



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 12, 2017

To,
Justice (Retd.) H.L. Dattu,
Chairperson,
National Human Rights Commission,
New Delhi.
Email: chairnhrc@nic.in

Dear and respected Sir,

Sub: Human Rights Defenders Alert - India – Urgent Appeal for Action – Mr. Vaiko - Prominent political leader, Former Member of Indian Parliament and well known human rights defender - Mr. Vaiko denied entry into Malaysia, denied his dignity and deported to India by Malaysian authorities – Seeking reference of this complaint to SUHAKAM, Malaysia - Regarding

1. 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.
2. We are writing to you regarding our grave and deep concern in the denial of permission to Mr. Vaiko to enter Malaysia after he had a valid and recently issued visa to enter Malaysia for a private visit of the marriage of Penang's Deputy Chief Minister's daughter to be held on 10th June 2017 and deporting him to India by the Malaysian Immigration authorities after detaining him in solitude for a period of over 16 hours and allowing him even minimum courtesies as a Former Indian Member of Parliament, leader of an Indian Political party and a human rights defender.
3. Mr. Vaiko is a prominent political leader in the state of Tamil Nadu. He is the founder and General Secretary of Marumalarchi Dravida Munnetra Kazhagam (MDMK). He was a Member of Upper House of the Indian Parliament for three

terms from 1978 to 1996 in the upper house and from 1998 to 2004 in the lower house- total period of 24 years as a Member of Parliament. He has been a vocal supporter of the cause of separate Tamil Eelam in Sri Lanka and the right to self determination of Tamil people Sri Lanka. He has been critical about the actions of Sri Lankan Government during the final stages of war in 2009 between them and Liberation Tigers of Tamil Eelam (LTTE) during which thousands of innocent citizens were also killed by the Sri Lankan Army.

4. He has raised this issue in many international fora including the Parliament of European Union and many meetings of United Nations and has continuously called for a plebiscite in Sri Lanka and also international investigation on the alleged war crimes perpetrated by the Sri Lankan Army including genocide against the Tamil population in Sri Lanka during the war. He has also called for prosecution of the Sri Lankan Government in the International Criminal Court for the alleged war crimes perpetrated during the war in 2009.
5. Mr. Vaiko was invited by Prof. P. Ramasamy, the serving Deputy Chief Minister of Penang Province in Malaysia for his daughter's marriage to be held on June 10, 2017. Upon his personal invitation, Mr. Vaiko agreed to attend the wedding and applied for a visa with the Malaysian Consulate in Chennai. He was granted a visa for his visit to Malaysia about a week ago. Mr. Vaiko along with his secretary Mr. Arunagiri landed in Kuala Lumpur airport on his way to Penang for attending the marriage. Mr. Vaiko was told by the Malaysian Immigration officials that he has been black listed and thereby cannot enter into Malaysia. He was taken to a separate room in the airport and was questioned by the Malaysian Immigration officials asking him "Are you from Sri Lanka", "Are you from the LTTE" to which Mr. Vaiko had replied to them saying he is a citizen of India from the state of Tamilnadu and not a member of the LTTE. He told the officials that he has a recently issued valid visa for visiting Malaysia and is on a personal visit to attend the wedding reception of Prof. P. Ramasamy, the Deputy Chief Minister of Penang and he also told them that he is former Member of Indian Parliament and showed them all this travel documents. He also informed Prof. P. Ramasamy on the telephone about the incident. Mr. Vaiko was made to sit in that room for the

whole day and was not even allowed to have his food in the restaurants inside the airport. We re-iterate even at the cost of repetition, that we do not complain against the deportation but against a deportation after granting a valid visa a few days ago and the manner in which such a person of international repute and a human rights defender was treated by the Malaysian Immigration Authorities denying him all his rights – detention in solitude and not being handed over his passport and thus denying him his right to personal dignity.

6. At around 11 AM on 9th June 2017 he was informed by the immigration officials that he was being denied permission to enter Malaysia and that he will be deported back to India that same night. Mr. Vaiko and his secretary were both made to board a flight to India on the night of June 09, 2017. The officials did not even return to him his passport which was given to the pilot of the flight to be handed over to him in Chennai upon his arrival.
7. Mr. Vaiko has previously visited Malaysia during the years 2014 and 2015. He has no criminal charges filed against him in Malaysia. Though he is prominent Indian political leader and had a valid visa he was not allowed into Malaysia and has been deported to India but more than that humiliated and denied his dignity as a human rights defender and political leader who is respected internationally for his actions.
8. It is learnt that during his visit in Malaysia in the years 2014 and 2015, Mr. Vaiko had attended and spoke in the International Tamil Conference in which a World Organization for the Protection of Tamil People was formed and Prof. P. Ramasamy, the Deputy Chief Minister of Penang is its President. During that conference, several resolutions were made including a call for investigation by International Criminal Court on the war crimes and genocide by Sri Lankan Army during the 2009 war against Tamil people, which might have made the Sri Lankan Government to pressurize Malaysian Government to deny permission to Mr. Vaiko to enter Malaysia.
9. We therefore request the Hon'ble Commission to refer this complaint of human rights violations against an Indian human rights defender, denial of his rights as a human being with no food, no water and no access to reading

materials, his almost detention in solitude in the immigration department of the Kuala Lumpur International Airport and his subsequent deportation – all when he has a valid recently issued visa in hand to the National Human Rights Commission of Malaysia [SUAKHAM] . By denying him entry into the country and deporting him back to India, the Malaysian Government has also violated his right to liberty which includes his right to travel abroad and espouse the cause of the universality of human rights. This right to travel abroad also includes the right to respect one's visa granted to enter the country which is the only opportunity to impose any conditions , if required , on the person who is being granted the visa for a openly announced private visit.

10. We wish the Indian NHRC to remind the honourable Malaysian National Human Rights Commission (SUAKHAM) that it is their sole responsibility as an NHRI to protect the rights of human rights defenders from all over the globe who enter the territory of Malaysia as per the resolutions of the UN General Assembly; the resolutions of the Human Rights Council; the mandates of the different UN Special Rapporteurs on the situation of human rights defenders; the right to freedom of peaceful assembly and association; on torture and other cruel, inhuman or degrading treatment or punishment; on the right to freedom on the promotion and protection of the right to freedom of opinion and expression as well as uphold the provisions of the UN Declaration on human rights defenders 1998. The Asia Pacific Forum of NHRIs (APF) and the Global Alliance of NHRIs (GA-NHRIs) have also repeatedly insisted on the need for all NHRIs to protect and promote the rights of human rights defenders.

11. We urge the National Human Rights Commission of India to urgently and without any delay whatsoever intervene by referring this matter complaint to the SUAKHAM in Malaysia and request them to enquire into the said act of deportation of a prominent political leader and human rights defender from India and consequent human rights violations that he has been subjected to take necessary actions in this regard.

Looking forward for action in this regard,

Yours sincerely,

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

Henri Tiphagne

National Working Secretary