



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

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To

Shri Srinivasa Kammath

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 – Custodial Torture, Tamil Nadu:- Environment rights activist and human rights defender Mr. Piyush Manush, Convener of Salem Citizen’s Forum, Tamil Nadu is being subjected to physical assault, ill-treatment and facing constant torture in police custody at Salem Central Prison in Salem district of Tamil Nadu – 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 criminal physical assault, inhuman and cruel treatment and torture in police custody of environment rights activist and human rights defender Mr. Piyush Manush, Convener of Salem Citizen’s Forum, Salem in police custody at Salem Central Prison in Salem district of Tamil Nadu. The human rights defender is being targeted and implicated in many fabricated cases including sedition due to his continuous human rights work in Salem district of Tamil Nadu.

Source of Information on the Incident:

Reports from Media

Status of the Human Rights Defender:

Mr. Piyush Manush, 40 year old is Convener of Salem Citizen's Forum, Tamil Nadu. The forum was formed in 2010 when a few volunteers came together to work on environment protection and the group took the task of cleaning Mookaneri lake, a 58-acre water body located at the foot of the Shevaroy hills in the Eastern Ghats, in Salem district. The forum holds its regular meetings to discuss and find solutions to problems in the district—civic, social, cultural, environmental—and have also managed to clean up six lakes in the area. Mr. Piyush Manush along with his colleagues and human rights defenders been opposing the entry of mining companies in Kanjamalai hills rich in iron ore located around 14km from Salem and educating locals on the negative impacts of mining operations. In 2010, as a representative of the Campaign for Justice and Peace, a nationwide campaign started by people concerned about human rights violations in Chhattisgarh, Mr. Piyush Manush was arrested and charged with sedition. The HRD Mr. Piyush Manush has 10 to 12 cases pending against him. He has cases in 3 police stations dating back to 2006. All of these cases had been slapped on him due to his social activism.

The Perpetrators:

Salem District Police, Tamil Nadu

Date of Incident:

Arrested on July 8, 2016 and still being held in police custody, denied bail.

Place of Incident:

Salem Central Prison, Salem, Tamil Nadu

Details of the Incident:

HRDA-India has been informed that on July 15, 2016 at around 2:15 pm Ms. Monika wife of Mr. Piyush, along with Balasubramani from Dharmapuri, and Eswaran from Chennai went to the Salem Central Jail during visiting hours to meet Piyush Manush. At around 3:00 pm Piyush came out to the meeting area. As soon as Piyush came,

there were two police men, one Mr. Kanagaraj who was standing in between Piyush and his wife and the other police man was standing behind Piyush. They stayed there throughout their meeting without moving anywhere else. When Monika was talking to his husband Piyush in her mother tongue, Marwadi, Mr. Kanagaraj interrupted her and told her she can only talk in Tamil and not in any other language. Piyush was about to say something and could not express it clearly when these cops were present. Monika had to use Marwadi again to ask Piyush about his status inside the jail, where Piyush expressed the situation in the jail is not good. He told he is being continuously abused physically and verbally and has been put in solitary confinement. Piyush's wife was denied to hand over a book "Kautilya's Arthashastra" to Piyush to read inside. Even the policemen Mr. Madhyan asked into to take it inside, saying what if he is going to learn criminal activities from that book, which would become a problem for the country. When they were coming out Mr. Eswaran was asked to wait near the exit gate by the policemen, the other two were asked to leave the place. The police man threatened Mr. Eswaran by asking his name and the place he is coming from, and warned him if he really wants to live in Chennai safely? At around 4:30 pm, Mr. Mayan, Piyush's lawyer visited him and informed that Piyush Manush was physically assaulted and mentally abused several times by a group of unknown persons numbering nearly 30 with the knowledge and support of police inside the prison. It is to be noted here that the HRD has undergone several surgeries, one for a head injury, the other for a tumour on his back and three major orthopedic surgeries. In the present situation any blow in head is going to be life threatening for him.

Background:

The HRD Mr. Piyush Manush along with two other activists and human rights defenders from Salem Citizen's Forum were arrested by Salem city police on July 8, 2016 when they were protesting against the construction of a flyover at Mulvadi Gate area in the city.

Manush chained himself to the road-roller along with two others as the first day of construction began for the Mulvadi Bridge. They alleged that in the said construction project due procedure was not followed. The police arrested them under three charges – disobedience to order duly promulgated by public servant, Punishment for wrongful restraint, wrongful confinement and criminal intimidation. Judicial Magistrate

1, Salem Court dismissed the bail application of Mr. Piyush Manush, while two others of the forum were granted conditional bail on July 14, 2016. The police opposed granting bail to Piyush Manush and said that three cases related to law and order issues were registered against him in the city police stations. The police argued against granting bail to the convener while they did not oppose granting bail to two others, Esan, Karthik and Muthu. The HRD Mr. Piyus his facing charges of criminal intimidation under section 506(2) of IPC, which is a non-bailable offence.

Appeal:

Therefore, HRDA most respectfully appeals that this Hon'ble Commission to immediately take necessary steps to ensure that the Director General of Police of Tamil Nadu:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the physical assault and torture in police custody of environment rights activist and human rights defender Mr. Piyush Manush by a special team of officials senior to the SP of Salem district without engaging any of the local police officers and police stations in Salem district, Tamil Nadu;
- To immediately direct the Chief Secretary Tamil Nadu in co-ordination with the District Magistrate Salem district to ensure complete medical check-up of environment rights activist and human rights defender Mr. Piyush Manush totally at state cost in the best medical facility in the state to ensure that he is not suffering from any internal medical ailments;
- Takes necessary steps to ensure that the defender is released unconditionally and the cases filed against all of them are withdrawn and the complaint is entrusted to the Special Rapporteur to handle as an investigator on behalf of the Hon'ble Commission;
- The immediate appointment of a competent senior lawyer practicing on the criminal side in Salem District of Tamil Nadu to defend the HRDs in all the criminal cases registered against them at state cost with the counsel so

appointed reporting to this Hon'ble Commission in periodic intervals as determined by the Hon'ble Commission on the development in these cases;

- Take immediate action on the perpetrators in this case the Salem district police for the physical assault and acts of torture perpetuated on environment rights activist and human rights defender Mr. Piyush Manush;
- Guarantee in all circumstances at the cost of the state, the physical and psychological integrity of the defender Mr. Piyush Manush who is still under risk of further attacks from the perpetrators;
- Ensure provision of reparation, compensation, apology to the defenders for the physical and psychological sufferings they underwent because of the physical assault, ill-treatment and custodial torture and provide a re-assurance of not engaging in such acts against HRDs such as the defenders from Salem Citizen's Forum, Tamil Nadu;
- Put an end to all acts of harassment against all human rights defenders in the State of Tamil Nadu 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 Tamil Nadu to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs in the state have a new protection mechanism;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Tamil Nadu in collaboration with the SHRC Tamil Nadu 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 Tamil Nadu.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary