



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/SOUTH/TN/02/01/2024

January 09, 2024

To,
Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Tamil Nadu – Chennai – Brutal attack by the police on the protesters who peacefully gathered at Shanmugam Road, Tambaram, Chennai in support of HRD.

Greetings from Human Rights Defenders Alert!

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 concern regarding the brutal lathi charge of the police officials on the protesters who peacefully gathered at Tambaram, Chennai in support of HRD Yaqoob.

About the Human Rights Defender:

Mr. M. Yaqoob is a HRD working for rights of minorities in Tambaram area of Chengalpattu district. He is the Deputy General Secretary of the Manithaneya Makkal Katchi, a political party in Tamil Nadu. He has also been elected by the people as the councillor of the 50th ward of Tambaram Municipal Corporation.

Source of Information:

Communication with the HRDA-South Co-ordinator

Communication with the HRD

Communication with other HRDs in the area

Perpetrators:

Police officials of Chennai Commissionerate

The Deputy Commissioner of Police Mr. Pawan Kumar Reddy and others.

Date of Incident:

January 4, 2023

Place of Incident:

Shanmugam Road, Tambaram, Chennai

Background:

For the past 100 years, The Madras Christian College has been functioning at Tambaram. The Christian Community College, Chennai, has been functioning since 1938 at Rajaji Road Tambaram under the social development department of this college. The area of the college, is said to have been acquired from the Indian Red Cross Society. However, the case is being heard in the court that the land belongs to the Tambaram Corporation.

The Tambaram Corporation Commissioner Azhagu Meena sealed the Christian Community College in Chennai on December 19, 2023 without any prior notice from corporation officials. Due to this, the students of the Christian Community College in Chennai are not able to study.

On December 12, 2023, a meeting of Tambaram corporation councillors was held under the chairmanship of Mayor Ms. Vasanthakumari. M. Yaqoob, councillor of Ward 50 and HRD, asked why the community college of minorities was closed without any prior notice. Mayor Ms. Vasanthakumari said that she had not ordered or taken any action against the community college. After this, municipal commissioner Ms. Azhagu Meena humiliated and threatened Yaqoob HRD and which he walked out of the municipal councillor meeting, while in the subsequent corporation meeting, corporation Commissioner Ms. Azhagu Meena said that the 50th ward councillor M Yaqoob, lives by collecting money from street vendors, and accused him as a terrorist and she said "I will soon put him in jail." Councillors Annadurai and councillor Senthil Kumar, who were present at the meeting, condemned the statement of Corporation Commissioner Azhagu Meena.

HRD Yaqoob, who was humiliated for expressing his views at the Tambaram Corporation meeting for the rights of minorities, decided to hold a peaceful protest in order to make the people aware of the humiliation he has suffered and to mobilise support for the rights of the minorities. On January 03, 2024, Mr. Jahir Hussain District president of Manithaneyya Makkal Katchi had given a letter of permission to the Tambaram city police station to hold a peaceful protest, but the Tambaram police station on January 04, 2023, refused permission on the ground that there would be a law-and-order problem.

Details of the Incident:

On January 4, 2024, The Tambaram Additional Commissioner of Police Mr. Srinivasan summoned the District President of the Manithaneyya Makkal Katchi, Zakir Hussain, directly to the office and gave him verbal permission to hold a demonstration for only about half an hour. So, they gathered at Shanmugam Road, Tambaram. Around 500 people, including women, have gathered to participate in the demonstration.

More than 200 armed police personnel, led by The Deputy Commissioner of Police Mr. Pawan Kumar Reddy, were deployed to systematically stop the peaceful gatherings and attack them. The protestors were brutally attacked and arrested. The attack, led by Deputy Commissioner of Police Mr. Pawan Kumar Reddy, resulted in the injuries of many of those who had gathered peacefully and tried to express their views. Notably 1. Karimullah Baba and 2. Salim Pasha, who are seriously injured and is being treated at A.G. Private Hospital, and many others have suffered injuries. Tambaram police station has also registered a case against Mr. Yaqoob and 329 others.

HRDA strongly believes that the brutal crack on protestors with the use of force is an act of reprisal for their activism for protesting.

The Right to protest is recognized under several international instruments, including:

- I. The International Covenant on Economic, Social and Cultural Rights (Article 8),
- II. Article 5 (a) of the Declaration on Human Rights Defenders 1998 states that “For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, to meet or assemble peacefully”.

The Right to protest is an essential element of the right to participate in any democratic dispensation, and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para. 56)

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. States should legitimize and empower human rights defenders in this role and encourage defenders to take full ownership of this role (A/62/225, para. 102).

The right to exercise freedom of speech and expression is enshrined under Article 19 (a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects: The right to hold opinions without interference. The right to access to information, and The right to impart information and ideas of all kinds.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and invoke your powers under section 12 (b) to intervene in the relevant court to quash the FIRs registered against the HRDs.

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the brutal attack on HRDs and submit the report to NHRC within two weeks.
- Based on the result of the inquiry, direct the Director General of Police Tamil Nadu to take necessary action against the officials and submit a report to the NHRC within two weeks.
- Direct the Director General of the Police of Tamil Nadu to ensure the safety of protestors and their family to protect them from further harassment by the police.
- Issue compensation and ensure adequate medical treatment for serious injuries sustained by HRDs Karimullah Baba and Salim Pasha, and other protestors who suffered minor injuries.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)
National Working Secretary