



Human Rights Defenders Alert - India

National Coordination Office

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April 5, 2016

To,

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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Sub: HRD Alert - India - Urgent Appeal for Action – Tamil Nadu: Sedition charges slapped on six social activists and human rights defenders of 'Makkal Adhikaram' (People's Rights), a social organisation in Tamil Nadu for organising a conference/meeting to demand closure of State-run liquor outlets and restricting their rights to freedom of expression and assembly in Tamil Nadu - Regarding

Dear Sir,

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 six social activists and human rights defenders of 'Makkal Adhikaram' (People's Rights), a social organisation in Tamil Nadu, who have been booked under sedition laws for organising a meeting/conference to demand closure of State-run liquor outlets in Tamil Nadu. The activists were allegedly charged under sedition for making inflammatory speeches at the event held

on February 14, 2016 at the Uzhavar Sandhai Ground in Tiruchirappalli over the issue of Tasmac liquor shops across the state of Tamilnadu.

Status of the Human Rights Defender

'Makkal Adhikaram' is a collective of various Tamilnadu based social activist groups. It has been running a campaign against the state-run liquor outlets and demand their closure. The group is formed by several groups who work for the marginalised sections of the society. It also includes groups performing folk songs and street plays on socio-economic-cultural issues. The group has been critical of the government policies on issues of social significance such as rising food prices and education system in the state. HRDA states categorically that not only the six activists but their organisation the 'Makkal Adhikaram' (People's Rights)' is a human rights defender organisation as per Art 1 of the UN Declaration on Human Rights Defenders and as long as they work as per Section 12 of the Declaration they will continue to be regarded as HRDs.

Source of Information on the Incident:

- Communication with the HRD's in the region
- The State Coordinator, Citizen for Human Rights Movement, Tamil Nadu
- The Regional Coordinator for the South of HRDA India
- Media Reports

Date of Incident:

March 26, 2016

Place of Incident:

Tiruchirappalli, Tamil Nadu

The Perpetrators:

Police personnel of Thillai Nagar Police Station, Tiruchirappalli, Tamil Nadu

The Commissioner of Police, Tiruchirappalli, Tamil Nadu

Details of the Incident:

According to sources, on March 26, 2016, a case of sedition has been registered against six activists from 'Makkal Adhikaram' (People's Rights) by Thillai Nagar police of Tiruchirappalli district of Tamil Nadu for allegedly making inflammatory speeches at an event organised to demand the closure of state-run liquor outlets in the state. Cases were registered under Sections 124 (A) (sedition), 504 (intentional insult with intent to provoke breach of peace) and 505 (i) (b) (statements conducing to public mischief with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity) of the IPC. The cases are on Mr. C Raju, a lawyer and state organizer of 'Makkal Adhikaram', members of the organisation Mr. Kaaliyappan, Mr. David Raj, Ms. Chennai Ananthiammal and advocates Vanchinathan and Dhanasekaran.

'Makkal Adhikaram' had organised the anti-liquor conference on February 14, 2016 at the Uzhavar Sandhai Ground in Tiruchirappalli demanding the closure of Tasmac shops across the State. However, the case was booked on March 26, 2016 on a complaint lodged by a Sub Inspector at the Thillai Nagar police station. The meeting was on prohibition of liquor in the state of Tamil Nadu and on issues of how culture and youth were affected due to addiction and law and order issues due to liquor policy etc. The event had the participation of a large number of women and children from across the state and people were urged to rise in unison to bring an end to liquor shops. Tamil Folk singer S. Kovan, was among the speakers during the event.

We would like to bring to you kind notice that HRDA issued an urgent action last year on October 30, 2015 in a similar incident when Tamil folk singer and activist Mr. Kovan was arrested on sedition charges for allegedly singing a defamatory song against Chief Minister Ms. Jayalalithaa over liquor issue. He was released on bail later. The issue had snowballed into a political controversy after that.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the Deputy Commissioner and District Magistrate of Tiruchirappalli City:

- Order an immediate, thorough, transparent, effective, independent and impartial investigation into the above-mentioned incident of slapping fabricated cases on six social activists and human rights defenders from 'Makkal Adhikaram' (People's Rights);
- Take immediate action on the perpetrators in this case the Police personnel of Thillai Nagar Police Station, Tiruchirappalli and Commissioner of Police of Tiruchirappalli for foisting false cases under sedition laws on the social activists and human rights defenders from 'Makkal Adhikaram';
- Ensure immediate withdrawal of cases slapped on the HRDs as a result of the legitimate exercise of their rights to freedom of expression and assembly and use all provisions of law to ensure that the human rights defenders are not harassed, ill-treated and falsely implicated by the police in future;
- Ensure provision of reparation, compensation, apology to the human rights defenders for the psychological suffering they underwent because of their harassment and provides a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of attack and harassment against all human rights defenders including activists of Makkal Adhikaram in the State of Tamil Nadu to ensure that in all circumstances they carry out their activities as human rights defenders without any hindrances and fear of reprisals;
- Takes steps to conform to 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 realisation 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”;
 - Article 8.2 provides that human rights defenders have the ‘ right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.”.
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Tamil Nadu to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
 - Recommend urgently and speedily during the pendency of this complaint, the NHRC convenes a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc.] 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 State Government of Tamil Nadu in collaboration with the NHRC Focal Point on HRDs and the SHRC Tamil Nadu 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 in collaboration with the SHRC Tamil Nadu 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, ensures 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 the state of Tamil Nadu.

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

Copies to:

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