



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 20, 2018

To

Mr. Srinivasa Kammath,
Focal Point-Human Rights Defenders,
National Human Rights Commission,
Manav Adhikar Bhawan Block-C, GPO Complex, INA,
New Delhi-110023,
E-mail –ID: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - Urgent Appeal for Action - Tamil Nadu: Arbitrary arrest of environment rights activist and human rights defender Mr. Piyush Manush, Mr. Mansoor Ali Khan and Ms. M Valarmathi - 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 about the arbitrary arrest of environment rights activist and human rights defender Mr. Piyush Manush on June 18, 2018, on the Highway near Salem district in Tamil Nadu.

Source of information on the Incident:

- HRDA Regional Coordinator
- Communication with HRDs in Tamil Nadu
- News Reports

Status of Human Rights Defender:

Mr. Piyush Manush, aged 42 year old is the 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 along with his colleagues and human rights defenders have been opposing the entry of mining companies in Kanjamalai hills, rich in iron ore located around 14 km 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 was arrested and charged with sedition. Mr. Piyush 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 work on environment.

HRDA had earlier petitioned the NHRC on July 16, 2016, and July 23, 2016, regarding Mr. Piyush's arrest and custodial torture on July 8, 2016. NHRC had registered this case as 1557/22/31/2016. As available from NHRC's website, NHRC called for reports within four weeks from the concerned authority, but after almost two years is still awaiting response from the concerned authority.

Mr. Mansoor Ali Khan is an actor and is also engaged in a range of social and environmental issues.

Ms. M Valarmathi is a post graduate student of mass communication and journalism at the Periyar University in Salem. She is also an activist of the 'Iyarkai Paadukappu Kuzhu' (Nature Protection Group) which is opposing the hydro-carbon and methane projects in Kathiramangalam and Neduvasal. This group urges the student community to support the peoples protest in Kathiramangalam and Neduvasal, where a group of farmers, activists and youth including students are staging an agitation against a proposal to dig wells to extract oil and also demanding withdrawal of large sections of the police personnel from Kadiramangalam village.

Ms. Valarmathi is a student human rights defender who also frequently organises student protests and has participated in various such peaceful agitations, including the Neduvasal and Kathiramangalam protests. Six cases are stated to be pending against her. In April 2017, she was arrested in Karur along with her friends, while they were headed towards Neduvasal by train, and spent over a month in prison at Trichirapalli. During her stay in the jail she was tortured and a complaint in this

regard was sent by HRDA on May 22, 2017. NHRC on June 09, 2017 transferred it to the Tamil Nadu SHRC by an order dated July 7, 2017.

On July 12, 2017, she was again arrested and charged under Goonda's Act which was dropped on Madras High Court's interventions on September 5, 2017 and she was granted bail. HRDA submitted a petition before the NHRC on July 21, 2017, which was numbered as 1681/22/31/2017. As gathered from NHRC's website, NHRC on February 27, 2018 had called for the status report/final outcome of investigation by the Commission of Police Salem city within six weeks. This is yet to be submitted to the NHRC.

She was again arrested near Tanjavur in April 2018 and later released. Because of this arrest, she was deliberately abstained from appearing in the second year post graduation.

The Perpetrators:

- Mr. Mari, Village Administrative Officer of Thimbipadi area
- Police personnel of Omalur Police station

Date of the Incident:

June 17-18-19, 2018

Place of Incident:

Highway near Salem District, Tamil Nadu and surrounding villages

Details of the Incident:

As per the sources, Mr. Piyush, Mr. Mansoor and Ms. Valarmathi were arrested on July 17, 18 and 19 respectively. Mr. Piyush was picked up by Salem Police on the highway near saying that his car was in an accident. He and his car have been taken to Omalur police station and the police have not allowed anyone to meet him. It has been alleged by the local police that he has been arrested for "instigating enmity between groups" and he has been charged u/s 153, 183, 189 and 506 of IPC and Sec 7(1)(a) of Criminal Amendment Act in the FIR No. 347/2018 based on a complaint made by the village administrative officer of Thimbipadi area, Mr. Mari. It has been mentioned in the FIR that the delay in reporting is because Mr. Mari had reported the matter on June 16, 2018.

It will be pertinent to note here that Mr. Piyush has been supporting locals in Salem who are protesting the proposed airport expansion and an eight-lane super highway,

which will pass through the district and is likely to destroy more than 2,000 hectares of fertile agricultural land and thickly forested slopes of the ecologically fragile hills.

Further, Mr. Piyush was arrested last year on July 8, 2016 and was subjected to physical assault, ill-treatment and constant torture in Salem Central Prison. Due to the suspicious nature of his arrest, we fear for his personal safety and well-being.

Mr. Mansoor was arrested on same charges on July 17 and Ms. Valarmathi on July 19 while she was visiting the villagers in Salem.

Appeal:

Therefore, HRDA most respectfully appeals that this Hon'ble Commission:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the arbitrary arrest of environment rights activist and human rights defenders Mr. Piyush Manush, Mr. Mansoor Ali Khan and Ms. M Valarmathi;
- Given that a case is already registered as 1557/22/31/2016 and the concerned authority has not responded in two years, now the NHRC should undertake an independent investigation and ensure that Mr. Piyush Manush is not targeted for his work on environmental issues. The same should be done in the case 1681/22/31/2017 concerning Ms. M Valarmathi, ;
- Takes necessary steps to ensure that Mr. Piyush Manush, Mr. Mansoor Ali Khan and Ms. M Valarmathi are 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;
- Guarantee in all circumstances at the cost of the state, the physical and psychological integrity of the Mr. Piyush Manush, Mr. Mansoor Ali Khan and Ms. M Valarmathi who are still under risk of attacks from the perpetrators;
- Ensure provision of reparation, compensation, apology to the defenders for the physical and psychological sufferings they underwent because of the arbitrary arrest and provide a reassurance 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”;
- 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,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

Honorary National Working Secretary