



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/UA/SOUTH/TN/05/05/2024

May 23, 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 – Brutal attack on HRD Ferdin Rayan Infront of Police Commissioner's headquarters Palayamkottai and the negligence of the police and administration to protect 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 attack on HRD **Ferdin Rayan Infront of Police Commissioner's headquarters Palayamkottai** negligence of **Palayamkottai** officials in providing protection to the journalist despite request for protection by the HRD.

About the Human Rights Defender:

Mr. Ferdin Rayan, is a HRD and a public-spirited individual involved in various public interest works, has garnered enemies due to his pursuit of serious social concerns.

He has taken up many cases as a part of his public interest pursuit. In addition to the court cases, Mr. Rayan utilized the RTI Act effectively, unearthed critical information and fought legal battles to uphold constitutional rights, leading to the suspension of toll fees at the Vagaikulam toll gate, and benefiting countless users. His writ petitions against illegal constructions in Tirunelveli and advocacy for fire and safety standards in public buildings have ensured broader public welfare. Concerned about public safety, he challenged the inauguration of the Periyar bus stand at Tirunelveli without proper approvals, emphasizing the importance of regulatory compliance. Environmental preservation has been another cornerstone of his work, as seen in his efforts to remove encroachments in public water bodies and advocate for pre-monsoon dredging to prevent flooding.

Through his activism, he exposed and eliminated illegal activities such as medical waste dumping and fraudulent land acquisitions, safeguarding public health and property rights. He has also been a vocal advocate for marginalized communities, raising concerns over the impact of exams like NEET on student mental health and highlighting injustices faced by fishermen. Additionally, his efforts extend to environmental conservation, as he has brought attention to the threats posed by thermal power plants. During times of crisis such as the pandemic, his humanitarian efforts have been exemplary, providing essential support to vulnerable groups and demonstrating unwavering compassion for frontline workers.

Source of Information:

In communication with the Human Rights Defender

Perpetrators:

- Police officials of Palayamkottai police station
- Inspector of Police Palayamkottai police station
- Inspector of Police TVMCH police station

Date of Incident:

04 May 2024

Place of Incident:

Anna Stadium complex, Palayamkottai, Tamil Nadu

Background:

Mr. Ferdin Rayan, has received threats as a result of his work as a human rights defender. On October 16, 2023 he made representation to the District Collector and the Commissioner of Police Tirunelveli regarding these threats and requested Armed Police Security personnel. The District Administration, headed by the District Collector, and the Commissioner of Police are aware of his public interest pursuits as they both are respondents in his cases.

Despite his request, he was compelled to approach the Hon'ble Madurai Bench of the Madras High Court seeking protection due to the gross failure of the authorities concerned. The case was numbered W.P. (MD) No. 26605 of 2023 and was disposed of on November 15, 2023, with a directive to the Inspector of Police, Palayamkottai to address the petition. However no protection was provided to Mr. Rayan.

Details of the Incident:

On May 04,2024, Mr. Ferdin Rayan drove from his house around 5:40 am to the badminton club, specifically to the badminton court at the Anna Stadium complex in Palayamkottai, located behind the Police Commissioner's office in Tirunelveli. However, unknown individuals riding a motorcycle intercepted him outside the Police Commissioner's headquarters and attacked him with machetes, slashing his head, back, and limbs. Despite sustaining serious wounds and bleeding profusely from the brutal attack with sharp-edged weapons, he managed to drive his car into the Corporation compound. The perpetrator, who is still at large, inflicted grave injuries on Mr Rayan. It is pertinent to note that the incident had taken place outside the office of the Commissioner of Police, Tirunelveli City. The camp office of the Deputy Commissioner of Police and the DIG are also located within 500 meters from the occurrence spot.

Mr. Ferdin Rayan was admitted at the Government Medical College Hospital at Tirunelveli. Mr. Ferdin Rayan's parents, having lost hope in the officials and their capacity to protect him had shifted him to KIMS Hospital, Thiruvananthapuram due to the continuing life threats.

A complaint has been registered under section 307 of IPC under FIR no 62 of 2024, PS Medical College Police Station, Tirunelveli Medical College Hospital.

On 07.05.2024 a summons was issued by the Inspector of Police. TVMCH Police Station dated 07.05.2024 to Mr. Rayan. This summons is in relation to a "Toy Air Pistol" purchased by Mr. Rayan on 02.02.2024 from City Gun House in Bangalore under Bill No.1655.

HRDA strongly believes that the attack on Mr. Ferdin Rayan is an act of reprisal for his activism as a human right defender. It is concerning that despite the repeated earlier threats to him for his work as an HRD and his representation to the DM and the Commissioner for armed security personnel, and order from the High Court he was not given any security by the administration. This points to a clear negligence of district administration and police station officials in providing protection to the HRD despite request for protection by the HRD.

Every person has a the right to life and liberty enshrined under Article 21 of Indian Constitution 1950, Article 3 of Universal Declaration of Human Rights 1948, Article 6 of International covenant on civil and political rights, 1966. The Right to life includes right against harassment and threats. The targeted attack on the HRD by the police amounts to violation of life and liberty.

A free media is an extremely important fourth pillar of the Indian democracy. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable. The protection of journalists and ending impunity for attacks against them, is a priority for safeguarding freedom of expression.

States are under an obligation to prevent, protect against, and prosecute attacks against HRDs. The United Nations Declaration on Human Rights Defenders 1999 states the following: "*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. In this connection, everyone is entitled, individually*

and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."

According to Article 14. (a) State must “ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates” (Resolution adopted by the Human Rights Council in UN General Assembly on Protecting Human Right Defenders – 12 April 2013)

“National human rights institutions should publicly document threats to and attacks on human rights defenders, and the institutions’ responses to them” (Recommendation made by Special Rapporteur on the situation of human rights defenders, Mary Lawlor on 24 December 2020 in Annual thematic report on Final warning: death threats and killings of human rights defenders).

“States must take special measures to protect human rights defenders, in particular their rights to life and to humane treatment, when there are specific threats or pre-existing patterns of violence.” Special Rapporteur on the situation of human rights defenders, Mary Lawlor on 24 December 2020 in Annual thematic report on Final warning: death threats and killings of human rights defenders.

14. (b) To fulfil the duty to end impunity for any such acts of intimidation or reprisals by bringing the perpetrators to justice and by providing an effective remedy for their victims; (Resolution adopted by the Human Rights Council in UN General Assembly on Protecting Human Right Defenders – 12 April 2013)

Appeal:

We urge the Hon’ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the attack against the HRDs and submit the report to NHRC within two Weeks.

- Direct the Director General of Police of Tamil Nadu to produce within 48 hours copies of all relevant documents pertaining to the summons for an independent examination by the Hon'ble Commission.
- Direct the Director General of Police of Tamil Nadu to immediately investigate and arrest the people responsible for the attack on Mr. Prabhu.
- On the basis of the investigation, direct the Director General of Police of Tamil Nadu to take urgent action against the police officials who were responsible for negligence in providing protection to the journalist and submit the report to the NHRC.
- Issue direction for adequate medical treatment to the Human Rights Defenders.
- Issue a Public Statement condemning the attack on Human Rights Defenders and the neglect of Inspector of Police Palayamkottai police station in compliance of protection order granted by the High Court in its order in W.P. (MD) No.26605 of 2023 dated 15.11.2023.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary