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Case No. 986/22/37/2010

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 24-05-2011

To
RIKKE NOHRUND, COORDINATOR
INTERNATIONAL DALIT SOLIDARITY NETWORK,
(IDSN), FAELLEDVEJ 12, DK-2200 KOBENHAVN
DENMARK
FOREIGN COUNTRIES, FOREIGN COUNTRIES.

26 MAY 2011

Sir/Madam,

With reference to your complaint dated 26-08-2010, I am directed to inform you that the above mentioned complaint along with the report received from the concerned authorities were placed before the Commission on 10-05-2011. Upon perusing the same, the Commission has directed as follows :-

S/Shri Miloon Kothari, Convener, Working Group Human Rights, India and UN, SDJM Prasad, General Secretary, National Dalit Movement for Justice, A. Mehaboob Batcha, Managing Trustee, SOCO Trust, Mamta Jaitly, Renuma Pamecha, Secretary & President, VIVIDHA, Uday Kumar, Dalit Association for Social and Human Rights Awareness(DASHRA), Rikke Nohrlind, Coordinator, International Dalit Solidarity Network (IDSN), Emerlynne Gill, Coordinator, Asian NGOs on National Human Rights Institutions (ANNI), Mathew Philip, Executive Director, South India Cell For Human Rights Association & Monitoring (SICHREM), Bangalore, Karnataka, Frank Jennings Intern, Front Line International Foundation for the Protection of Human Rights Defenders, Ireland, S.K. Bhattacharya, National President, citizen Forum on Human Rights, Sapna Nagar, Gujarat, Irene P. Hujon, President, Meghalaya Human Rights Organsiation, Shillong, Chandranath Dani, Tirunelveli, Tamil Nadu, Narendra, State Vice President, PUCL, Hyderabad, Andhra Pradesh, Karuppasamy, Convener, Arnthathiyar Makkal, Munnetra Iyakkam, Tirunelveli, Tamil Nadu, Mala Liyanage, Executive Director, Law and Society Trust, Colombo, Sri Lanka, T.V. Murugesan, Citizens For Human Rights Movement, Tirunelveli, Tamil Nadu, Radboud Reijn, Programme Officer, Justice & Peace, Netherland, Thedudar, Pengal Iyakkam, Aundipatti, Tamil Nadu, P. Rajan, Director, Arogya Agam, Aundipatti, Tamil Nadu, Revd David Haslam, Member, Dalit Solidarity Network, UK, Gujarat Lok Samiti, Tirunelveli, Tamil Nadu, Rosalin Costa, Hotline Human Rights Bangladesh and Vladlen Stefanov, Tirunelveli, Tamil Nadu urged an appeal before the Commission on 15th August 2010 that a group of five human rights defenders including three women and two male were illegally arrested by the police of PS Veervanallur, Tirunelveli District, Tamil Nadu where they have gone to conduct a fact finding enquiry on a torture case against the police officer. This

Encl: As stated above

1 of 3

arrest was carried out in violation of nearly all the procedural safeguards provided by the Constitution of India, criminal procedure and the DK Basu guidelines. The five human rights defenders were taking part in a training programme on Dalit human rights monitoring, organized by the Institute of Human Rights Education of People's Watch for the Dalit Foundation. All the human rights defenders mentioned above submitted the same complaint before the Commission. The Commission on 17th August 2010 observed and ordered:

"As the complaint contains serious allegations against the police for committing atrocities on human rights, DG(I) is requested to depute an officer and submit report within one week."

Pursuant to the direction of the Commission, a team of NHRC conducted detailed enquiry and concluded that five arrestees were bona fide trainees of Dalit Foundation and People's Watch and they were on a legitimate pre-planned training exercise and scheduled visit on 16th August 2010. They have not committed any offence in visiting PS Veeravanallur for seeking all the alleged arrests, illegal detention and torture of accused, Suresh. It was further concluded that three entries were made at 20:00 hours as per Police Station General Diary dated 15.8.2010 at PS Veeravanallur on 15.8.2010. Three entries cannot be correct at the same time. It has been further concluded that obtaining all correct address from five accused persons during interrogation and confusing replies from five persons would at least take 30-40 minutes, Thus, these five trainees went inside the Police Station much earlier than the police version which makes the trainees' version credible. It was further submitted that WSI Roselin was acquainted with Shri Gnana Dhiravian one of the male trainees while working there. Roselin has falsely denied her earlier acquaintance with Gyana. The meeting with WSI Roselin was cordial but at 20:45 hrs with the arrival of the Inspector/SHO Murugesan and SDPO Chennmahdevi, the situation changed.

The team of NHRC concluded that the trainees were implicated in a false case by the police due to some reason connected to their enquiry into the allegations of torture of accused Suresh. The allegation of torture of Suresh is found to be true. Police personnel were apprehensive that the fact would be brought out.

It was recommended that the Commission may advise the Government of Tamil Nadu for withdrawal of the case against the five human rights defenders. These five trainees (three female and 2 male) were arrested in a false case and they had to remain in judicial custody for one day. It was also recommended that the Government of Tamil Nadu be asked to initiate departmental enquiry against the errant police officers, WSI Roselin and Inspector Murugesan and Dy. SP S. Ramu who were responsible for the arrest of five innocent trainees in false case vide FIR No. 161/2010.

From the perusal of the enquiry conducted by the team of NHRC, it is clear that by the arrest of the human rights defenders, the police officers have committed a grave violation of human rights on the victims and it is a fit case in which recommendation for payment of compensation to the victims should be considered.

Accordingly, it is directed that a notice u/s 18(a)(i) of Protection of Human Rights
Encl: As stated above

Act be issued to the Chief Secretary, Government of Tamil Nadu calling upon him to show cause as to why the victims may not be monetarily compensated.

DG, Tamil Nadu may be asked to initiate departmental enquiry against the errant police officers.

Response within six weeks.

Let copy of this proceeding be sent to all the complainants and Shri A.K. Parashar, Focal Point, HRD, NHRC

Pursuant to the above directions, I am enclosing herewith a copy of the report for furnishing your comments, id any, by 12-07-2011 for consideration of the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)