



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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March 24, 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 - Appeal for Action - Kerala - RTI activist Mr. Mahesh Vijayan attacked by a gang allegedly associated with construction and sand mining mafia in Kerala – 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 attempt to assault with the intention to physically harm the RTI activist and human rights defender Mr. Mahesh Vijayan at his residence in Nattasseri area under SH Mount post office in Kottayam district in Kerala on 11 February, 2020 by a four member-gang allegedly associated with construction and sand mining mafia in the district. HRD Mr. Mahesh Vijayan was targeted by the sand contractors for working against illegal construction and sand mining. This was the third such attack on HRD Mahesh Vijayan in three weeks. On 22 January, 2020 the HRD was subjected to a brutal attack on the premises of the Kottayam municipal office by a group of sand-mining contractors. On 13 February, 2020 HRD Mahesh Vijayan was verbally abused and physically assaulted by a sand mafia gang at Kottayam Municipality office.

About the Human Rights Defender:

Mr. Mahesh Vijayan has been using RTI Act for the last 7 years. He has filed close to 1000 RTI queries so far. He has filed RTI queries in almost all government schools of Kerala regarding the status of basic amenities available to students under various

government school related programmes. He has been part of campaign to help Indians who been in jails and shelters in foreign countries mainly Arab countries in connection with labour related issues and laws. He has filed queries in almost all India embassies all over the world. He is part of a Kerala based RTI web group which has more than 4000 members and exchanging information on social political issues. Recently he has been filing RTI queries against the activities of construction and sand mining mafia in the district for which he is being repeatedly targeted and fears for his life.

Source of Information on the Incident:

- The Coordinator of HRDA for the South of India
- The Coordinator of HRDA for Kerala, India
- Communication with the RTI activist
- Media Reports

The Perpetrators:

- Mr. K S Ajayan
- Mr. Sri Hari
- Mr. Unnikrishnan
- And one unknown person

Date and Place of incident:

11 February, 2020

Attuvayil House, Nattasseri, SH Mount post office, Kottayam, Kerala

Details of the Incident:

According to the information received on 11 February, 2020 around 8 pm, a four member-gang armed with weapons such as hockey sticks and iron rods allegedly associated with construction and sand mining mafia arrived at the residence of Vijayan at Nattassery in Kottayam in Kerala. Sources informed that the gang had arrived in a car which was registered in the name of K S Ajayan, who is one of the accused who had attacked the HRD at the Kottayam municipal office earlier. They asked Vijayan to come out for discussing something. When the he came out they tried to attack him with hockey sticks and irons rods. He then ran inside his house to save his life and locked his house door form inside. The assailants tried to break open the main door and enter his house. Vijayan's wife and mother started screaming for help, hearing their voices HRD's neighbours rushed to his house to help them. As the neighbours

started gathering, the accused quickly got into KL-05 AU 6003-registered car and fled the scene. Based on a complaint lodged by Vijayan in Gandhi Nagar police station, the police booked a case under IPC Sections 448 (house trespass), 294(b), 506(2) (criminal intimidation), 427 (mischief causing damage) and 34 (acts done by several persons in furtherance of common intention).

HRDA would like to inform that Vijayan was also attacked earlier on the premises of the Kottayam municipal office on January 22, 2020 when he went there to file an RTI (right to information), seeking information about sand mining in the region, a few men, who were later identified as sand contractors, attacked him and injured the HRD seriously. He was beaten mercilessly for almost 15 minutes by around 15 people and his head was hit against the wall and he was bleeding profusely. Following the attack, the police registered an FIR against five persons under diluted charges and later all the accused were let off the same evening. Later, Mahesh was threatened by another contractor over phone for moving against illegal sand mining in the district. On 13 February, 2020 Vijayan was again verbally abused and physically assaulted by sand mafia identified as Mr. Unnikrishnan and Mr. Rajkumar at Kottayam Municipality office. All the documents in possession of HRD at that moment were snatched and destroyed by the perpetrators. A case has been filed against the above mentioned accused in the Kottayam West police station under sections 294 (b), 341, 323, 427 and 34 of Indian Penal Code.

Appeal

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order a prompt, effective, thorough, independent and impartial investigation into the above mentioned incidents of repeated intimidation and physical assault with the intention to harm RTI activist and human rights defender Mr. Mahesh Vijayan;
- Take immediate action on the perpetrators for regularly targeting and physically assaulting the RTI activist and human rights defender Mr. Mahesh Vijayan with the intention to harm him by arresting all of them and using all provisions of law to ensure that the defender is not harassed or attacked in future;

- Guarantee in all circumstances the physical and psychological integrity and security of RTI activist Mr. Mahesh Vijayan who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of repeated attempts of intimidation and physical assault and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;

Looking forward to your immediate action in this regard,
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)
National Working Secretary