

- Media Reports

Status of the Human Rights Defenders:

MR. Chinnasamy, S/O Mr. Senni, aged 50 years was a resident of Nallampatti, RicemillPudhur road, Perundhurai Taluk, Erode District, Tamilnadu. He was the Regional Secretary of the 'Dalit Freedom Party' in Tamilnadu.

The Perpetrators:

- Mr. MaarappaGounder
- Unknown persons from Gounder community from Nallampatti

Date of Incident:

March 19, 2016, around 6.30 PM.

Place of Incident:

Nallampatti, district Erode, Tamilnadu

Details of the Incident:

According to sources, on March 10, 2016, a temple festival was organised by the GounderCommunity people in Annamar Temple in Nallampatti village, district Erode, Tamilnadu. Mr. Vivekanandhan, Mr. Krishnan and Mr. Nithyanandhan of Sellampalayam village from the Arunthathiyar Community (Scheduled Caste) were witnessing the festival in Ricemill Pudur Road at around 10.30 PM on the same day. Mr. MaarappaGounder who belongs to Nallampatti Village came in a car where they were standing. He told them to stand on the side of the road for which they replied that they were standing only on the side of the road. Mr. MaarappaGounder questioned them for having courage to speak against him in his village. He also insulted all of them by calling them by their caste name "sakkilinaaye". Mr. MaarappaGounder assaulted all three people in the presence of his driver and other people from Gounder Community.

A case was filed at the Thingalur Police Station and was registered as CRPC 176/2016, in which Mr. MaarappaGounder and others were charged under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Mr. Vivekanandhan, Mr. Krishnan and Mr. Nithyanandhan were booked for attempting to murder. Later, on March 18, 2016, a mediation meeting was organised by Mrs. Narmadha Devi, the Divisional Revenue Officer between people from Arunthathiyar and Gounder communities in Erode Tahsildar Office.

Mr. Chinnasamy of the 'Dalit Freedom Party' was also present during the meeting. He had been voicing concern over the atrocities committed against the Arunthathiyar community in Nallampatti area. During the mediation meeting he stated that the accused Mr. MaarappaGounder named in the attack on three persons has been involved in similar incidents in the past too. After the meeting, Mr. Chinnasamy as usual went to his village to work as agricultural labour in the farm of Mr. Chenniyappan. On March 19, 2016, around 6.30

PM, a day after his dead body was found in the farm with his neck strangulated with a towel. People from Arunthathiyar community protested against this murder and blocked the road. At around 12.30 AM the police sent the dead body of Mr. Chinnasamy to Coimbatore Government Hospital for post mortem.

After the Arunthathiyar community people protest to seek justice for the killing, a social boycott has been imposed on them. They are being denied to have agricultural labour work in the area and have also been excluded from public activities. It is also being alleged that the government officials have not taken any action in this regard citing the State Assembly Elections as a reason for their non-action.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Erode District:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal murder of Dalit rights activist and human rights defender Mr. Chinnasamy of the Dalit Freedom Party;
- Take immediate legal action on the perpetrators, in this case Mr. Maraappa Gounder, the personnel of the Thingalur Police Station and the district authorities for the negligence in the case of murder as well as allowing social boycott and harassment of the villagers;
- Guarantee in all circumstances the physical and psychological integrity of the activists of Dalit Freedom Party and the other villagers, who are still under risk of further reprisals from the perpetrators belonging to the dominant caste;
- Ensure provision of reparation, compensation, apology to the family members of the defender for the psychological sufferings they are undergoing because of his unnatural death and provide a re-assurance of not engaging in such acts against the villagers and HRDs from 'Dalit Freedom Party';
- Put an end to all acts of attack and harassment against all human rights defenders such as 'Dalit Freedom Party' in the State of Tamilnadu to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;

- Takes 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 Tamilnadu 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;
- Recommends 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 Tamilnadu for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Tamilnadu in collaboration with the NHRC Focal Point on HRDs and the SHRC Tamilnadu 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 Tamilnadu in collaboration with the SHRC, Tamilnadu 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, ensures 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 Tamilnadu.

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