



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 20, 2019

To

Mr. Khaleel Ahmed

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 - Arbitrary arrest, intimidation and manhandling of Mr. Viswanathan, Convener of Cauvery River Protection Movement by Tamil Nadu Police-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 arrest of Mr. Viswanathan, Convener of Cauvery River Protection Movement in Karur on a false charge by the Tamil Nadu Police, Crime Branch - Criminal Investigation Department (CB-CID).

Status of Human Rights Defender:

Mr. Viswanathan is a social activist and the Convener of Cauvery River Protection Movement and has worked extensively for the protection of Cauvery river basin against the illegal sand mining.

Source of Information on the Incident:

- Communication from HRDs in the region
- State coordinator for HRDA in Tamil Nadu

Perpetrators:

- Ms. Thilagadevi, Inspector of Police, CB-CID Karur.
- Mr. Thandayuthapani, Head Constable. CB-CID, Karur.
- Mr. Murugan, Constable, CB-CID, Karur.
- Mr. Shankar, Constable, CB-CID, Karur.

Details of the Incident:

According to sources, on July 6, 2019, Mr. Viswanathan was summoned by the Karur CB-CID police to record his statement under Section 164 of Code of Criminal Procedure, regarding the case against Mr. Mugilan, an environmental rights defender. Mr. Vishwanathan did appear before the CB-CID police and cooperated with the investigation. The CB-CID police personnel throughout the investigation tried to intimidate and threaten Mr. Viswanathan by showing him documents relating to an old case of Sri Lankan issue in which he was indicted in the United States and released later. Then the police had shown a document which purportedly incriminated Mr. Mugilan in the case against him and tried to force Mr. Viswanathan to falsely testify against him. Mr. Viswanathan who was completely cooperating with the investigation after feeling that the police were trying to force a testimony against his will, left from the CB-CID office.

Immediately on the next day, on August 7, 2019, a group of policemen led by Inspector of Police, CB-CID Karur Ms. Thilagadevi, came to the residence of Mr. Viswanathan around 4 p.m. They first asked Mr. Viswanathan to come with them saying that the Superintendent of Police wanted to meet him. When Mr. Viswanathan asked them for a summon regarding the same, the police personnel who were present pushed him and started to manhandle and forcefully took him away to the police jeep stationed outside his house. Due to the manhandling by the police, Mr. Vishwanathan sustained injuries in his hand and leg. Mr. Vishwanathan was taken to the CB-CID office in Karur and was told that he was being arrested for charges of conspiracy in the same case against that of Mr. Mugilan.

Background Information:

Mr. Mugilan went missing since February 14, 2019, the same day after he had released documentary evidence alleging the role of higher police officials in the violence that took place during the anti-Sterlite protests in Thoothukudi on May 22, 2018. Mr. Mugilan was found on July 6, 2019 at Tirupati Railway Station. Meanwhile during his disappearance, a woman who had worked along with Mr. Mugilan filed a complaint against him under Sections 417, 376 of the Indian Penal Code and Section 4 of Tamil Nadu Protection of Harassment of Women Act, 2002 by Karur CB-CID police on April 12, 2019.

After Mr. Mugilan was found on July 6, 2019 in Tirupati, he was brought to the CB-CID office in Chennai on July 07, 2019. After having found Mugilan, the police had informed Mr. Mugilan's wife Mrs. Poonkodi that Mugilan has been traced and that he will be handed over to them. Upon the information stated by the police, Mrs. Poonkodi along with Mr. Viswanathan came to the CB-CID office in Chennai on July 07, 2019. Only after coming to the office, they were informed that Mr. Mugilan is being arrested on the above-mentioned case and his wife was asked to sign the remand report by the police without even formally being informed about the charges under which Mugilan was being arrested. The CB-CID police without even handing over Mr. Mugilan to his family had asked his wife to sign the remand report, to which Mr. Vishwanathan who was along with Mrs. Poonkodi objected strongly to the police. Mr. Mugilan was later arrested on the above-mentioned case and have been lodged in Tiruchirapally Central Prison.

While the investigation is going on in this case, Mr. Viswanathan was continuously harassed by the investigating officer of this case who was also continuously trying to intimidate Mr. Vishwanathan and was also further forcing him to testify against Mr. Mugilan.

The Declaration on Human Rights Defenders, adopted in 1998 by the UN General Assembly, states that governments are under a duty to "take all necessary measures to ensure the protection of human rights defenders by the competent authorities against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary actions" as a consequence of their efforts to promote human rights. Therefore, the government is bound by its international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21 of the Constitution of India.

The above said is reiterated in the context that Mr. Vishwanathan is being harassed intimidated and arrested for his past and present work as veteran human rights defender and for supporting the family of Mugilan who again is a human right defender.

Appeal:

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

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of intimidation and manhandling of senior human rights defender Mr. Viswanathan;
- Ensure that all the false complaints filed against the HRD to harass and threaten them should be quashed;
- Ensure that necessary actions are taken against all the perpetrators in this case;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings she has undergone because of the threats and provide a re-assurance of not engaging in such acts against HRDs.

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