



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/South/TN/05/04/2020

April 9, 2020

To,
Mr. Debindra Kundra,
National Focal Point - Human Rights Defenders & Assistant 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 – Tamil Nadu: False case filed against Anti- Nuclear activist and human rights defender Dr. SP Udayakumar for exercising his right of free speech- 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 regarding the false case filed against social activist Dr. S P Udayakumar for exercising his right of free speech to criticise the lighting of lamps during the outbreak of Corona Virus pandemic.

Source of Information:

- Regional Coordinator of HRDA for South of India
- Communication with the HRDs in the region
- Media Reports

Date of Incident:

April 2 and 5, 2020

Place of Incident:

Kanyakumari, Tamil Nadu

The Perpetrators:

Police Personnel of Kottar Police Station, Kanyakumari, Tamil Nadu

About the Human Rights Defender:

Dr. SP Udayakumar, aged 61 years is an Anti-Nuclear activist and President of Pachai Tamizhagam Katchi (Green Tamil Nadu Party). He is the convenor of the People's Movement Against Nuclear Energy (PMANE), which is protesting against the Koodankulam Nuclear Power Plant project. He is the founder of South Asian Community Center for Education and Research (SACCER). He obtained his Ph.D in Political Science from the University of Hawaii.

Details of the incident:

According to sources, on April 2, 2020, there was a nation-wide hunger-strike calling for relief measures for migrant labourers, against the communal angle being portrayed for spread of COVID-19. This hunger-strike was called for by Gandhian organisations which was to be followed by individuals at their homes. Dr. Udayakumar also observed the hunger-strike on the said date at his home in Kanyakumari district. He did not announce that he will be observing hunger strike at his residence to anyone publicly and also to the media persons.

Meanwhile, on April 2, 2020, a case has been registered against Dr. Udayakumar at Kottar Police Station in Kanyakumari district with FIR No. 239/2020 u/s IPC 270 (Sec. 3 of Epidemic Disease Act) & IPC 188 (Sec. 51 of Disaster Management Act). It is alleged in the FIR that Dr. Udayakumar has disobeyed the prohibitory orders under Section 144 CrPC and held a press conference in his house with more than five persons.

It is also believed that the media personnel were present to cover the news of Dr. Udayakumar observing hunger-strike only on the information provided by the police and through other public sources. It is a clear fact that Dr. Udayakumar did not announce publicly or call for a press meet on that day.

It is pertinent to note that Dr. Udayakumar has been posting statements critical of government actions through his social media accounts. He has been critical of the measures taken by the government to tackle the transmission of COVID-19. He had also criticised the communal manner in which the Tamil Nadu government has been mentioning the personal details of the attendees of the religious event organised by Tablighi Jamaat at New Delhi. According to Dr. Udayakumar, this act of targeting a particular religion by the government would affect the communal harmony in the state.

Due to his critical statements against the government, there has been another case registered against him on April 5, 2020, at Kottar Police Station in Kanyakumari district with FIR no. 286/20 under Section 505 of the IPC, 1860 read with Section 67 of Information Technology Act, 2000.

Dr. Udayakumar has been facing continuous harassment by the Tamil Nadu police and he already has 105 cases pending against him, including of charges of sedition from the anti-nuclear power plant struggle at Koodankulam. Out of the 105 cases, 68 cases are still in the FIR stage even after eight years of filing. He has also been active in several social issues in the state such as anti-Hydrocarbon struggles, Ockhi cyclone-related struggles, and the anti-CAA/NPR/NRC struggles.

Hence, HRDA believes this act of the police of registering false cases against him is an act of reprisal due to his human rights work. Further, the recent acts of the Kottar Police Station significantly restricts his fundamental right of free expression guaranteed through Article 19 of the Indian Constitution.


Appeal:

We therefore urge you to immediately take necessary steps to:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident involving the false charges framed against Dr. SP Udayakumar;
- Ensure that there is no coercive steps taken by the police related to the two FIRs registered at the Kottar Police Station;
- Direct the quashing of all the false charges filed for exercising his freedom of speech;
- Ensure provision of reparation, compensation, apology to Dr Udayakumar for the psychological sufferings he is undergoing;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary