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The Tragedy in Sri Lanka Rajindar Sachar

One of the most tragic happenings of the decade is the breakdown of Sri Lanka Ceasefire in 2006 and its aftermath resulting in the horrors of war crime and slaughter of innocent Tamil population of Sri Lanka. Why did it happen and could it have been avoided were some of the questions posed before the Permanent Peoples Tribunal, (successor to Bertrand Russel Tribunal) which had been requested by the Irish Forum for Peace in Sri Lanka, and held its sittings from January 14 to 16 at Dublin, sought to answer.

As is well known there have been since over a decade warlike encounters between Government of Sri Lanka (GOSL) and Liberation Tigers of Tamil Eelam (LTTE), the later were virtually running their own administration with unbearable losses to both sides. At last due to intervention by the USA, European Union, ceasefire agreement was signed between GOSL and LTTE in 2002 which was being overseen by Norwegians.

I can personally vouch for the comparatively relaxed and hopeful atmosphere that prevailed when our delegation of Peoples Union for Civil Liberties on invitation from some Human Rights Group in Sri Lanka visited it in 2003. The confidence was such that Balsingham the spokesman for Prabhakaran, LTTE Chief, on one of his visits, because of time factor constraint had no hesitation in using Government helicopter to meet Prabhakaran before the start of one of the rounds of peace talk. However on 2nd January, 2008 the GOSL officially declared its withdrawal from CFA, of course both parties blaming each other for this eventuality.

Various reasons were advanced for failure of CFA like the delayed response of the GOSL to begin reconstruction and rehabilitation work in the war ravaged areas and also failing to ensure the social and economic well being of the people thus eroding the mutual confidence. Especially after the Indian Ocean Tsunami Tamils were led to feel neglected, marginalized and discriminated against thus increasing their distrust. The European Union's decision to ban the LTTE in 2006 even before the war started has also been seen as a grave error that destroyed the parity of status conducive for the contribution of the peace process. In addition, the USA has been accused of being instrumental in undermining the post-Tsunami Operational Management structure which was put in place as a unified mechanism to carry out joint rehabilitation and relief work in the Tsunami affected areas by insisting that it would not direct money to any joint fund other than the Government Treasury.

But the most crucial reason for breakdown of ceasefire was the attitude of US Government which insisted on excluding LTTE from advanced talks in Washington. The conduct of European Union in so

early withdrawing from talks was explained by impartial witnesses as being due to strong pressure put by USA which because of its own war in Iraq and Afghanistan wanted the logistic support of GOSL which obviously it could not hope to get if LTTE continued to be associated with ceasefire talks.

The Tribunal found that the Lankan Army dropped cluster ammunitions by war planes. There were frequent use of heavy military against LTTE forces in civilian areas on public building and schools and which constitutes a violation of the Geneva Conventions. British and French media indicated that during the third week of fighting some 20,000 Tamils have been killed.

Sexual abuse and the rape of women was yet another atrocity clearly proved against Government military and would amount to crime against humanity, and Geneva Convention.

The Tribunal rejected the claim that all these war crimes should be allowed as the best means to defeat the most dangerous enemy. This kind of new security paradigm is totally unacceptable. The State cannot be allowed to transgress international norms of Geneva Convention and Rome Statute whatever the provocation and challenge to the authorities by its own citizens - such is the mandate of Human Rights law which is universally accepted.

The Tribunal regretted that after repeated pleas, and in spite of the appalling conditions experienced by Tamils, the UN Human Rights Council and the UN Security Council failed to establish an independent commission of inquiry to investigate those responsible for the atrocities committed.

The Tribunal has emphasized that if normal conditions are to be restored in Sri Lanka, the Government must establish as a matter of urgency an independent and authoritative Truth and Justice Commission, to investigate crimes against humanity and war crimes committed by parties in conflict.

The Sri Lankan Government must also implement a political power-sharing solution that gives the Tamil people a proactive and legitimate role in the administration and management of the Northeast, while upholding their rights to equal citizenship, participation and representation at all levels, and ensuring a free, fair and peaceful electoral process in regard to parliamentary elections scheduled for May, 2010 and allow free and unlimited access to humanitarian organizations, such as the international Committee of the Red Cross, human rights defenders and media in refugee camps.

The Tribunal also urged the international community and the United Nations:

- i. to appoint a UN Special Rapporteur for Sri Lanka to

investigate and identify responsibilities for human rights violations and for war crimes committed by all parties in conflict;

I feel that in the matter of restoration of peace in Sri Lanka, Tamil Diaspora, can play an important role. It is well known that Tamil Diaspora in Europe and America was greatly sympathetic to LTTE demand for Eelam - its active help was stupendous.

It has, during the present tragedy, tried to do its best for rehabilitating the victims, but lack of support by the GOSL has greatly hindered its activities. It is rightly not only deeply hurt but also furious at the indignities and brutalities suffered by their brethren / sisters - the same sentiments that every Indian in the country shares.

But in the anger, nothing should be done to bring Tamils in Sri Lanka again on the path of violent confrontation - of course much will depend on how GOSL treats Lankan Tamils and whether it genuinely tries to give a humane, understanding touch to the strong sentiments of Tamils in Sri Lanka and gives them an equitable, honourable position in power sharing so that both of them can jointly make Sri Lanka, a beautiful country with bountiful nature free of conflict and move on to a joint quest for a happy, united living without any discrimination of religion or language, each being considered on the same level. □

Press Statement: February 17, 2010

PUCL Condemns the Killings of Eastern Frontier Rifle Jawans by the Maoists

PUCL strongly condemns the brutal firing on the camp of the Eastern Frontier Rifle jawans killing 24 of them on 15 February 2010. It is a reprehensible act of gravest human rights violation by the group of CPI (Maoists) who claimed the responsibility of the act.

PUCL believes that acts of violence like this have no place in a democratic society such as ours that has in it all the means of conflict resolution through negotiations. It is a long standing firm belief of PUCL that violence in any form can never be a means to achieve any end howsoever grand that might be.

PUCL appeals to both the maoist and the state to suspend the hostilities and engage in negotiations to address the outstanding issues of the affected people like displacement, development and livelihood.

Pushkar Raj, General Secretary □

Press Statement: February 14, 2010

PUCL Condemns the Pune Blast

Demands fair investigation and long term rehabilitation policy for the affected

People's Union for Civil Liberties strongly condemns the bomb blast that took place at the German Bakery in Pune on 13th February, '10. It condemns the use of violence by groups to achieve whatever their objective be. It also extends its profound condolences to the families of the deceased.

PUCL is also of the opinion that this is once again a failure on the part of the State intelligence and the Maharashtra State authorities. As

happened in the past this time too the authorities have rid themselves of their responsibility of providing security and pre-empting such attacks by merely pointing fingers at suspected terrorist groups.

PUCL feels strongly that the State should come out with a proper policy of rehabilitation for victims of such attacks. As seen in the past the amounts announced by the State Governments are usually in populist terms and not a full

package which helps in long term rehabilitation of the families of the deceased and takes care of the health and social security needs of the injured.

PUCL would also like state that the police must apprehend the real culprits and not victimise ordinary people in the course of its investigation as was allegedly done in the aftermath of the blasts in past.

Pushkar Raj, General Secretary, PUCL National □

PUCL Statement Against the Arrest of PUCL UP State Executive Member Seema Azad

PUCL strongly condemns the arrest of the erudite scholar and journalist Seema Azad, executive member of the Uttar Pradesh state PUCL and editor of Dastak magazine. It equally condemns the arrest of Vishwa Vijay, her husband a democratic rights activist and student activist Asha.

We are shocked that the UP state police is labeling Seema's Human Rights work done through the PUCL of enquiring and protesting against the fake encounter killing of Kamlesh Chaudhary in Sonebhadra or of raising her voice against the mining mafia in Allahabad and Koshambi districts, as that being naxalite in nature.

We believe that this is a vindictive action by the UP State police against PUCL members like Seema, as in the aftermath of the protests made by the PUCL against the Sonebhadra fake encounter, the Additional DG of UP Police, Mr. Brij Lal had reportedly said on 12th November '09 that action would be taken against PUCL members.

It is pertinent to note that

Seema Azad with other members of PUCL had conducted a fact finding on the atrocities of workers of the mining areas of Allahabad and Koshambi and had released a report last month. The report had severely criticized the police who had resorted to brutal lathi charge in the said (Nanda ka Gaon) village in which several workers were injured. The local office of the workers was set on fire by the police and several false cases were registered against the leaders of the workers.

PUCL demands the immediate release of Seema and others who have been picked up by the UP police and also demands the dropping of the cases filed against them so that their civil liberties are completely restored. PUCL also demands the immediate intervention of the NHRC against this outrageous arrest.

PUCL is of the belief that increasingly space for democratic expression and dissent is declining. Any effort made by citizens and human rights defenders to demand justice or questioning police action

whether in Uttar Pradesh or the states of Chhattisgarh, Jharkhand, Tamil Nadu, Orissa, West Bengal etc is responded to by filing of fabricated cases against them under several sections of IPC or specially created anti-democratic laws. PUCL regrets that the Central Government has also proved to be compliant to this tactic and is an active complicit in ensuring the silence and suppression of democratic voices.

