



Human Rights Defenders Alert – India

National Coordination Office

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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: Physical assault, harassment and false case filed against two journalists and human rights defenders Mr. Sekar and Mr. Sivasubramanian for investigating a case of death during a public meeting addressed by the Chief Minister Ms. J. Jayalalitha in Salem 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 two journalists and human rights defenders, Mr. Sekar and Mr. Sivasubramanian, who were publically assaulted and harassed and, later false casefiled against them in Salem district of Tamilnadu. The journalists were targeted by Tamilnadu ruling party AIADMK members for investigating a case of death during a public meeting organised in Salem district of Tamilnadu which was addressed by the Chief Minister of the state Ms. J. Jayalalitha.

Status of the Human Rights Defenders

Mr. Sekar, S/O Murugesanis a resident of lane no - 2 Gowrimuthu Street, Attur, Salem district of Tamilnadu. He works as a journalist with a premier Tamil daily 'Dinakaran'.

Mr.Sivasubramanian is a resident of Lane no - 4, Housing Board, Attur, Salem district of Tamilnadu. He is a journalist working with Tamil magazine 'Nakkeran' which is published biweekly.

Source of Information on the Incident:

- Media Reports

Date of Incident:

April 21, 2016

Place of Incident:

Ramanathapuram, Gengavalli Taluk in Salem District, Tamilnadu

The Perpetrators:

- Mr.Elangovan, District Secretary, AIADMK, Tamilnadu
- Mr.Raja, Secretary, AIADMK, Tamilnadu
- Mr. Arjun, District Secretary, AIADMK, Tamilnadu
- Mr.Thennarasu, AIADMK, Tamilnadu
- Mr.Perumal, Secretary, AIADMK, Tamilnadu

Details of the Incident:

According to sources on April 21, 2016, Mr. Sekar and Mr.Sivasubramanian, both journalists had gone to the village of Ramanathapuram, Gengavalli Taluk in Salem District to get the information about the incident involving the death of Mr.Periyasamy from his son Mr. Eshwaran. Mr.Periyasamy, a villager died during a public meeting organised in Salem district for Ms. Jayalalithaa, Chief Minister of Tamil Nadu for the upcoming state assembly elections.

The General Assembly Elections in Tamilnadu state were scheduled to be held in May 16, 2016. Ms. Jayalalithaa, Chief Minister of Tamil Nadu and General Secretary, AIADMK has been canvassing for candidates belonging to the districts of Salem, Namakkal, Tiruppur, Coimbatore, Erode, Karur and in the neighbouring state of Kerala too.

On April 20, 2016, Ms. Jayalalithaa's party organised a public meeting in Salem district in which Ms. Jayalalithaa was scheduled to canvass for her party candidate. The public meeting was organised at an empty ground where no shelters were arranged for the people gathered. About a lakh people were brought in the morning and were made to wait in the open ground till evening. The ground was fenced in such a way that those who had been

inside the ground were unable to leave due to the barricades erected by the police posted there for security.

The temperature in Salem on that day was recorded at 106°F and people were made to wait for the whole day bearing the scorching heat without provision of drinking water and many of those present fainted due to suffocation and heat. One of the participants, Mr. Periyasamy of Ramanathapuram, Gengavalli Taluk in Salem District fainted on the ground and died at the spot there. The policemen present did not take his body to the hospital instead forced his relatives to take the body to their village.

The two journalists Mr. Sekar and Mr.Sivasubramanian were present at the village of Mr.Periyasamy on April 21, 2016 and interviewing his son Mr. Eshwaran about his father's death. Meanwhile, Mr.Elangovan, District Secretary, AIADMK, Mr.Raja, Secretary, AIADMK, Mr.Arjun, District Secretary, AIADMK, Mr.Thennarasu, General Body Member, AIADMK, and Mr.Perumal, Secretary, AIADMK came there and started attacking the two journalists saying they will not be spared as they have come to collect information and write negative reports in the newspapers about their leader (Ms. Jayalalithaa). They also snatched Mr. Sekar's camera and broke it.

The two journalists after the attack were treated in Salem Government Hospital for their injuries suffered in the attack. A complaint was filed against the perpetrators in Gangavalli Police Station and a case was registered against them in Cr. No 120/2016 under sections 323, 427 and 506(1) of IPC. All the perpetrators belong to the AIADMK, the ruling political party in the state of Tamilnadu. They used their political clout and managed to file a complaint under the Scheduled Caste and Scheduled (Prevention of Atrocities), Act against the two journalists who were attacked.

Appeal:

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

- Order an immediate, thorough, transparent, effective, independent and impartial investigation into the above-mentioned incident of physical assault and filing of false cases against two journalists and human rights defenders Mr.Sekar and Mr.Sivasubramanian;
- Take immediate action on the perpetrators in this case the members of the ruling party for the assault, harassment and false case filed against journalists and human rights defenders Mr.Sekar and Mr.Sivasubramanian and use all provisions of law to

ensure that the human rights defenders are not harassed, ill-treated and falsely implicated by the Tamilnadu police;

- Ensure immediate appointment of a competent senior lawyer practicing on the criminal side in Chennai, Tamilnadu to defend the HRDs in all the criminal cases registered against them at State cost and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of journalists and human rights defenders Mr. Sekar and Mr. Sivasubramanian as they continue to be under the risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of reparation, compensation, apology to the human rights defenders for the physical and psychological suffering they are undergoing because of the harassment and false cases against them and provides a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of harassment against all human rights defenders such as Mr.Sekar and Mr.Sivasubramanian in the State of Tamilnadu to ensure that in all circumstances they carry out their activities as journalists, writers and 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;
- 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 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,



(Henri Tiphagne)

Honorary National Working Secretary

