



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 16, 2017

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 – Andhra Pradesh:
Illegal detention and torture of a young Dalit student activist of Student
Federation of India (SFI), Mr. Stalin in Tirupati, Andhra Pradesh -
Regarding***

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 now writing to express our grave concern regarding the illegal detention and torture of young dalit law student and activist associated with Student Federation of India (SFI), Mr.Stalin in Tirupathi, Andhra Pradesh by the police.

Source of Information on the Incident:

- Media Reports
- The Regional Coordinator of HRDA for South of India

Status of the Human Rights Defenders:

Mr., Stalin, is a 26-year-old dalit youth and a final-year law student at Dr BR Ambedkar Law College in Tirupati, and is also member of the Student Federation of India (SFI). He hails from Thiruporur in Kancheepuram, Tamil Nadu.

The Perpetrators:

- Mr. Pradeep Kumar, Sub Inspector ,Tirupati East Police Station
- Mr. Shanmugasundaram, Constable, Tirupati East Police Station

- Mr. Venkatesh, Constable, Tirupati East Police Station
- Mr. Murali, Constable, Tirupati East Police Station

Date of Incident:

June 4, 2017

Incident detail:

According to sources, on the midnight of June 4, 2017, Mr. Stalin was arrested at city central bus stand in Tirupati when he had gone to see off his relatives. Some police personnel approached him questioning him being at the bus stand that point of time in night. As Mr. Stalin did not know Telugu or Hindi, he responded in Tamil saying that he is a student and is there to drop his relatives. The police personnel said that they did not believe him. Stalin even asked them to enquire with his relatives who had got inside a bus by then, or his local guardian in Tirupati, or with the college authorities to verify his claims.

Since Tirupati, is an important transit point for red sander smugglers and the woodcutters, the police personnel accused him of being a daily wage labourer working for the red sanders smuggling network, and took Mr. Stalin to the Tirupati East Police Station where they confiscated his mobile phone, making it impossible for him contact his family members, friends and the college where he studied.

The police beat him and was kept in police custody for 18 hours. During the 18-hour long detention, the police assaulted him with canes and boots, despite Stalin repeatedly asking them to enquire with the college authorities.

On June 12, 2017, he was released after seven days. He suffered injuries on shoulder, hips, hands and legs. It is learnt that, on verifying facts about Mr. Stalin, the police realised their mistake and were also ready to pay for the injury they caused, but Stalin refused the money. Mr. Stalin's family has sought a departmental action against the police personnel of Tirupati East Police Station.

Appeal:

We, therefore urge you to immediately take necessary steps and undertake independent investigation and to also ensure that the Commissioner of Police, the District Collector and District Magistrate of Chittoor District:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of illegal detention and torture of the student leader Mr. Stalin.
- Take immediate action on the perpetrators, in this case the Sub-Inspector and the police personnel of Tirupati East Police Station.
- Ensure provision of reparation, compensation, apology to the Mr. Stalin for the psychological and physical sufferings he had undergone during his illegal detention in Tirupati East Police Station.

- Put an end to all acts of attack and harassment and killing against all human rights defenders like Mr. Stalin in the State of Andhra Pradesh and 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 Andhra Pradesh 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 SHRC in Andhra Pradesh to convene a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc.] to ensure that a coordinated strategy is developed within the State of Andhra Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Andhra Pradesh in collaboration with the NHRC Focal Point on HRDs and the SHRC Andhra Pradesh 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 Andhra Pradesh in collaboration with the SHRC, Andhra Pradesh 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 Andhra Pradesh.

Looking forward to your immediate action in this regard,
Yours sincerely,



(Henri Tiphagne)
National Working Secretary

Copies to:

Justice (Retd.) H L Dattu
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