PUCL which has been a pioneer in civil liberties will fight against this anti-democratic attitude of the States and Central Government to the hilt until the civil liberties are fully respected and restored in the country for all its citizens. We plan to stage a nationwide protest against the arrest of Seema Azad along with demanding her release on the 11th of February, 2010.

Sd/-

Prabhakar Sinha, President;
Pushkar Raj, General Secretary;
Ravi Kiran Jain, Vice President,
Kavita Srivastava, Secretary,
Chittranjan Singh, Secretary.

8th February, 10 □

Final Report of the Permanent Peoples' Tribunal on Sri Lanka

Justice (retired) Rajindar Sachar, former President, People's Union for Civil Liberties, was invited to participate as a member of Jury of The Permanent Peoples' Tribunal (successor to Bertrand Russell Tribunal), which conducted an inquiry into the issue of 'War Crimes' and 'Crimes against Humanity' committed by the Sri Lankan security forces during the war against the LTTE during 2006-09 and its aftermath in Dublin (Ireland) from January 14th to January 16th 2010. The final is the report of the panel.

1. The Competence of the Permanent Peoples' Tribunal

The Permanent Peoples' Tribunal (PPT) is an international opinion tribunal, independent from any State authority. It examines cases regarding violations of human rights and the rights of peoples.

Promoted by the Lelio Basso International Foundation for the Rights and Liberation of Peoples, the PPT was founded in June 1979, in Bologna, Italy, by a broad spectrum of legal experts, writers, and other cultural and community leaders (including five Nobel Prize laureates) from 31 countries. The PPT is rooted in the historical experiences of the Russell Tribunals on Vietnam (1966-67) and the dictatorships in Latin America (1974-1976). The importance and strength of decisions by the PPT rest on the moral weight of the causes and arguments to which they give credibility, as well as the integrity and capability to judge of the Tribunal members.

Complaints heard by the Tribunal are submitted by the victims, or by groups or individuals representing them. The PPT calls together all parties concerned and offers the defendants the possibility to make their own arguments heard. The Jury is selected for each case by combining members who belong to a permanent list of jurors, and individuals who are recognized for their competence and integrity.

From June 1979 to the present date the PPT has held some 40 sessions whose results and judgements are available at www.internazionaleleliobasso.it.

For this Session on Sri Lanka, the Secretariat of the PPT was first approached by representatives of a broad spectrum of NGOs, as early as July 2009. The government of Sri Lanka had declared the war over two

months prior, following months of bloody massacre which had made headlines worldwide. The urgency of the matter was recognized. Additionally, the specific competence of the PPT was considered in response to the substantial disregard of the matter by international institutions which accompanied the "disappearance" of the massacre of the Tamils from the attention of the international media.

The documents supporting the request to convene a session of the PPT with the primary objective of focusing on "the last phase of the war, the period after the collapse of the peace process, and especially the last months" were received and accepted on November 19, 2009.

The notification of the procedures and the invitation to participate in the session of the PPT in Dublin were submitted to the representative of the Government of Sri Lanka in London, H.E. Justice Nihal Jayasinghe, on December 1, 2009.

According to the Statutes of the PPT, and as specified in the notification, in the absence of a positive response to the request for formal representation of their positions, the PPT mandated a Rapporteur to present the views of the Government of Sri Lanka in the Public Session.

The work of the PPT took place in the facilities of Trinity College (c.f. program attached in Annex 1).

Due to security reasons, the members of the panel of the PPT heard the highly detailed eye-witness accounts of the events related to the last months of war, and to the concentration camps during, "in camera" sessions.

The PPT certifies that the resources which have covered the organizational and financial needs of the sessions correspond mainly to

the voluntary work of the members of the NGOs supporting the initiative, and that no economic contribution has been derived from sources directly or indirectly related to Tamil organizations, nor to states involved in the events considered in this session.

The written and visual documentation presented and examined by the PPT aside from the oral hearings and cross-examinations, is listed in Annex II and available on the PPT and IFPSL websites. A new website - www.pptsrilanka.org - will make the findings and other relevant material available to the public in several languages.

2. The Complaints

The request to conduct a Peoples' Tribunal came from the Irish Forum for Peace in Sri Lanka, in a letter dated 19.11.09. The Forum claimed that from the time that the war began in July 2006 through April 2009, according to United Nations internal documents, air raids and the use of heavy weaponry resulted in the death of 116 people per day. British and French mainstream media reported that during the final few weeks 20,000 Tamil people were killed. There were numerous accusations that Sri Lankan security forces were guilty of violating the Geneva Conventions on warfare and of having committed gross war crimes and crimes against humanity, particularly during the last five months of the war, between January and May 2009. The charges included the bombing of civilian habitations, hospitals, and government-proclaimed 'safety zones' or 'no fire zones' by security forces, causing innumerable deaths of civilians, doctors and aid workers. Additionally, the charges also included depriving the population of essential services such as food, water, and health facilities in war zones, and other

grave crimes against humanity.

Even before the war ended, UN agencies had been voicing their concern to the Sri Lankan Government over the level of impunity surrounding human rights abuses, the continued attacks on civilians by its armed forces, and the denial of aid to the local population residing in areas formerly administered by the Liberation Tigers of Tamil Eelam (LTTE). Nonetheless, Sri Lankan security forces completely ignored these warnings and continued their deadly assault. In the immediate months after the war attention shifted to the plight of over 280,000 Sri Lankan Tamils forced to live in internment camps in the Vanni region. Densely packed in camps, with inadequate infrastructure to provide safe food, water, sanitation and health facilities, the Government announced that the internally displaced people (IDPs) would be kept there until they had been 'screened' for possible LTTE sympathies. In subsequent weeks, reports poured in of scores of Tamil youths disappearing from the camps, having been taken away by security forces and government-sponsored paramilitary groups. Hundreds are feared to have died.

Following the international outcry resulting from the forcible detention of Tamil people in these camps for more than 5 months, the Government announced that a significant number of them would be resettled. However, it has been reported in the BBC and other news media that a considerable number of those released were simply moved to new satellite camps in remote areas. The Sri Lankan Government has always vehemently denied all wrongdoing on the part of its forces and has dismissed all accusations as attacks on Sri Lanka's sovereignty. It has steadfastly refused to permit the media and other organisations, both national and international, including UN bodies, to enter and to ascertain the facts by interacting with local people. In the Sri Lankan south, any call to critically examine the conduct of the war and the action of the Sri

Lankan security forces in terms of internationally accepted war conventions and human rights standards, is regarded as treason.

Against this background the Permanent Peoples' Tribunal was asked to examine the following:

- 1) Did widespread or systematic attacks directed against the Tamil civilian population take place in the sense that has been described by the 'Rome Statute' of the International Criminal Court as 'crimes against humanity'?
- 2) Was there an intentional infliction of conditions of life calculated to bring about the destruction of part of the Tamil population, inter alia the deprivation of access to food and medicine, consistent with the definition of 'extermination' elaborated under 'crimes against humanity' within the Rome Statute?
- 3) Have Sri Lankan government forces violated the international law of war by executing war prisoners who surrendered themselves to the Sri Lankan Army? Have Sri Lankan armed forces subjected Tamils that they have captured, or those who have surrendered, to torture? Have there been outrages committed against the personal dignity of prisoners, or humiliating and degrading treatment inflicted upon them?
- 4) Have sexual assault and rape been used as weapons of war?
- 5) Have murder and disappearance of Tamil people in contravention of the Rome Statute on 'Enforced disappearances of persons' taken place?
- 6) Has there been mass deportation and detention of Tamil people in contravention of international law?
- 7) Have Sri Lankan armed forces committed war crimes by indiscriminately using heavy weaponry and air power in densely populated areas? Have they utilized weapons forbidden

by international law, such as cluster munitions and weapons of chemical nature?

- 8) Have Sri Lankan government forces committed war crimes by desecrating the dead? This Tribunal is dealing with the crimes committed by the Sri Lankan government, but not with the crimes committed by the LTTE forces in the war. The reason for this is that humanitarian law was created to protect citizens from the State. Any crime committed by individuals or groups can be judged and punished by the State. However, crimes committed by the State usually result in impunity, as the State is not willing to judge and punish its own actions. The category of human rights violations in international law applies specifically to the State. The action of this Tribunal is a mechanism to ratify this principle.

3. The 2002 CFA and the Breakdown of Peace Talks

On the 22nd of February 2002, the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) signed a permanent Ceasefire Agreement (CFA), formalizing the unilateral truce declared by the Tigers. The Norwegian peace envoys who facilitated the signing of the agreement were backed by the Co-chairs of the donor countries who were overseeing the Sri Lankan peace process, namely the EU, USA, Japan and Norway. The overall objective was to "find a negotiated solution to the ongoing conflict in Sri Lanka." The CFA was intended to be "a means of establishing a positive atmosphere upon which further steps towards negotiations on a lasting solution can be taken." A separate body, the Sri Lanka Monitoring Mission (SLMM), was created to monitor ceasefire violations. Its members were drawn primarily from Norway, Sweden, Finland, Denmark and Iceland. The war-weary people on the Island, both Tamils, as well as

Sinhalese, were supportive of the CFA, as was the Sri Lanka business community and their external partners.

There were certain initial benefits following the signing of the CFA. The ceasefire paved the way for six rounds of direct peace talks between the GoSL and the LTTE. Mutual confidence was rebuilt on the basis of the CFA and new political and social spaces were opened up allowing all communities to mutually interact with each other and to initiate a long delayed inter- ethnic dialogue. The ceasefire also facilitated the opening of the A-9 highway – the only land route linking the Jaffna peninsula with the rest of the Island – re-linking the North and the South.

Despite the historical significance of the ceasefire, its benefits were short lived as the CFA gradually fell apart. Even though the six rounds of talks achieved considerable success, the overall significance soon started to fade away. Limited hostilities recommenced in late 2005, and the conflict escalated after July 2006. Through massive military offensives, the GoSL drove the LTTE out of the entire Eastern Province and extended operations to the north of the country.

By 2007, five years after the CFA was signed, the situation was described as “undeclared war” characterized by high casualties, humanitarian strife and large- scale displacement. Following the completion of the eastern offensives, the GoSL announced that its troops would be moved to the northern areas, in order to regain the “guerrilla- administered territory”. On the 2nd of January 2008, the GoSL officially revealed its withdrawal from the CFA. Both parties accused each other of violating the CFA and thus weakening the mutual confidence that had been achieved.

The failure of the CFA has been attributed to a number of causes. While the GoSL accused the LTTE of repeatedly violating the ceasefire, the LTTE accused the state and its armed troops of undermining

confidence- building measures and of not delivering peace dividends to Tamil people living in war affected areas. In addition, both parties traded accusations regarding targeted assassinations of high profile individuals belonging to the opposing party. Furthermore, the delayed response of the GoSL in beginning reconstruction and rehabilitation work in the war-ravaged areas, and in failing to ensure the social and economic well- being of the people, contributed significantly to eroding mutual confidence. Especially after the Indian Ocean Tsunami, Tamils felt neglected, marginalized and discriminated against, increasing their distrust. Moreover, hard-line Sinhalese nationalists put all their efforts into blocking any positive development which would guarantee the rights of the Tamil people and improve their living conditions. They had opposed the CFA since its inception, and used every possible means to undermine and weaken it.

It has also been pointed out that international actors did not intervene in a productive and evenhanded manner to strengthen the CFA and to uphold the achievements already realized. In particular, the USA, UK and others have been accused of undermining the LTTE and its commitment to peace by repeatedly calling for a complete renunciation of violence “in word and deed”. The European Union’s decision to ban the LTTE even before the war started has also been seen as a grave error that destroyed the parity of status necessary for the continuation of the peace process.

Furthermore, it has been asserted that the “Washington episode” led the LTTE to withdraw from direct talks after they were excluded from talks in Washington. In addition, the USA has been accused of being instrumental in undermining the Post-Tsunami Operational Management Structure (P-TOMS), which was put in place as a unified mechanism to carry out joint rehabilitation and relief work in the Tsunami-affected Tamil areas, by insisting that it would not direct money to any joint fund other

than the Government treasury. A further setback came in 2006, when the European Union added the LTTE to its list of terrorist organizations, while even the GoSL remained reluctant to ban the Tigers in Sri Lanka.

Throughout the six years that the CFA was in place, the SLMM, which was an autonomous and impartial body established to monitor the truce, accused both parties of violating the ceasefire agreement. Until its operation ceased in January 2008, following the GoSL’s unilateral abrogation of the CFA, the SLMM conducted verification and monitoring operations in the conflict areas. It had two main objectives: to assist the GoSL and the LTTE in implementing the CFA properly, and to inquire into and report on violations of the CFA. In the period that followed the signing of the CFA, the SLMM observed a “considerable and notable reduction of violence”.

In spite of minor setbacks, the initial period after the CFA marked a clear step forward with regard to decreasing acts of hostilities and achieving important breakthroughs in the direct talks. However, this success depended on the equal status of the two parties, and once this was breached, mainly as a result of the Washington episode, the CFA started to lose effectiveness. As a result, new hostilities emerged, which eventually evolved into a full scale war, and pushed Sri Lanka back into a becoming a killing-field once again.

4. The Atrocities of the Last Weeks of the War

This part of the report of the Tribunal is focused on the terrible consequences of the collapse of the ceasefire agreement (CFA), and in particular the military and other actions taken by the Government of Sri Lanka in respect to the LTTE forces, and the civilians associated with them.

The tribunal listened to several presentations by NGOs, experts on the recent and current “civil war” situation in Sri Lanka, in front of a

public audience. The Tribunal listened to a larger number of witnesses, victims, human rights defenders, journalists and Tamils from the diaspora in 'in camera sessions' in order to protect their identity.

In its work the Tribunal was reminded several times that this civil war was a "war without witnesses" because the GoSL had prevented either national or international media coverage. In fact, some of the early victims were the many journalists that were murdered by unknown assassins, something which appeared to serve the agenda of the Government by silencing critical opinion. The impression held by most experts and witnesses is that this was a civil war, and an exercise in ethnic cleansing, perhaps even genocide, and that the Government did not wish to share this with the media. Instead, significant misinformation as to the policies, the fighting, and the numbers and overall well-being of civilians in LTTE-controlled areas was provided by Colombo.

This misinformation frequently underestimated the number of Tamil civilians within LTTE-controlled areas who were trapped by the military, and exposed to attack by aircraft and artillery. It was only when the final exodus from the much diminished LTTE-held territory began, and the internally displaced persons (IDPs) were counted that it was seen that the government had misinformed both the national and the international public.

The atrocities carried out by the military relate particularly to civilians, and there is evidence of cluster munitions being dropped by warplanes. Some witnesses reported that white phosphorous was used in violation of international law. Several witnesses had seen burn marks on wounded civilians. Others believed that indications of napalm were apparent, and evidence of other incendiary devices has been confirmed by doctors who had cared for hundreds of Tamil civilians wounded in this manner. The sight

of hundreds of dead bodies was reported by a number of witnesses. This indicates that in addition to the many wounded and the heavy loss of civilian life, the destruction of civilian infrastructure essential for human wellbeing was common (with women and children among those targeted) in the diminishing areas controlled by the LTTE.

The frequent use of heavy artillery by the military against LTTE forces in civilian areas, including on public buildings such as hospitals and schools as indicated above, constitutes a violation of the Geneva Conventions. The populace suffered from the lack of potable water, lack of access to essential medical care and continuing lack of access to educational facilities. Virtually all their basic human rights were violated. Further, loss of civilian life under these conditions was very high. By April 2009, according to internal documents of the United Nations, use of heavy weapons, combined with air-raids caused the death of some 116 persons each day. Further, British and French media indicated that during the final weeks of fighting some 20,000 Tamils were killed.

The attempt to annihilate the Tamil population with or without the use of illegal weapons certainly constitutes one form of war crime. The question remains if the government intended genocide in respect of the Tamil people in brutally suppressing armed and political resistance. From expert and eye-witness testimony, it would seem certain that the military attacked targets of a purely civilian nature, such as hospitals, fleeing IDPs and many villages. Further, evidence that the military executed both Tamil civilians and LTTE prisoners of war, who in some cases had voluntarily surrendered, further supports charges of ethnic cleansing and violations of international law.

Before drawing any conclusions, other atrocities and abuses of Tamil civilians need to be considered. Witness testimony on IDP "camps", or perhaps "concentration camps" as suggested by testimony, demands

attention. Portrayed by the government as temporary residential facilities pending the return home or resettlement of those detained within them, the camps were designated as "welfare villages" by the government. Fifteen such IDP camps were so designated. These camps continue to be in gross violation of the Geneva Conventions and the Universal Declaration of Human Rights. Many tragedies within the camps were reported to the Tribunal members. Living space was very modest, cover was of galvanised tin which in hot conditions became a health hazard, often resulting in poor skin conditions. Many children in particular, but also women and the aged, died from diseases such as cholera and malnutrition. Water supply was a significant problem, with five litres per day for all the needs of a family being totally inadequate and threatening to health. Sufficient water for simple hygiene, toilet use and the washing of clothes (most IDPs had only the clothes on their backs) was simply unavailable. Garbage remained in place, and toilets pits constructed without cement often collapsed leading to flooding, and, in some cases, the drowning of children. Many children had lost both parents and become orphans, or only had the protection of a single parent, and were thus vulnerable to the many dangers lurking in the camps.

Another unacceptable government policy was the withholding of food, and the use of this tactic as a tool to coerce and torture Tamil civilians. The blockade of food supplies and deliberate underestimation of the numbers of civilians within the LTTE-controlled areas also led to dangerous food shortages. The additional withholding of medical supplies to Tamil civilians is equally unacceptable and a violation of humanitarian law.

Sexual abuse and the rape of women by government troops was yet another atrocity repeated throughout the civil war by government military in destroyed villages and in the

“welfare villages”. This practice, which is in violation of the Rome Statute as a crime against humanity, led to tragedies such as abortions and suicide on the part of victims unable to live with family shame and mental trauma. This policy of targeting also applied to Tamils living outside the conflict zone. Apart from mass deportations, selective terror campaigns were carried out by means of abductions, assassinations, arbitrary arrests, detention, sexual assault and torture.

The information provided in the paragraphs above can be found in the reports of Human Rights Watch (28.07.09 and 24.11.09), of Amnesty International (10.08.09), and of the Centre for Policy Alternatives (September 2009).

Specific assassinations of Tamil leaders are yet another atrocity, and highlighting this occurrence is the targeted killing of members of Parliament, including Joseph Pararajasingham, Nadarasa Raviraj and T. Maheshwaran, who had protested the military massacres.

One aspect of government policy that facilitated a variety of atrocities was the Prevention of Terrorism Act (PTA) of 1979 which designated the LTTE forces as “terrorists.” It further undermined some of the safeguards in the justice and military legal systems, leading to significant abuse. Evidence shows that maltreatment of the dead also took place.

In summary, in pursuing its ambitions to remove the threat that LTTE forces presented and to control the Tamil civilian population, the Government of Sri Lanka pursued military actions in violation of international law, including the Geneva Conventions and the Declaration of Human Rights. The resulting atrocities of rape, torture, assassinations, “disappearances,” and withholding of food, water and medical supplies brutalised and threatened the survival of the Tamil community. The use of artillery and illegal weapons such as white phosphorus and cluster munitions places the

government outside accepted international legal standards. It is not surprising that charges of atrocities, ethnic cleansing and indeed genocide have been levelled at Colombo. War crimes and crimes against humanity clearly appear to have been committed.

5. On the Qualifications of the Facts

Summing up the facts established before this Tribunal by reports from NGOs, victims’ testimony, eye-witnesses accounts, expert testimony and journalistic reports, we are able to distinguish three different kinds of human rights violations committed by the Sri Lankan Government from 2002 (the beginning of the CFA) to the present:

- Forced “disappearances” of targeted individuals from the Tamil population;
- Crimes committed in the re-starting of the war (2006-2009), particularly during the last months of the war;
- Bombing civilian objectives like hospitals, schools and other non-military targets;
- Bombing government-proclaimed ‘safety zones’ or ‘no fire zones’;
- Withholding of food, water, and health facilities in war zones;
- Use of heavy weaponry, banned weapons and air-raids;
- Using food and medicine as a weapon of war;
- The mistreatment, torture and execution of captured or surrendered LTTE combatants, officials and supporters;
- Torture;
- Rape and sexual violence against women;
- Deportations and forcible transfer of individuals and families;
- Desecrating the dead;
- Human rights violations in the IDP camps during and after the end of the war;
- Shooting of Tamil citizens and LTTE supporters;
- Forced disappearances;
- Rape;
- Malnutrition; and
- Lack of medical supplies.

5.1 War Crimes

The actions included under the second point above clearly constitute “war crimes” committed by the Sri Lankan Government, its security forces and aligned paramilitary forces, as defined under the Geneva

Conventions and in the Rome Statute, with regard to the following sections of Article 8.

If this conflict is recognized as international in nature, the following charges would apply:

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxv) Intentionally using starvation of civilians as a method of warfare by

depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

If the conflict is of a domestic character, the following charges would apply:

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(vi) Committing rape, sexual slavery, enforced prostitution, forced

pregnancy, as defined in article 7, paragraph So, if we analyze the conflict as either an international conflict or as an internal armed conflict, we have clearly found that war crimes were committed by the Government of Sri Lanka.

5.2 Crimes against humanity

The actions included under the points 1 (forced disappearances) and 3 (violations committed in the IDP camps during and after the war) clearly constitute “crimes against humanity”, as defined in the Rome Statute, Article 7, specifically in the following sections:

Any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder (b) Extermination ; (d) Deportation or forcible transfer of population (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law (f) Torture (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court (i) Enforced disappearance of persons (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

5.3 The possible commission of the crime of genocide

Although the charge of genocide was not included in the inquiry requested of the Tribunal, some of the organizations and persons that gave testimony insisted that it be recognized that genocide occurred, or may have occurred, against the

Tamil population in Sri Lanka. There was not enough evidence presented before the Tribunal to determine that the crime of genocide be added to the charges of war crimes and crimes against humanity. Some of the facts presented should be investigated thoroughly, as possible acts of genocide. Such facts include the following:

- A possible pattern of forced “disappearances” of Tamil individuals carried out by the Sri Lankan armed forces and by paramilitary forces with the acquiescence of the State, directed against crucial members of the Tamil community (journalists, physicians, politicians) to destroy, as Lemkin said, “the grounds for the continuity of the life of the group”(in this case, the Tamil group); and

- The persistence of the situation of the Tamil population in the IDP camps; the continuity of shootings, systematic rape and forced “disappearances;” the widespread destruction of infrastructure in those parts of the country where there is a concentration of Tamils; and the lack of food, medicine and other fundamental needs for the continuity of life of the Tamil people.

Although the facts listed above are current, we have not received enough evidence to include them as charges. However, the Tribunal acknowledges the importance of continuing investigation into the possibility of genocide.

5.4 The right of any human being to be under the protection of humanitarian law

The so-called “global war on terror” has produced the idea that any act committed in such a war should be allowed as the best means to defeat a most dangerous enemy. This kind of new security paradigm has led to the justification of human rights violations against those members of the population labeled “terrorists”. It is fundamental for the verdict of this Tribunal that even considering crimes committed by the LTTE forces, the alleged “terrorists” are under the protection of humanitarian law.

Neither war crimes, nor crimes against humanity (the charges that have been recognized by this Tribunal) would be justified by any act committed by the victims.

The importance of highlighting this question is that, within this new security paradigm, members of the population labelled as “terrorists”, or any other extreme qualification, would be excluded from the rest of humanity and therefore would not enjoy any protections ensured by human rights law. This assumption would deny the existence of human rights law as such.

5.5 The alleged commission of “crimes against the peace”

The last crime submitted to the Tribunal deals with the charge of “crimes against the peace”. Allegedly, the Government of Sri Lanka and some “external forces” conspired to commit a “war of aggression”. Crimes against the peace were defined in the Nuremberg Tribunal as:

- (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances and/or
- (ii) participation in a common plan or conspiracy for the accomplishment of any of such acts.

The problem for this Tribunal regarding this part of the accusation is not only with the evidence provided to the Tribunal to support the charge, but also (and mainly) with the consequences of accepting such a concept as part of humanitarian law.

The idea of a crime against the peace supposes that peace exists and that one side of the conflict breaks this peaceful situation through a war of aggression. However, in the majority of the armed conflicts that humanity have suffered, the situation can be analysed from a more subtle and complex perspective. The definition of the first offender in an armed conflict is difficult to determine and subjective. The manner in which years of oppression accumulate to a critical level may easily become the first act in a “war of aggression.”

That is the case of the years of war within Sri Lanka. The perspective through which the conflict is analysed defines who may be charged with “crimes against the peace”. That is the reason the Tribunal will not endorse specific charges in regards to such a crime.

Nevertheless, on the basis of the evidence obtained and the testimonies heard, the Tribunal acknowledges the responsibilities of the international community, inasmuch it did not take concrete steps to prevent violations of the human rights of the Tamil people, and subsequently omitted the pursuit of war crimes and crimes against humanity.

The Tribunal stresses the responsibility of the Member States of the United Nations that have not complied with their moral obligation to seek justice for the violations of human rights committed during the last period of war. After repeated pleas, and in spite of the appalling conditions experienced by Tamils, the UN Human Rights Council and the UN Security Council failed to establish an independent commission of inquiry to investigate those responsible for the atrocities committed due to political pressure exerted by certain Members.

It also highlights the conduct of the European Union in undermining the CFA of 2002. In spite of being aware of the detrimental consequences to a peace process in the making, the EU decided - under pressure from the United States and the United Kingdom - to list the TRM (Tamil Resistance Movement, which included the LTTE) as a terrorist organization in 2006. This decision allowed the Sri Lankan Government to breach the ceasefire agreement and re-start military operations leading to the massive violations listed above. It also points to the full responsibility of those governments, led by the United States, that are conducting the so-called “Global War on Terror” (GWOT) in providing political endorsement of the conduct of the Sri Lankan Government and

armed forces in a war that is primarily targeted against the Tamil people.

The Tribunal also points to the direct responsibility of various countries in providing the Sri Lankan Government with weapons. Some of these weapons are banned by conventions such as the Convention on Certain Conventional Weapons (CCW), and others. In addition, some of those countries also trained Sri Lankan military forces during the ceasefire period.

6. Recommendations

6.1 To the Government of Sri Lanka

The PPT recommends that the government of Sri Lanka:

- Establish as a matter of urgency an independent and authoritative Truth and Justice Commission, to investigate crimes against humanity and war crimes committed by parties to the conflict in the course of the last phases of the war after the collapse of the 2002 ceasefire, and ensure the prosecution of those responsible for war crimes and crimes against humanity;
- Immediately re-establish fundamental freedoms and political rights for the Tamil people, by withdrawing the state of emergency and repealing the Prevention of Terrorism Act of 1979;
- Assure the safety and dignity of the 12,000 plus political prisoners, allowing access to International Committee of the Red Cross and legal representation according to international norms;
- Promptly ensure the protection and integrity of national and international journalists and human rights defenders, and guarantee their legitimate human rights;
- Disband all paramilitary forces and progressively reduce the presence of military forces in the Tamil areas;
- Implement a political power-sharing solution that gives the Tamil people a proactive and legitimate role in the administration and management of the Northeast,

while upholding their rights to equal citizenship, participation and representation at all levels, and ensuring a free, fair, and peaceful electoral process in regard to parliamentary elections scheduled for May 2010; and

- Sign, ratify and implement the Treaty of Rome establishing the International Criminal Court. As far as the current situation in the camps and for Internally Displaced Persons, the PPT recommends:
- Allow free and unlimited access to humanitarian organizations, such as the International Committee of the Red Cross, human rights defenders and media to the refugee camps;
- Hand control of the camps from military to civilian authorities, and ensure the resettlement of Tamils in their native lands, managed by civilian authorities and overseen by international organizations with the full and active participation of the affected people;
- Ensure implementation of standards for safe returns, such as the UN Guiding Principles on Internal Displacement, and allow independent international monitoring of returnees, rehabilitation, and reconstruction activities;
- Carry out impact assessments and human audits, and set up a mechanism of accountability and compensation after a proper assessment of damages suffered by the Tamil people; and
- Address the particular condition of women, children, and separated families, allowing access to basic services, post-war rehabilitation, education, and health and psychological care, including treatment for Post-Traumatic Stress Disorder (PTSD).

6.2 To the International Community, Donor Governments and the United Nations

The Panel urges to the above that they:

- Appoint a UN special rapporteur for

Sri Lanka to investigate and identify responsibilities for human rights violations, violations of humanitarian law and war crimes committed by all parties in conflict;

- Support the establishment of an independent group of eminent persons to investigate the responsibilities of the international community in the disruption of the ceasefire agreement and subsequent war crimes and crimes against humanity and provision of the Sri Lankan Government with weapons during the ceasefire;
- Establish a field office of the UNHRC to allow for independent monitoring of the human rights situation of the Tamil people, and the implementation of Tamil rehabilitation and resettlement programmes, as well as measures aimed at reinstating fundamental rights, freedoms and the rule of law;
- Create an inter-governmental and inter-agency task force to coordinate donor agencies' activities to support peace and reconciliation processes, landmine clearance, rehabilitation Permanent People's Tribunal on Sri Lanka 22 and post-war reconstruction, subject to the rights and wishes of the Tamils;
- Provide the Tamil people with means to ensure their sustainable livelihoods and meet basic human needs, and support confidence-building programs to enable inter-cultural and inter-ethnic dialogue between the Sinhala and Tamil peoples;
- Investigate the final use and proper redistribution of international emergency and development aid to Sri Lanka for tsunami relief and post-disaster reconstruction;
- Appoint a special international electoral monitoring mission for the upcoming parliamentary elections, scheduled for 2010; and
- Demand that the right to a fair and transparent trial be recognized for the 12,000 plus political prisoners

currently detained in Sri Lankan prisons.

6.3 Concluding Remarks

The PPT cannot conclude its work without specifically recognizing the fundamental contribution of those eyewitnesses who had the courage to come forward to testify on facts that have touched their lives profoundly and forever. They are the most qualified representatives of the victims, whose numbers will never be known and whose suffering could never be described in full. The recognition and protection of their rights are the reasons for the existence and activities of the PPT.

The PPT is also well aware that in the current situation the rights of those that witnessed the atrocities committed in the country are vulnerable to further violations, both directly against their personal freedom and life, and through the persecution of their families.

Therefore, the PPT declares that any harm that might happen to those that testified or to their families should be considered as the exclusive responsibility of those authorities and actors addressed within our judgement. We commit ourselves to maintain a sharp attention to the safety of the witnesses who have courageously contributed to the fact-finding task of the tribunal. If anything would happen to any of them, we will hold the government of Sri Lanka responsible for that.

The PPT furthermore declares its readiness and commitment to take an active role in monitoring and promptly acting on any consequence that the witnesses might suffer due to the fact of having contributed to our work and deliberations.

Sd./-

Francois Houtart - Chairperson
People's Tribunal on Sri Lanka

Sd./-

Gianni Tognoni - Secretary General
Permanent People's Tribunal - Rome

□

S. Bhattacharjee Is No More

Dear all

With profound grief I write that Shri Subroto Bhattacharjee, President of Jharkhand PUCL has breathed his last this morning, 26 January 2010. He had a massive stroke on 23 Jan and was hospitalised. This is an irreparable loss to PUCL and Civil Liberties movement. – Pushkar Raj, General Secretary, PUCL □

Condolence Messages for S. Bhattacharjee

It is extremely shocking to learn about the sudden and untimely demise of Shri Subroto Bhattacharjee. He was one of the most devoted Human Rights Activist of India. It is a great loss not only to Jharkhand but the entire country. He was quite young and was always smiling and cheerful. It is difficult to believe that he is no more.

– **Ravi Kiran Jain**, Vice President National PUCL

In the loss of S. Bhattacharjee the human /civil rights movement in general and PUCL in particular have lost a great person. It is only recently that he endeared himself hosting our National Convention in Ranchi. He was simple, dedicated and endearing to one and all. Despite the busy schedule and work of organizing the Convention he found time to talk and interact personally with one and all. The compassion he had, his concern for issues were inspiring. PUCL should document the lives of our leaders like S Bhattacharjee, YP Chibbhar etc. and ensure that we steer ourselves to follow in their footsteps and rededicate ourselves to go in their path as a tribute to them. This I think is a way to fill the vacuum created by the loss of S. Bhattacharjee.

– **Ms. Sudha Ramalingam**, Vice President National PUCL

Delhi PUCL:

It was like a bolt from the blue to learn that Subroto Bhattacharjee is no more. Only two months ago we were with him at Ranchi and he was absolutely fine. We expected him to take up even bigger challenges and responsibilities in future. All the people here in Delhi PUCL are

absolutely shocked. His work and devotion to the cause of civil liberties and his sweet nature will keep his memories alive for a long time to come.

We pay our heartfelt respects to his memories and also convey our condolences to the members of his family, friends, comrades in Jharkhand and all the members of PUCL.

Delhi PUCL members attending a meeting held at Prem Nagar, Nangloi, Delhi also passed a condolence resolution in the memory of Subroto Bhattacharjee on 7 Feb 2010. – **Mahi Pal Singh**, Secretary, National PUCL & General Secretary, Delhi PUCL

Bihar PUCL:

Members of PUCL, Bihar held a condolence meeting today on receiving the sad news of sudden demise of Sri Subrata Bhattacharjee. It was shocking and unbelievable. The other day he hosted the National Convention of PUCL with élan and enthusiasm, and nobody could have imagined that he will leave us so soon. In fact, even after separation of Jharkhand PUCL, of which he was the sheet anchor, we always took him to be our own, which he indeed was, and we had occasions to exchange notes and visit each other frequently. His contributions to PUCL and public life have been immensely valuable. He was a source of strength not only to Jharkhand PUCL, but also to the National and Bihar PUCL. We fondly remember his warm hospitality with a personal touch during our last visit

to Jamshedpur during the State Convention of PUCL and then the national Convention at Ranchi.. We have several pleasant memories of working together with him, which we will always cherish. His death is an irreparable loss to PUCL national family.

We, the members of Bihar PUCL, deeply mourn the untimely death of Sri Subrata Bhattacharjee and pray God to give strength to his family and us to bear this great loss.

– **Vinay K. Kantha**, President, Bihar PUCL.

Begusarai PUCL:

There were three condolence meetings held at Begusarai PUCL (Bihar) in remembrance of S. Bhattacharjee on 27 January 2010.

First condolence meeting was organized in the court parisar which was presided by Begusarai PUCL President and Editor of Manwadhikar patrika Mr. Ramashray Prasad singh .He expressed his shock at his sudden demise and said that Mr. Bhattacharjee was one of the staunch civil liberties activists in Jharkhand for last 25 years. He added that the his death is a big loss to the community of human rights in india and the vacuum created by his untimely loss would be difficult to be filled.

Second condolence meeting was held in Baliya sub-division of Begusarai and another similar meeting was held in Barauni village of Begusarai. – **Niraj kumar**, Sub-Editor Manwadhikar Patrika & PUCL Activist

Ajmer PUCL:

We are highly shocked to learn about the sad and untimely demise of our veteran human rights fighter Subroto Bhattacharjee. Recently at Ranchi we had seen his devotion and commitment to the cause of human rights. The news has thrown us into deep shock. We send our heartfelt condolences praying for eternal peace to the departed soul. We pray for patience and courage to the members of the bereaved family to sustain this unbearable loss. – **D.L.Tripathi**, President, PUCL Ajmer

TN & Puduchery PUCL:

The sudden demise of Subrotoji, a PUCL stalwart and a great humanitarian, is highly shocking. He was a kingpin at the National Convention at Ranchi and was endearing to all the participants assembled there. We extend our heartfelt condolence to the bereaved family and our Jharkhand comrades.

– **G.Kurinji**, Vice-President, Tamil Nadu & Puduchery PUCL

Coimbatore PUCL:

It is unbelievable. His concerned presence and hospitality, rendered during our last National convention at Jharkhand is still fresh in our memory. We extend our heartfelt condolences to his bereaved family and comrades from the PUCL, Jharkhand. – **Pon. Chandran & Mohd. Abu backer**

Maharashtra PUCL:

Heartfelt condolences. It's great loss to PUCL and to the movement.

– **Ramesh Awasthi**, Convenor, Maharashtra PUCL

Chhattisgarh PUCL:

We can not believe that a persona who was so active at the National Convention at Ranchi only three months ago is no longer with us. His deep commitment to the cause of human rights, and creative contribution to the people's movement can not be forgotten. We in the Chhattisgarh PUCL have been impressed by his personal life and work, which was an example of dedication, simplicity and courage. Personally, I have been always encouraged by his ideas and actions. Our personal interaction in many ways was a source of strength to me, especially during the past three years, since the repressive State came out ruthlessly on the human rights defenders like Dr. Binayak Sen, and unleashed a reign of terror on all rights based organisations and activists.

It is really a loss to the PUCL in particular and democratic movement in particular.

We pray for the peace to the departed soul, and solace to the family members.

– **Rajendra K Sail**, President, Chhattisgarh PUCL

Punjab PUCL:

PUCL Punjab condole the demise of a prominent worker of PUCL, It Is Not A Loss of the State Unit only but of the every activist and the National organisation.

– **Roshan Lal Batta**, President, Punjab PUCL

UP PUCL:

An emergent meeting of UPPUCL was held at PUCL office on 04th February at Lucknow. Meeting attended by the state office bearers passed a condolence resolution mourning the demise of Mr. Subroto Bhattacharjee:

"UPPUCL mourns the sad demise of Mr. Subroto Bhattacharjee General Secretary of Jharkhand State PUCL, national Vice-President of PUCL and expresses its deep sorrow and grief.

Mr. Bhattacharjee, affectionately called Dada by his friends and Comrades, was known for his organizational capabilities and firm commitment to the cause of Civil Liberties which he amply demonstrated as fighter for human rights. Mr. Bhattacharjee even in his physical absence will continue to inspire the activists for civil liberties all over the country.

In this hour of grief PUCL (U.P.) stands solidly with the family of Mr. Bhattacharjee, expresses its deep felt emotions for his family and salutes the departed hero of human rights struggles. – **Ms. Vandana Misra**, Gen. Secretary. UP PUCL □

West Bengal PUCL Committee Formed

The PUCL Members in West Bengal assembled in a general meeting on 24 January, 2010 at 4.P.M. at 35B, Nirmal Chandra Street, Kolkata which happens to be the State office of West Bengal PUCL. Dr. Prabhakar Sinha, All India president of PUCL explained the constraints of PUCL working in the context of misperceptions about PUCL. The Administration, Police, Political parties have stigmatised PUCL in different misnomours. Dr.

Sajal Basu, State convenor urged the younger people to come up to lead the PUCL, otherwise it will not survive. Both ruling and opposition parties would never honour fundamental rights as enshrined in the Indian constitution and Universal Declaration of HR. Dr. Pashupati Mahato spoke on oppression of backward community people, Shri Amal Hembram talked on Lalgah situation, Amalendu Chowdhuri on

burnt out slum colony of Ultadanga. An ad hoc committee has been formed with Ananda Mukherjee as convenor, with Dilip Roy and Amlan Bhattacharya as joint convenor. Other members being Dr. P.P.Mahata, Dr. Sajal Basu, Chintu Sen, Ajoy Dutta, Dibakar Bhattacharya, Sk Abdul Hamid. The meeting was presided over by Ajay Dutta.

Sajal Basu □

FORM IV

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I, Pushkar Raj, hereby declare that the particulars given above are true to the best of my knowledge and belief.

March 1, 2010

– Pushkar Raj, Publisher ☐

Orissa PUCL:

Press Release on Gananath Patra

We condemn the way Sri Gananath Patra, advisor to Chasi Mulia Sangh, Narayanpatna has been picked up by the police on 27th January 2010 around 7pm from Bhubaneswar. He was invited to a meeting with some of the members of a national level joint fact finding committee preparing to visit Narayanpatna. After the meeting, while he was on his way, he was picked up by the plain clothes policemen from Vivekananda Marg.

It is pertinent to mention that Chasi Mulia Adivasi Sangh is not a banned organization and it has been fighting against the exploitation of adivasi for the last 10-15 years. Shri Patra has been active in various mass movements in Orissa for last 25 years and not involved in any unlawful activity. Besides, his name was not even mentioned in the wanted list of people circulated by police in the context of Narayanpatna struggle.

If he has been arrested by the police, no information regarding his arrest is available in the police control room, none of his near and dear one has been informed. This is outright violation of guidelines set by D.K. Basu judgment.

We demand the immediate release of Sri Gananath Patra.

Ms. Pramodini Pradhan, Convenor, PUCL Bhubaneswar ☐

PUCL Condemns Arrest by Salem Police of Environmental Activist, Piyush Sethia

Demands Withdrawal of Criminal Case and Immediate Release

PUCL strongly condemns the arrest of environmental activist Piyush Sethia by Hasthampatti Police of Salem City on 26th January morning. What shocks us about the police action is that Piyush was arrested on Republic Day, which commemorates the day when India as a new nation adopted the Constitution, rule of law and the democratic system, for demanding return to rule of law and constitutional principles in Dantewada

and other tribal areas of Chhattisgarh! HE HAS BEEN CHARGED WITH SEDITION under sec. 124A, IPC, a very serious offence with severe punishment.

What was the offence of Piyush?

He reportedly had with him pamphlets condemning the state sponsored Salwa Judum violence in Dantewada district of Chhattisgarh state. The pamphlet pointed out that both the Central and State Governments were

acting as agents of MNCs and big mining companies including Tatas, Mittals and others and had a vested interest in launching Operation Greenhunt in the tribal areas of that state. The violence let loose by state agencies had destroyed lives, killing many and making local tribals refugees in their own lands! The pamphlet called upon youth to join a cycle rally from Salem to Chennai via Sivagangai, the constituency of the

Home Minister, demanding return to rule of law and constitutional values in Chhattisgarh.

It is absurd and incomprehensible how the material in such a pamphlet will amount to sedition. This did not bother the Salem police. Nor were they concerned that the pamphlets concerned another state.

It is very clear that the State Police do not want any type of criticism by ordinary citizens about mis-governance and abuse of power anywhere else, lest the same arise in Tamil Nadu itself! That the TN police want to crush any democratic response in the state can be seen by

the fact that the Hasthampatti Police have prosecuted Piyush under sec. 124A IPC, viz., on a charge of sedition. Such a serious charge cannot have been invoked without the approval of senior police and government officials.

PUCL wishes to point out that such extreme and highhanded action of the state police is not only unwarranted and excessive but also ends up trivializing the law. Politically vindictive and repressive application of law by the police will end up in destroying people's faith in the democratic system. The action of the police in suppressing freedom of speech and

expression is a serious violation of fundamental rights and highly undemocratic. Such action needs to be condemned.

We hope better counsel will prevail with the Tamil Nadu police. We call upon the Tamil Nadu state government to immediately withdraw all the charges against Piyush and drop the entire criminal case launched against Piyush.

Regards,

V. Suresh, National Secretary, PUCL;

S. Balamurugan, General Secretary, PUCL-Tamil Nadu & Puducherry

27.01.2010 □

Gujarat PUCL:

Letter

To

Her Excellency the Governor of Gujarat,
Raj Bhavan, Gandhinagar

Ref.: The Gujarat Local Authorities Law (Amendment) Bill-2009

Respected Kamlabahenji,

We, the undersigned, concerned citizens of Gujarat, including human rights and civil liberties activities, journalists, educationists writers, are addressing the following communication in the larger interest of democracy and the state. At the outset we would like to bring it to the notice of yourself that the recent action of the State Government is indeed very disturbing to us and needs your serious attention at the earliest. With reference to the above Bill, passed by the Gujarat Legislative Assembly in its last Session of December-2009, imposing compulsory voting on the citizens of the State of Gujarat, is objectionable and violative of the letter and spirit of the Constitution of India on the following basis.

The above referred bill contemplates compulsory voting obliging the citizens not to exercise their respective individual freedom or discretion not to cast one's vote. It is violative of Article 19 of the Constitution of India and protesting against unfair electoral practice or candidates not having clear and clean record and therefore, not to exercise

one's vote or the boycott election is also a fundamental right of the citizens.

We, respectfully submit that Sub-section 3 of Section 16 C is very broad, general and without any guidelines which is capable of colourable exercise of power and /or abuse or misuse of power.

Your Excellency may further notice that an ordinary Election Officer is given such wide discretionary power to consider and decide the reasons for not voting and he has also the power under Sub-section 3 of Section 16 D to declare a voter to be defaulter by considering the reasons given by him or her.

In so far as the appellate authority is concerned, the State Election Commission is empowered to appoint such an appellate officer. However, again the Bill does not lay down any criteria or objectives on the basis of which such appellate Officer may be appointed by the State Election Commissioner whose order is supposed to be final and binding under Sub-section 2 of Section 16E of the Bill. Similar provisions are also contemplated by the Bill not only for the Municipal Corporation Act, 1949

but also, under the provisions of the Gujarat Municipalities Act, 1993 and under the Gujarat Panchayats Act, 1993.

At this stage, we would also like to draw Your Excellency kind attention to the fact that the Constitution of India, contemplates single citizenship and though India is a quasi federal State, it does not contemplate dual citizenship like United State of America where there is a dual citizenships of the respective State and the Centre.

Under the above circumstances, the fundamental right guaranteed in Part-III of the Constitution are to be equally exercised by all the citizens and there cannot be any discrimination or fetter qua one particular State in the matter of exercise of their respective fundamental right and particularly right to freedom under Article 19 of the Constitution of India. Coercing the citizen to act in an overt manner itself, is violative under Article 19 of the Constitution and to impose such a rule or law in any particular State while permitting the citizens of other parts of the Country to have their discretion of choice is also violative of Article 14 of the Constitution of India.

It is further submitted that the Assembly which is constituted of the elected representatives of the people itself does not compel such elected representatives to vote in all the Assembly deliberations, though, they have additional responsibility and obligations to the extent that people have reposed their faith and confidence in their discretion in matter of political and public concerns and in matter of framing of the policies. It is reliably learnt that 68 Members of the Legislative Assembly including the Chief Minister did not exercise their respective vote during the passage of the Bill. It is obligatory for them and if at all, compulsory for them to vote on such important matter. Having failed to discharge their obligation and without imposing that discipline on the elected representatives themselves,

they cannot impose or demand such discipline from an ordinary citizens. They have neither legal nor moral authority or right to do so.

It is pertinent to note at this juncture that similar Bill was sought to be presented in December-2004 by member of Presented in the Lok-Sabha Shri Bachi Singh Ravat (BJP) elected from Almora (Uttanchal) which was rejected by Lok-Sabha by voice vote on 29.04.2005.

On the above and similar grounds, major political parties have opposed the said Bill which includes not only the Congress Party which is the biggest opposition party in the State but also parties like CPM(M) and other left parties. One of the leading Daily of the Country namely "Indian

Express" also editorial deprecated the Bill. Enclosed herewith is a copy of the said editorial.

A special committee under the Chairmanship of Shri Dinesh Goswami constituted of suggest electoral reforms appointed by the Indian national Congress also did not approve of compulsory voting as a concept or idea which is compatible with the democratic framework of the Constitution of India.

Your Excellency may, therefore, considering the above aspects and all other relevant material on the subject may not put the seal of approval on such an undemocratic bill and protect the democratic values of the Constitution of India in its true spirit.

Yours

Digant Oza □

J P Memorial Lecture

30th JP Memorial Lecture to be delivered by Prof Mushirul Hasan, Vice-Chancellor, Jamia Millia Islamia University at 5:00 p.m. at Gandhi Peace Foundation, I.T.O., New Delhi on March 23, 2010 (Tuesday). □

National Consultation on the Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill, 2009 February 12-13, 2010, New Delhi

The demand for a law on communal violence emerged from a brutal record of recurring violence in our country, the increasing occurrence of gender-based crimes in communal conflagrations, and complete impunity for mass crimes. The reasons are many - lack of political will to prosecute perpetrators, State complicity in communal crimes, lack of impartial investigation, and lack of sensitivity to victim's experiences. But there is also, crucially, the glaring inadequacy of the law. Today, despite huge strides in international jurisprudence, India continues to lack an adequate domestic legal framework, which would allow survivors of communal violence to seek and to secure justice.

The UPA Government's Common Minimum Programme in 2004 had promised to give the citizens of this

country a 'comprehensive legislation' to fill this legal vacuum. We were promised a legislation that would strengthen the hands of the citizens in the struggle against communalism. However, The Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill 2005, introduced in the Rajya Sabha in December 5, 2005, was a complete betrayal of that promise. The 2005 Bill was roundly criticized and rejected by civil society at all levels. Eminent jurists, legal experts, activists who worked with survivors, and all prominent minority groups rejected the Bill and urged the Government to make serious changes in it. The Bill was sent to the Parliamentary Standing Committee on Home Affairs for its review and recommendations. But the Standing Committee report, when it was finally tabled in

Parliament in December 2006, suggested no significant changes. Between 2005 and now, civil society groups have repeatedly engaged with the government at all levels and time and again communicated our serious objections to this Bill. We have written critiques, given alternative formulations, written alternative draft laws, and suggested changes in several specific Chapters and clauses. Civil society groups have met everyone over the last 4 years - from the Chairperson of the UPA, Prime Minister, two successive Home Ministers, officials in the Home Ministry, to members of parliament. And yet the Government appears unwilling to listen.

The UPA government has now introduced an impressive-sounding 59 amendments into the Communal Violence Bill 2009. These have been

cleared by Cabinet, and we have been told that the government plans to introduce it in Parliament in the coming session. These 59 amendments have merely tinkered with the Bill. They do not make any structural changes and do not incorporate a single suggestion made by civil society.

This Communal Violence Bill 2009, if passed, will not only be weak, it will be dangerous. It will not only fail to secure justice for communal crimes, but will actually strengthen the shield of protection enjoyed by those who plan and sponsor these crimes. Further, it continues to perpetuate the silence around gender-based sexual crimes.

This Bill is of fundamental importance in addressing the challenges posed to the secular character of our society and in protecting all our citizens. At this National Consultation on the Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill 2009, we the undersigned, once again urge the UPA government to revise the Bill taking on board the following concerns, which have been articulated through wide national consultation:

1. Statement of Objects & Reasons: The objective of the Bill should be to ensure that the State governments and the Central government take measures to provide for the prevention and control of communal violence, which threatens the physical, social, economic, cultural, political and human security of the citizens.

2. Communal violence must be defined as: Any targeted attack committed on the persons and properties of individuals or a group of persons on the basis of their religious identity, which can be inferred directly or from the nature or circumstances of the attack.

3. Scheduled Offences: Situations of communal violence have shown that the range of offences committed is not restricted to the offences enumerated under the IPC and related penal statutes. The Bill

must define crimes/ offences, and new rules of procedure and evidence to adequately and appropriately reflect the realities of the crimes experienced by victims and survivors of communal violence.

4. Declaration of Communally Disturbed Areas - The basic scheme of the Bill which envisages the declaration of certain areas as communally disturbed areas, and gives greater powers to the state in these areas, runs entirely counter to the purpose of the proposed law. Chapter II of the Bill must be removed. The state already has sufficient power vested in it by law. However, experience during communal violence is the non-exercise or non-judicious exercise of this power.

5. Sexual violence in situations of communal violence, unlike those in non-communal contexts, is often committed with malicious intent of intimidating, humiliating and degrading the dignity of the victim community using the bodies of women. Inclusion of a wide ranging crimes of sexual violence, in addition to rape, therefore assume great importance in a bill to prevent and punish those responsible for communal violence. We therefore call for the inclusion of sexual crimes into this Bill.

6. Reparations: The Bill must include the concept of reparations as an inviolable, legally enforceable right of the victim-survivor, and according to objective norms and scales that are binding on all governments. The law must specify criteria for identifying who is a victim/survivor and standards which will be applicable to all victims and survivors of communal violence, and not leave it to discretion at the state level.

7. Victim's Rights - the Bill must recognize comprehensive rights of victims and survivors. They must be provided a right to have information of the proceeding at all stages of the proceedings including copies of FIRs and other legal documents,

right to participate and be heard at all stages of the trial, right to legal representation of their choice at state costs and right to appeal in the event the state does not do it on their behalf.

8. Command/ superior responsibility implies that persons in positions of official power (civil or military) or senior/high officials of non-state structures and organizations, by reason of their position, have effective control and knowledge or ought to have knowledge of the acts or omissions of their subordinates that causes the violence. This doctrine must be incorporated into the Bill.

9. Prior sanction: The present Bill requires sanction from the State government in order to even initiate prosecution against any officer for acts of omission or commission. This defeats the purpose of the proposed law and perpetuates impunity. Instead of the requirement of prior sanction, this should be a matter for judicial determination at the commencement of the trial.

