



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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April 27, 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
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert – India – Urgent Appeal for Action – Kerala: Artist Ms. Durga Malathi abused, threatened with death for her drawings on the recent rape incidents in India – 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 concerns regarding the abuse, intimidation, death threats to Ms. Durga Malathi for circulating her drawings in the context of recent spate of rapes.

Source of Information on the Incident:

- Communication with Ms. Durga Malathi
- Media Reports
- Regional Coordinator of HRDA for the South of India.

Status of the Human Rights Defenders:

Ms. Durga Malathi hails from Palakkad district and is a renowned and socially committed artist who popularises prevalent issues in media through her cartoons and drawings. She is also a former Assistant Professor at KR'S Sree Narayana College, Valanchery.

The Perpetrators:

- Several persons through Facebook and Twitter
- Mr. Vikas Govind, Mr. Narendra Nanda and Mr. Suresh Valiparamapil, all three residents of Pattambi
- Advocate Karana Sager Kashimshetty, Founder President of Hindu Sanghatan, and a lawyer from Hyderabad
- Advocates of the Hindu Legal Cell, Allahabad

Date of Incident:

Since April 12, 2018

Incident detail:

The recent rape incidents in Kathua and Unnao, have led to a series of protests and public outcry across several Indian cities and towns. The protests have assumed various forms, formats and shapes, a prominent one being a variety of artistic expressions including drawing and publishing of caricatures and cartoons. On April 12 and 15, 2018, Ms. Durga Malathi drew two paintings depicting male genitals along with some Hindutva idols, the drawings made, were in reference to the spate of abduction and rape against women and widespread protests in India and published them on her social media pages, i.e. Facebook. Along with her cartoon, Ms. Durga wrote in Malayalam on her Facebook page that she drew these images with the description that “there are people who think with their genitals, exert their politics using genitals”. She had mentioned that the pictures were about the people, who raped a little girl inside a place of worship, and against those people who are defending the accused. She further questioned how that was an insult to the Hindu religion? She further stated that she did not insult any religion and has no intention to hurt religious sentiments of any community, but the drawings were an attempt to protest in a democratic manner to many cases of assault and rape of girls and women in the country.

After sharing these drawings, on her social media pages, Ms. Durga Malathi has been at the receiving immense criticism, threats and online abuses including threats of rape, torture and death on Facebook and Twitter and through phone. The abusive comments on social media against her are grossly offensive and the verbal abuses are extremely intimidating, including threats to kill her and harm her siblings, parents

and other family members. Some unidentified persons have also uploaded morphed photograph of her face and one with the child with ugly comments on social media and abusive language. One of the abusers had commented online that she should relocate to Pakistan and called her a terrorist. She is very depressed and is undergoing psychological trauma because of the online abuses, trolls and threats.

On April 16, 2018, the Hindu Sanghatan, a right-wing group, through its President Mr. Karuna Sagar Kashimshetty, filed a police complaint against Ms. Durga Malathi, at the Saidabad police station in Hyderabad. And the same has been registered in Crime No. 136/2018 under section 295 (A) of the Indian Penal Code for outraging religious sentiments. Mr. Karuna Sagar Kashimshetty has also filed complaints in the past against journalists Ms. Swathi and Mr. Shabbir Ahmed regarding the same issue. The same has been petitioned by HRDA before the NHRC.

On April 18, 2018, Ms. Durga Malathi has filed a complaint with No. 50601/2018 with the Pattambi police station seeking action on the perpetrators and requesting to ensure her security, safety for travel and freedom of expression. The same was registered by the police in 0416 of 2018 under sections 354 A (3), 506(1) for outraging modesty of a woman and Section 120(0) (causing nuisance) of t Kerala Police Act 2011. On the same day, another complaint against Ms. Durga Malathi was filed at the Civil Lines Police Station, Janpath, Allahabad by advocates of the Hindu Legal Cell seeking action against her for creating disharmony in society.

On April 19, 2018, late in the night, unidentified persons threw stones at her house and at her car which was parked inside the compound and the windshield of the car was damaged.

Ms. Durga Malathi suspects that the Sangh Parivar might have been behind the attack as is evident that she and her supporters had been the subject of its hate campaign on social media for the last few days.

Appeal:

In the wake of these repeated incidents where human rights defenders are intimidated, threatened and harassed, curbing fundamental rights to freely express, we urge you to immediately –

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of abuse and intimidation faced by human rights defender Ms. Durga Malathi;
- Take immediate legal action against the perpetrators and those abusing and threatening Ms. Durga Malathi by identifying them through their Facebook and Twitter accounts;
- Order that the police immediately drop all charges against Ms. Durga Malathi and anyone else against whom cases are filed in this context;
- Guarantee in all circumstances the physical and psychological integrity of Ms. Durga Malathi and her family members as they continue to be under risk of further attacks by the perpetrators and give this assurance to the NHRC in writing immediately and urgently. NHRC should also record Ms. Durga Malathi statement and order for her security, and;
- Ensure provision of reparation, compensation, apology to Ms. Durga Malathi and her family for the psychological sufferings they are undergoing because of the constant threats.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary

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Chairperson, Kerala State Human Rights Commission

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