

Annex- Five Indian Human Rights Defenders and Women Human Rights Defenders Arrested on False Charges during Fact-Finding Mission



ASIAN DEFENDERS ALERT

Five Indian Human Rights Defenders and Women Human Rights Defenders Arrested on False Charges During Fact-Finding Mission

18 August 2010

The Asian Forum for Human Rights and Development (FORUM-ASIA) has received information on the unlawful arrest and detention of five (5) human rights defenders and women human rights defenders last 15 August 2010.

The five human rights defenders and women human rights defenders are **Mr. Gnana Diraviam, Mr. Anandan, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha**. The five human rights defenders were participating in a human rights training course organized by the Dalit Foundation and People's Watch, from 11-20 August 2010, in Nagamalai Puthukottai, near Madurai in Tamil Nadu. This training course gathered together 61 participants from all over the country and included two days of fieldwork exercises on fact-finding and documentation.

6:30PM, 15 August 2010 (SUNDAY)

As part of their fieldwork exercise in the training programme, the 5 human rights defenders and women human rights defenders went to the Veeravanallur to look into a torture case of a Dalit youth . At 6:30pm, they arrived at the Veeravanallur Police Station to get a statement from police authorities on the said case.

Sub Inspector Ms. P. Roswin Savimo, who was then coming into the police station, saw Mr. Gnana Diraviam, one of the 5 human rights defenders. She recognized him from when she was working at the Thirupavanam Police Station, which is located at the Sivagangai District, where Mr. Gnana works as a human rights defender. She invited the group to have coffee with her. The group accepted and Sub-Inspector Ms. P. Roswin Savimo requested a constable to buy coffee for them at the nearest coffee shop.

It took some time for the constable to return from the errand as the nearest coffee shop is located almost a kilometer away. While they were waiting for the coffee to arrive, Mr. T. Murugesan, the Inspector of Police of Mukudal Police Station and in charge of the Veeravanallur Police Station entered the station.

Mr. T. Murugesan saw the 5 human rights defenders talking with Ms. P. Roswin Savimo and he asked them who they were. The 5 human rights defenders shared with him in detail and told them about the training programme that they were participating in. They shared with him that they were doing fieldwork exercises on human rights investigation and documentation and were visiting the police station to get the statement of the police on the case of the tortured Dalit youth. The 5 human rights defenders also showed Mr. T. Murugesan their training manual, which had on its back cover the details on the two groups organizing the training, People's Watch and the Dalit Foundation.

While Mr. T. Murugesan was questioning the 5 human rights defenders, he often stepped out of his room to take phone calls. The 5 human rights defenders did not suspect anything by the way he was questioning them.

9:30PM, 15 August 2010 (SUNDAY)

Mr. Ramu, the Deputy Superintendent of the Police of Ambasamuthram arrived at the Veeravanallur police station. It was at that time that the 5 human rights defenders started sensing something wrong and feeling a threatening attitude from the policemen who were in the room. The 5 human rights defenders were asked to move to another room where there were 5 chairs set out for them. Outside the room, three (3) constables were posted, guarding the door.

It was at this point that the 3 women human rights defenders in the group, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha, stood up and told the policemen that they need to go immediately and that they will come back the next day when information on the case they were asking about would be available. Mr. Ramu, in a very rude manner, then told the 3 women human rights defenders that since the police station is a government building, they can come and go as they please, but they have to remain since they need to be questioned more thoroughly.

At this point, the 5 human rights defenders started calling through their mobile phones Mr. Pandian, one of the Programme Assistants assisting in the training programme. When Mr. T. Murugesan saw that the 5 human rights defenders were trying to call someone, he immediately confiscated all their mobile phones.

The police then took each the 5 human rights defenders into separate rooms to get their identification marks. The 5 women and men human rights defenders were kept in the police station until 11:00pm.

11:45PM, 15 August 2010 (SUNDAY)

The 5 human rights defenders were taken by Mr. T. Murugesan to Cheranmahadevi, to the house of the Judicial Magistrate, to be remanded to judicial custody. Mr. T. Murugesan was accompanied by Ms. P. Roswin Savimo and another Sub-Inspector, Mr. Murugan. It should be noted that Mr. Murugan is one of the alleged perpetrators in the case that brought 5 human rights defenders to the police station in the first place, the alleged torture of a Dalit youth.

Before the Judicial Magistrate, one of the women human rights defenders in the group, Ms. Bharathi Pillai, spoke for 20 minutes and explained that they did not know what were the charges against them. It was only then that the Judicial Magistrate read out to them the charges:

- (a) Section 170 of the Indian Penal Code (Impersonating a Public Servant)
- (b) Section 353 of the Indian Penal Code (Assault or criminal force to deter a public servant from the discharge of his duty)
- (c) Section 416 of the Indian Penal Code (Cheating by impersonation)

(d) Section 506 of the Indian Penal Code (Punishment for criminal intimidation)

It was also only at that time that the 5 human rights defenders learned that the person who filed the complaints against them was Ms. P. Roswin Savimo, the female Sub-Inspector who had invited them at the police station to stay and have coffee with her.

From the house of the Judicial Magistrate, the 5 human rights defenders were taken to the hospital for medical examination. Thereafter, the 3 women human rights defenders were taken to the Kokarakulam Women's Sub Jail in Tirunelveli, while the 2 male human rights defenders were taken to the Ambasamuthram Sub-Jail.

They were remanded finally at 2:00am. A bail hearing has been scheduled for 18 August 2010, and if granted, the 5 human rights defenders will be released, but the charges against them shall remain.

Apart from the 5 human rights defenders, the remand report also named **Mr. Henri Tiphagne** as an 'absconding accused' despite the fact that no charges have been filed against him, nor was he present at the police station at the time of the arrests. Mr. Henri Tiphagne is the Executive Director of People's Watch India, Member of the Executive Committee of the Asia Forum for Human Rights and Development (FORUM-ASIA). Mr. Tiphagne is also a member of the National Core Group of NGOs of the National Human Rights Commission (NHRC) of India. People's Watch is a member of the Asian NGOs Network on National Human Rights Institutions (ANNI).

Suggested Action:

Urge Indian authorities to:

- (a) Facilitate the immediate release of Mr. Gnana Diraviam, Mr. Anandan, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha;
- (b) Ensure that all charges against the abovementioned human rights defenders and women human rights defenders are dropped;
- (c) Conduct an investigation into the unlawful arrest and detention of the 5 human rights defenders and women human rights defenders, as well as the accusation against Mr. Henri Tiphagne, as an 'absconding accused', with the view of publishing the results of this investigation and bringing the perpetrators to justice;
- (d) Ensure that all human rights defenders and women human rights defenders in India are able to freely conduct legitimate activities promoting and protecting human rights, in accordance with the UN Declaration on Human Rights Defenders.

Address your letters to:

- **Justice Shri K.G. Balakrishnan**
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