



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/South/TN/07/04/2020

April 26, 2020

To,

**Thiru. D. Jeyachandran,**  
Acting Chairperson,  
Tamil Nadu State Human Rights Commission,  
143, P.S. Kumarasamy Raja Salai, (Greenways Road)  
Chennai – 600 028  
E-mail: [shrc@tn.nic.in](mailto:shrc@tn.nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Journalist arrested on false charges by Coimbatore police in Tamil Nadu - 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. Andrew Sam Raja Pandian by Coimbatore police, Tamil Nadu. Mr. Andrew was arrested on April 23, 2020, for reporting on issues of public concerns in Coimbatore during the lockdown.

**Status of Human Rights Defender:**

Mr. Andrew Sam Raja Pandian is a journalist based in Coimbatore, Tamil Nadu. He is the founder of an online news portal *SimpliCity, Coimbatore*.

**Source of Information on the Incident:**

- News reports
- Website of SimpliCity
- Communication with HRDs and lawyers in Coimbatore

**Perpetrators:**

Coimbatore City Municipal Corporation through its complaint preferred by the Assistant Commissioner Mr. M. Sundararajan

## **Details of the Incident:**

According to sources, the B-2 R.S. Puram police of Coimbatore city police arrested Mr. Andrew Sam Raja Pandian on April 23, 2020, for reporting about shortage of food for post-graduate resident doctors in the Coimbatore Medical College and Hospital (CMCH) and irregularities in the public distribution system (PDS) in Coimbatore district. He published it on his portal Simplicity. He was produced before the Judicial Magistrate No IV, since the jurisdictional Magistrate JM No 1 was on leave and the Judicial Magistrate remanded him to judicial custody. He since April 24, 2020 has been lodged in the Avinashi Sub-jail.

On April 14, 2020, Mr. Andrew published a news article on his web portal titled '*No timely and adequate food, allege UG and PG Student Doctors at CMCH Hostel*' in which he had highlighted how doctors and medical students at CMCH hostel were forced to protest for proper and adequate food. This story went viral as it portrayed the struggles of doctors amidst their hard work in containing the spread of COVID 19 virus.

In another story titled '*Looting at ration shops during lockdown, govt's grant of Rs. 1000 swindled, lament public*', Mr. Andrew alleged about embezzlement and corruption in ration shops through public distribution system in Coimbatore district.

He was arrested by personnel of R.S. Puram Police Station based on FIR with Crime No. 654/2020 for offences under Sections 188 (Disobedience to order duly promulgated by a civil servant) and 505(1) (Statements conducing to public mischief) of the Indian Penal Code (IPC) and Section 3 of the Epidemic Diseases Act. The FIR has been registered based on a complaint filed by Mr. M. Sundararajan, Assistant Commissioner of Coimbatore Municipal Corporation. The complaint alleged that such reports were provocative enough to turn healthcare professionals and ration shop employees against the Government. It further alleged that they could also lead healthcare professionals to stop working, thus affecting response to COVID -19 management in the Tamil Nadu.

HRDA has also accessed several other videos posted earlier on the Facebook of SimpliCity and they all are related to everyday events that take place in Coimbatore City.

HRDA wishes to bring to the attention of the Hon'ble Commission the following statement of the UN High Commissioner on Human Rights that was released on the April 24, 2020. It reads –

***UN High Commissioner for Human Rights Michelle Bachelet said today she was alarmed by restrictive measures imposed by several States against the independent media, as well as the arrest and intimidation of journalists, saying the free flow information was vital in fighting COVID-19.***

***“Some States have used the outbreak of the new coronavirus as a pretext to restrict information and stifle criticism,” Bachelet said. “A free media is always essential, but we have never depended on it more than we do during this pandemic, when so many people are isolated and fearing for their health and livelihoods. Credible, accurate reporting is a lifeline for all of us.”***

***The UN human rights chief also noted that some political leaders had directed statements towards journalists and media workers that created a hostile environment for their safety and their ability to do their work.***

***According to the International Press Institute there have been over 130 alleged media violations since the start of the outbreak, including more than 50 reported instances of restrictions on access to information, censorship and excessive regulation of misinformation. It reported that nearly 40 journalists have been arrested or charged in the Asia-Pacific, Americas, Europe, the Middle East and Africa for reports critical of the State response to the pandemic or for simply questioning the accuracy of official numbers of cases and deaths related to COVID-19. The actual number of media violations and arrests is probably far higher.***

***There have also been reports of journalists disappearing after publishing coverage critical of the COVID-19 response, and several news outlets have been closed by the authorities over their reporting.***

***“This is no time to blame the messenger. Rather than threatening journalists or stifling criticism, States should encourage healthy debate concerning the pandemic and its consequences. People have a right to participate in decision-making that affects their lives, and an independent media is a vital medium for this,” Bachelet said.***

***“Being open and transparent, and involving those affected in decision-making builds public trust and helps ensure that people participate in measures designed to protect their own health and that of the wider population and increases accountability.”***

***Additionally, independent media provide medical professionals and relevant experts a platform to speak freely and share information with each other and the public, she said.***

***The UN’s human rights chief echoed concerns raised by the Secretary-General about the “dangerous epidemic of misinformation” around the pandemic which generated confusion and more ill-health, and paid tribute to the journalists working in the independent media whose fact-checking provided truth and clarity.***

***“Journalists are playing an indispensable role in our response to this pandemic, but unlike the grave threats posed to other essential workers, the threats media workers face are entirely avoidable. Protecting journalists from harassment, threats, detention or censorship helps keep us all safe,” Bachelet said.***

HRDA vehemently condemns the arrest and false charge against the journalist. HRDA strongly believes that the complaint against Mr. Andrew Sam Raja Pandian has been engineered from someone in high positions and goes totally contrary to the expressions of not on the UNHCHR but also UN Secretary General.

Journalists across the state, risking their lives by exposing themselves to COVID-19, have been bringing to the knowledge of the public amidst an entire lockdown and hence their work has

become more important. The Coimbatore City Police has arbitrarily arrested Mr. Andrew without following the guidelines of the Supreme Court in the case of *Arnesh Kumar v. State of Bihar*. Tamil Nadu government, especially Coimbatore district administration which should work hand in hand along with journalists who bring out news and information about such irregularities, has acted arbitrarily with an intention to curb freedom of press, which is needed during a health emergency like this more than ever.

**Appeal:**

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

- Since the facts are extremely clear in this case and the victim (journalist) is in judicial custody, that this Hon'ble Commission uses its power under Section 12 (b) of the Protection of Human Rights Act and intervenes before the Judicial Magistrate No 1, Coimbatore and seek his immediate release on bail without sureties without any further delay. This is a gross human rights violation to arrest and remand a journalist for undertaking professional duty and reporting on public interest issues that he has published;
- Ensure that the false complaint filed against the HRD to harass and threaten him should be quashed ;
- Ensure necessary departmental and necessary actions against the perpetrators, in this case Coimbatore Municipal Corporation and the Coimbatore City Police and the complainant in the case against Mr. Andrew;
- Ensure that proper disciplinary actions are also initiated against the Judicial Magistrate No IV, Coimbatore for having ordered the judicial remand in a matter contrary to the directions of the Hon'ble Supreme Court and further knowing of the recent directives of the Supreme Court not to place people in judicial custody during the COVID-19.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary