



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 02, 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 – Illegal detention of lawyers and activists for kolam protests in Chennai & accusations by Commissioner of Chennai City 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 illegal detention of lawyers and activists for kolam protests in Chennai and also about accusations by Commissioner of Police, Chennai City against Ms. Gayatri Khandadhai.

Status of Human Rights Defender:

Ms. Khandadhai is a human rights defender (HRD) currently based in Chennai. She is also an advocate and had interned with People's Watch for a couple of months in 2013. She had also worked with the Asian Forum for Human Rights and Development (FORUM-ASIA), an international human rights organisation based in Geneva and Bangkok. She is also associated with the Association for Progressive Communications (APC).

Source of Information on the Incident:

Communication with the HRD

Perpetrators:

Chennai City Police

Details of the Incident

On 29 December 2019, at around 7:15 AM a few individuals including men and women met at Besant Nagar, Chennai to discuss and draw *kolams* (Rangoli) to express their dissent against the Citizenship Amendment Act. They were connected through social media in an informal coalition of individuals called "Citizens Against CAA". They had appealed via social media to people to draw *kolams* expressing their dissent against CAA outside their homes. They also met in Besant Nagar to help put more kolams.

On 28 December in the evening police personnel named Mr. Vinoth Santhanam called Ms. Gayatri and another person Mr. Kapil Dev called Srinithi, another organiser from and asked if they were planning to put kolam in Besant Nagar. They replied to the police that they were not planning to raise any slogans and that it was going to be just a few people who will draw *kolams* in a peaceful manner and they had not sought any permission from the police.

By 7 am on 29 December several police were at 4th Avenue in Besant Nagar along with media. The organisers had put two Kolams opposite the Besant Nagar Bus Depot at the pavement and junction. About 20 police personnel from J5 Shastri Nagar Police Station arrived there at 7:45 AM and threatened to arrest them and said that they had to vacate the place as it was a public area or face arrest. The organisers disagreed with the police, but immediately moved to the different lanes nearby to ask residents if they were against CAA and whether they could put kolams outside their houses. Meanwhile, 40 more police arrived in the lanes and rounded them up. By this time, media had also moved from 4th Avenue to this place and the women were being pushed into the jeep. The women drawing Kolams were lifted off the ground and pushed into a police bus. The police detained 5 persons - Gayatri, Pragati, Aarti, Madhan and Kalyani at 8:15 am. Though they repeatedly asked them the reason for detention, they refused to answer and said we were doing unlawful things. When one of them, Gayatri refused to get into the bus, she was lifted by 8 policewomen and thrown into the bus. The police kept asking them whether they had permission for this protest, and the organisers explained to them that we were not raising slogans or holding placards, only 2 or three of us were working on one kolam each. Which is not considered as a gathering to seek permission. Further, kolams are a central part of the month of margazhi and is a cultural expression.

The detained persons were taken in the Police bus at 8:20 to J5 Shastri Nagar station and moved to the community hall opposite the station at 8:30 AM. When they arrived at the community hall, their lawyers, Mr. T. Mohan, Mr. Yogeshwaran Amaraneethi and Ms. Pavitra Ramanujam also arrived to enquire about the reasons for our detention. The lawyers were also detained along with them at the hall for preventive custody for encouraging and supporting our protest. They were asked to give our names, age, body mark, address, profession and company names. The police continued to refuse informing about the grounds of detention or sections. At 10:00 AM following public outrage about this unlawful detention, they all were allowed to leave.

The media was following us as we put Kolams and none of them reported on residents being disturbed. In a vague video shared by the commissioner of police on 1 January 2020, baseless allegations are made. We never encountered this person and this incident never took place. We suspect that this is a doctored or false video. Further we have received information that the police have been going door to door in Besant Nagar asking residents to sign a petition saying they are opposed to the drawing of Kolams.

HRDA expresses serious concerns over the statement made by the Chennai City Police Commissioner Mr. A.K. Viswanathan IPS, pertaining to Ms. Gayatri Khandhadai – about her association with Bytes for All (B4A) – a human rights organisation based in Pakistan. As reported in the newspapers, Mr. Viswanathan while addressing the media on totally different issues regarding crime statistics in Chennai city made these comments on detaining some of the anti-CAA protestors, and about investigating Ms. Khandhadai's 'Pakistan connection'. Mr. Viswanathan also mentioned that she has the support of local organisations and also named "Arappor lyakkam" in a defamatory manner.

B4A is a human rights organisation and a research think tank based in Pakistan focusing on information and communication technologies (ICTs) to promote the use of technology for sustainable development, democracy and social justice. It works towards securing digital rights and freedom of expression for civil liberties; strengthening digital security of HRDs & media professionals; ending technology-driven gender-based violence; network building at national, regional and global level; and technology for environmental sustainability. B4A is also a member of FORUM-ASIA, in whose secretariat Ms. Khandhadai had worked as a staff for the South-Asian region.

The statement of Mr. A.K. Viswanathan IPS pertaining to Ms. Khandhadai's association with B4A is intimidating and if any action in this matter is proceeded with, will significantly hamper Ms. Khandhadai's personal liberties, including the fundamental rights of free expression and free association under Article 19 of the Indian Constitution. Mr. Viswanathan also displayed the Face Book profile of Ms. Khandhadai during the said press meet, which is a blatant violation of her right to privacy and also leaves her vulnerable to online trolling.

Statement made by the Police Commissioner goes against the spirit of a free democracy and threatening an HRD with investigation solely based on her association with a human rights organisation based in Pakistan is condemnable. This also goes against the spirit of the 1998 UN Declaration on HRDs, specifically articles 1, 5, 6, 7, 8, 9, 11, 12 and 13, which provide specific protections to HRDs, including the rights. The said declaration also confirms that the States have a responsibility to implement and respect all the provisions of the Declaration through articles 2, 9, 12, 14 and 15, making particular reference to the role of States.

HRDA condemns the attitude of Chennai City Police against human rights defenders who work for the protection and promotion of human rights as enshrined in our Constitution. The comments made by the Police Commissioner displays who heads over 200 police stations in Chennai reflects the animosity that the police have against human rights defenders. After Ms. Khandhadai and others were detained by the Chennai City Police on December 29, 2019 in

Besant Nagar, Advocates Mohan, Yogeswaran Amaraneethi and Pavitra Ramanujam who came to enquire about the detention were also detained by the police and refused to state the reason for detention. In this respect that the Chennai City Police could show towards lawyers in this democracy, the Hon'ble Madras High Court should take suo-motu cognisance of this incident which is a blatant violation of guidelines issued by the Hon'ble Supreme Court in the case of D.K. Basu v. Union of India.

We consider this a blatant violation of our right to freedom of expression, assembly, association, culture and religion. Therefore, we call on the State Human Rights Commission to take cognizance of the matter and direct the officials/respondents to stop propagating false news about the incidents and the credentials of one of the arrestee viz. Gayatri; to impose costs and grant compensation for violating our fundamental rights to free speech, expression and peaceful assembly.

HRDA urges the Commission to order the Police Commissioner to restrain from any actions impinging upon the personal liberties of Ms. Khandhadai and her work as an HRD. As a free citizen and HRD, she is allowed to have association and engagement with any organisation promoting peace and human rights in a peaceful manner.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

National Working Secretary