



Human Rights Defenders Alert- India

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To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy 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 – Dalit scholar and women activist Ms. Deepa Mohanan harassed, prevented from protesting peacefully and arrested and charged with obstructing police in their duties in Kottayam, Kerala – 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 over the arrest of Dalit scholar and women activist Ms. Deepa Mohan harassed, prevented from protesting peacefully and arrested and charged with obstructing police in their duties in Kottayam, Kerala.

Status of Human Rights Defender:

Ms. Deepa M Mohanan is a Dalit research scholar at the Centre for Nanoscience and Nanotechnology and a highly articulate Ambedkar Students Association activist of MG University, Kottayam.

Source of Information on the Incident:

- Communication with activists in Kerala
- Media Reports
- The Regional Coordinator of the HRDA for the South Region

Date of incident:

13 March 2017

Place of incident:

The office of the Superintendent of Police, Kottayam District, Kerala

The Perpetrators:

The police personnel of Kottayam District

Details of the Incident

Last year, Ms. Deepa P Mohanan, a Dalit research scholar of the Centre for Nanoscience and Nanotechnology, had complained against her head of the department Mr. Nandakumar Kalarikkal that she had been denied access to department facilities and lab as part of caste discrimination she was subjected to undergo while at the department. In one occasion, she was even locked inside the lab.

Despite being a registered research scholar, she was not allowed to use study materials. Often, she had to depend upon study stuff borrowed from others. Subsequently, she moved a complaint with the university vice chancellor who asked a syndicate sub-committee to probe into the complaint.

In the afternoon of 13 March 2017, Ms. Deepa after being faced with mistreatment by the police in a case she had filed a year ago, arrived at the Superintendent of Police's (SP's) office with the mission to meet with the officer. She had alleged that it was a wrong report the police had given to the High Court that led to dropping her case citing lack of evidences. Therefore, she had come to the SP's office to file a fresh petition in the case. After she was denied permission to see him, Ms. Deepa staged a protest by holding a placard demanding justice for her in front of the office. Within minutes, a couple of women police officers arrived in the scene and demanded her to get out of the office complex. She resisted the move and in the meanwhile went live through her Facebook.

She was staging a protest at SP's office alleging that police have played a conspicuous role in sabotaging a case she had filed against her department head under relevant sections of SC/ST (Atrocities Prevention) Act an year ago.

Since she was protesting, she was arrested under non-bailable offence with the charges of obstructing their duty. In the video in circulation, it is clearly seen that the officers are shoving and forcing her to get out of the office. In the scuffle, Ms. Deepa developed uneasiness and sought medical help at the medical college hospital in Kottayam.

When a certain media contacted her, her friend, who was accompanying her at the hospital, told that she was totally unwell to even talk. She also said that the police have taken her to custody on false charges.

The Kottayam police have stated to the media that, she was taken to custody after she obstructed the officers in executing their duties, attacked them and further said that, she had come to the office of the SP with the motive of creating a ruckus.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of illegal arrest detention and remand of student activist Ms. Deepa Mohanan;
- Takes necessary steps to ensure that Ms. Deepa Mohanan is released unconditionally, the fabricated cases filed against her are withdrawn and also take the necessary steps to quash the FIR;
- Take immediate legal action on the perpetrators, in this case personnel of the SP's office and the City Police, for arresting Ms. Deepa Mohanan, who had come to meet the SP and had also conducted a peaceful protest and is now accused of obstructing police officers in their duty, thereby denying her the right to expression to them who were involved in a peaceful act;
- Take appropriate actions against the police officers involved in using their powers to falsifying FIR and remanding the activist by police personnel of SP's Office and the City police station who are directly involved in this ;
- Puts an end to all acts of attack and harassment against all human rights defenders and women 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);

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

(Henri Tiphagne)

National Working Secretary