



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 27, 2017

To

Mr. Srinivasa Kammath

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 - India - Urgent Appeal for Action –South India- Tamil Nadu:
Brutal beating and ill treatment of human rights defenders by police and
denying their rights to freedom of peaceful assembly and association to register
their protest near Madurai, 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 brutal attack on villagers who were peacefully protesting on 21 August, 2017 by police in Madurai.

Source of Information on the Incident:

1.State Coordinator of HRDA

2. Media Reports

Date of incident:

August 21, 2017

Place of incident:

Alagapuri bus-stop, near Alanganallur, Madurai District.

The Perpetrators:

1. Mr. Annaraj, Police Inspector, Alanganallur Police Station, Madurai District, Tamil Nadu
2. Police personnel from Alanganallur Police Station

Details of the Incident:

The highway road between the villages of Ala.Puthupatti to Kalvelippatti were in good condition, but the government needlessly carried out repair work using poor quality materials, and as a result the road has been damaged. The 6.6 km highway road has been badly deteriorating for the past few years making it extremely difficult for buses, motorists and other vehicle users of the four villages of Alagapuri, Kutty meikkanpatti, Kovilur and Periya llanthaikulam in Madurai district of Tamil Nadu. It also highly affects the general public, students and farmers who go to the local market to sell the vegetables and flowers.

A civic organization had submitted numerous complaint letters on behalf of four villages regarding the highway conditions to the respective district officials and administrations including the Divisional Engineer, State Highways, Madurai, the District Collector, Madurai. The officials however did not bother to take remedial measures and hence all the efforts had been in vain. Piqued by the inaction on the part of the officials, nearly 800 villagers of Alagapuri, Kutty meikkanpatti, Kovilur and Periya llanthaikulam staged a protest and blocked the road at Alagapuri bus-stand on August 21, 2017.

Around 800 villagers staged a protest demanding to repair the highway road in their neighborhood. A senior revenue official rushed to the gathering and while he was speaking to the protesters, without prior warning Police Inspector Anna Raj and other identifiable police men attacked the protestors and chased away them away from that place. The unarmed men and women were dragged and

brutally beaten by the police personnel. They arrested 47 protestors and charged them with cases under Sections. 143 & 188 Indian Penal Code on charges of unlawful assembly with FIR No: 429/2017.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal beating of women and men human rights defenders;
- Take immediate legal action on the perpetrators in this case Police Inspector and identifiable police men of Alanganallur police station for the brutal assault and denial of the right to assemble and associate freely to all the village human rights defenders who participated in the peaceful assembly and protest;
- Ensure provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the use of brutal force and ill - treatment and provide a re-assurance of not engaging in such acts against village HRDs;
- Put an end to all acts of harassment against all human rights defenders in general in Tamil Nadu to ensure that in all circumstances they carry out their activities without any hindrances;
- Take steps to ensure the provisions contained in the Code of Conduct for Police in India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms.
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law;

- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

- Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels;

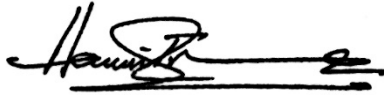
- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Tamil Nadu to also take necessary steps to establish a focal point for HRDs in Tamil Nadu in order to ensure that HRDs in have a new protection mechanism for them;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state to ensure that a coordinated strategy is developed within the State of Tamil Nadu for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Tamil Nadu in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Tamil Nadu and the Central Government of India, to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of

Human Rights and with international human rights instruments ratified by India is strictly adhered to in Tamil Nadu.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary – HRDA

Copies to:

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Chairperson,
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Shri Srinivasa Kammath

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