



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**February 9, 2018**

**To**

**Mr. 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  
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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Kerala: Dalit activists brutally assaulted, arrested and detained by police for seeking action on encroachment of public property in Kochi, Kerala - 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 writing to express our grave concern over the brutal physical assault, arrest, detention, false charges and remand report against the peaceful and unarmed dalit, women and other protesters of the Dalit Bhoo Avakasha Samara Munnani (Dalit Land Rights' Organization) by the Kerala state police in Kochi district who had gathered to demand justice and highlight issues taking place because of the wall built and creating hindrances.

### **Status of Human Rights Defender:**

The Chairman of Samara Munnani, C.S. Murali (also President of Kerala Dalit Masabha) and Penpillai Orumai, were injured. Among them were Ms. Gomathi and Dr. P.G Hari.

They are representatives and supporters of the Dalit Bhoo Avakasha Samara Munnani (Dalit Land Rights' Organization),

**Source of Information on the Incident:**

- Communication from Mr. Ajaykumar – HRD from Kerala
- Media Reports

**Date of incident:**

February 4, 2018

**Place of incident:**

Vdayampadi, Choondi, Ernakulam District, Kerala

**The Perpetrators:**

- Ernakulam District Administration
- Kerala State Police
- Circle Inspector Mr. Sajan Saviour
- Persons belonging to Sangh Parivar and other right-wing fundamentalist groups

**Details of the Incident**

According to sources, for the last few days the NSS (Nair Service Society) has been occupying a public ground surrounding the Vadayambadi Temple in Vadayambadi in Ernakulam district, Kerala. Further occupying the ground the NSS has built a 'caste wall' in order to prevent the Dalits entering the temple.

A protest has been going on for the last few weeks led by the Dalit Bhoo Avakasha Samara Munnani to make available the property for public and urging the authorities to demolish the 'caste wall' built, to ensure entry of Dalits and against the caste discrimination on February 4, 2018.

In the past year in 2017, on Ambedkar Jayanti, a similar wall was erected by the Nair Service Society which was pulled down by the protesters. The NSS kept occupying the land producing fake land records and promptly built a huge arch entrance including a wall.

On February 4, 2018, the Dalit Bhoo Avakasha Samara Munnani (Dalit Land Rights' Organisation) organized a Dalit Atmabhiman Convention which was taking place

peacefully. The police suddenly started to attack the protestors who were gathered and protesting peacefully.

As the police broke-in, many activists including the Chairman of Samara Munnani, C.S. Murali (also President of Kerala Dalit Masabha) was injured. Among the other activists, was Ms. Gomathi of Penpillai Orumai, has been badly injured during the police action and was denied the hospital facility. Dr. P.G Hari and Mr. Santoshkumar, who questioned this discrimination at the police station, had also to face the policemen's rage and was physically manhandled by them. The activists present at the protest site were dragged in the road and were arrested.

The present protest initiative, demanding the demolition of the wall and against caste discrimination, has been continuously facing threats from the government and police since the time it began. Yet, the activists till now have confronted all such threats and are determined to continue with the protest.

The protesters were continuously harassed by the state officials in order to suppress the voice of dissent. Last day the Collector denied permission to conduct the convention and threatened the protesters for creating any possible circumstances for disturbances. On February 4, 2018, the day the convention, persons of the Sangh Parivar and other right-wing fundamentalist groups approached the protest site and created ruckus by manhandling and threatening the protesters.

The Circle Inspector Mr. Sajan Saviour has been trying his best to suppress the movement with different means including public caste defamation and he led the police force on the attack of the protestors.

This uncompromising attitude has resulted in successive attacks on the protest site and arrest of the activists, and even the media persons. On January 21, 2018, during a similar incident, two journalists Mr. Abhilash Padacheri and Mr. Ananthu Rajagopal Asha, along with one of the leaders of the movement, Mr. Sasidharan (KPMS Taluk Secretary), were arrested on false charges. Following these arrests, another activist V.K. Joy was also taken into custody by the police and is currently on bail.

## **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the Deputy Commissioner and District Magistrate of district Kochi:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of brutal physical assault, illegal arrest, detention of dalit women and human rights defenders;
- Takes necessary steps to ensure that the dalit women and human rights defenders are released unconditionally, the cases filed against them are withdrawn and also to take the necessary steps to quash the FIR, enabling them to concentrate in their activity instead of forcing them to regularly visit courts and face harassment;
- Take immediate legal action on the perpetrators in this case personnel of Kochi City police for the brutal assault and denial of the right to assemble and associate freely to all the dalit human rights defenders who participated in the peaceful assembly and protest;
- Take appropriate actions against the police officers involved in using excessive force, falsifying FIR and remand on Circle Inspector of Police Mr. Sajan Saviour who are directly involved in this and all other state machineries including the hospital authorities ;
- Ensure that all the perpetrators are booked under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act).
- Take steps to ensure the provisions contained in the Code of Conduct for Police in India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms;

- Puts an end to all acts of attack and harassment against all 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);
- 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 Kerala.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**  
**National Working Secretary**

**Copies to:**

**KERALA STATE HUMAN RIGHTS COMMISSION**

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