(National Consultation Organised By Anhad, Institute of Peace Studies & Conflict Resolution, Delhi)

Endorsed by: Aashima Subberwal, Delhi Abdul Shakeel, Haq, New Delhi, Aftab Alam; Ajaya Kumar Singh, Jana Vikas, Orissa; Amitabh Pandey; Anita Tagore, Assistant Professor, Delhi; Anubha Rastogi, Centre for Equity Studies, New Delhi; Apoorvanand, Delhi University; Asghar Ali Engineer, Director, CSSS; Ather Moin, The Siasat Daily, Hyderabad; Atish Mandal, Heritage Worldwide; Avinash Kumar, Oxfam India; Avni Sethi, Student, Bangalore; Azam Khan (Advocate), Peoples Research Society, Bhopal; Azam Khan, Hyderabad; Birju Nayak, Lok Raj Sangathan, Delhi; Brijendra Singh Sodi, LFHRI, Punjab; C Ekka, Vidyajyoti, Delhi; Charles, Vidyajyoti, Delhi; Chayya R, Lok Raj Sangathan, Delhi; Colin Gonzalves, Supreme Court Advocate, Delhi; Deepak Bhatt, Peoples Research

Society, Bhopal; Dharendra Panda, Common Concern, Orissa ; Farah Naqvi, Delhi; Father Ajay, Orissa; Fr Anand Muttungal, Catholic Church Bishop Council, Bhopal; Gagan Sethi, Janvikas, Gujarat; Gauhar Raza, Anhad, Delhi; Gayatri Sharma, Partners for Law in Development, New Delhi; Hakeem Khan, Delhi; Harsh Dobhal, Combat Law; Harsh Kapoor, sacw@sacw.net; Harsh Mander, Social Activist, writer (Aman Biradari); Irfan Engineer, IPSCR, Mumbai; Javed Khan- Pairvi-Madhya Pradesh; Jawid Liaq, New Delhi; Justice K K Usha, former Chief Justice, Kerala High Court; Justice Rajinder Sachar, former Chief Justice, Delhi High Court; Justice Sardar Ali Khan, former Judge, AP High Court; Kavita Srivastava, Social Activist, Rajasthan; KS Rawal, Social Legal Information Centre; Lansingli Rongmei, HRLN & All India Christian Council; LS Herdenia, National Secular Forum, Bhopal; Madhu Chandra, All India Christian

Council; Manisha Trivedi, Gujarat; Mansi Sharma, Anhad; Md Noor Alam, Marg, New Delhi; Mehtab Alam, APCR, Delhi; Mihir Desai, Advocate, Mumbai; Mohammed A Abid ; Mujibur Rehman, Centre for Dalit & Minority Studies, Jamia Milia Islamia; Navkiran Singh(Advocate), LFHRI, Punjab; ND Jayaprakash, Delhi Science Forum; Nisha Agrawal, Oxfam India; Noorjahan Dewan, BMMA; P Vinay Kumar, Constitutional Rights Protection Forum, Hyderabad; Praveen K Bharti, Ummang Partners in Human Development, New Delhi; Professor Rooprekha Verma, former VC Lucknow University, Saajhi Duniya, Lucknow; Promila Loomba; Pushkar Raj, PUCL; R Banerji, New Delhi; Rakesh Bhardwaj- Peace; Ram Puniyani, Social Activist, Mumbai; Ram Puniyani, Social Activist, Mumbai; Rashmi Jena, Advocate, Orissa; Rupesh Kumar, Insan Ekta Muhim, Bihar; Sachin Pandya, Gujarat; Sadhna Arya, Saheli; Sajjad Hassan, Aman Biradari; Satish Sahgal, Delhi;

Saumya Uma, Women's Research & Action Group; Seema Duhan, Anhad; Seema Kazi, CWDS, New Delhi; Seema Misra(Advocate), Marg, Delhi; Shabnam Hashmi, Anhad, Delhi; Shafeeq Rehman Mahajir, Advocate, Hyderabad; Shubhi Dwedi- Aali, Lucknow; Shweta Shalini, Justice and Peace Commission; Surabhi Chopra, Aman Biradari; Suroor Mander, Aman Biradari; Tanveer Hussain, Kashmir; Tanweer Alam, Institute of Objective Studies; Tehmina Arora, Christian Legal Association; Usha Ramanathan, Senior Law Researcher, Delhi; Vahida Nainar, Women's Research and Action Group, Mumbai; Vikas Narain Rai, IPS, Haryana; Vivek Shivakumar; VK Mahajan, Delhi; Vrinda Grover, Advocate, Delhi; Yogesh Dewan, Peoples Research Society, Bhopal; Zafar Agha; Zaheeruddin Ali Khan, Siasat, Hyderabad; Zakia Soman, Bhartiya Muslim Mahila Andolan; Zeba, Vividha Women Documentation & Research Centre, Jaipur. □.

A Chronicle of Communal Incidents in the Coastal Districts of Karnataka

January 24, 2010 by PUCL Mangalore

UPDATE 29.10.2009. Mangalore. A Muslim youth said to be the owner of a shop in the old Bunder area of Mangalore was allegedly romancing with a Hindu girl (~25) inside a car at Padavinangady. A group of 'hindutva' activists said to be members of Bajrang Dal 'caught' the couple and took them to the Kavoor police station. The police called both families to the station, admonished them and set the couple free. - "Karavali Ale" 30th .

30.10.2009. Karkala A group of 'hindutva' activists said to be members of Bajrang Dal 'caught' a romancing couple at Jodukere and handed them over to the police. The boy, Nellikar Bashir, is a Muslim and the girl is a Christian from nearby Muratangadi. - "Karavali Ale" 30th .

1.11.2009. Kaup. A complaint has been lodged at Kaup police station by two girl inmates Megha and Shilpa against Saroja Magaret, warden of

the Bethel Boarding Hostel. They complained that the warden was trying to convert them to Christianity. - "Vaartha Bharati" 2nd.

2.11.2009. Mangalore. The Department of Women and Child Welfare has issued a show cause notice to the local Child Welfare Committee saying that it was exceeding its limits and asking why the office-bearers should not be suspended. The background to this notice is the CWC's activism in exposing the role of RSS in the illegal child trafficking taking place from Meghalaya to Dakshina Kannada and Udupi districts. The CWC has also lodged complaints against a local swamiji, who is a 'hindutva' sympathizer, for having illegally keeping a stolen child and later sending it to Kerala. The CWC had sent a notice to sub-inspector Shivaprakash who had publicly assaulted a 13-year old child. The

SHRC which took up the last case has recently delivered a judgment imposing a fine of Rs 25, 000 on the SI and recommending cases to be booked against him. - "Vaartha Bharati" 3rd .

3.11.2009. Mangalore. A group of around 50 'hindutva' activists said to be members of Bajrang Dal barged in to a flat and assaulted a Christian couple Wilson and Ashalatha at Attavar claiming it was a religious conversion center. The activists called the Pandeshwar police to the flat. The police are reported to have questioned the couple and two other persons and 'seized' some books relating to Christianity. Though the Bajrang Dal leader Sharan Pumpwell claimed responsibility for the attack the police have not made any arrests. "Vaartha Bharati" 5th .

3.11.2009. Uppinangady. The Uppinangady First Grade

Government College where the burqa controversy had arisen on 17.8.2009 has since been witnessing minor skirmishes almost every day.

On 3.11.2009 once again clashes broke out between some Hindu and Muslim boys. The Muslim boys who received stab injuries were admitted to a private hospital at Puttur. Police intervened and dispersed the students after a mild lathi charge. The police are said to have taken five persons into custody. - "Karavali Ale" 4th .

4.11.2009. Mangalore. Suhail(20) 2nd year BBM student at the Rathabeedhi First Grade Government College was talking to Renuka, a 1st year B.Com student during lunch break. Three student members of a 'hindutva' group passed this information on to their leaders outside. The leaders entered the college premises unauthorisedly and threatened Suhail. The principal called the police who immediately came to the spot and arrested the nine 'hindutva' activists Chetan Kumar Pumpwell, Puneetraj Attavar, Ranjit K. Maroli, Ganesh K. Kalladka, Mithun Arkula, Nishit Maroli, Kishan Kodikal, Ravish Bikarnakatte and Bharat Pavoov. - "Vaartha Bharati" 5th .

6.11.2009. Mangalore. A 17 year old Hindu girl student of Canara College and a Muslim boy from her neighbourhood had apparently fallen in love with each other. On 6th evening they were walking hand-in-hand at the local Kadri Park. A neighbour and 'hindutva' activist recognized them and immediately informed his leaders who rushed a team to the park. The group started questioning the couple on their religious affiliations and created a ruckus. The Kadri police came to the spot, shooed the 'hindutva' activists away and took the couple to the station. Later they called the parents to the station and let the couple off after 'warning' them. - "Karavali Ale" 7th .

9.11.2009. Mangalore. Retired police officer and ex-MP H.T.Sangliana addressed a press conference in connection with the incidents of alleged conversions of 1.11.2009 and 3.11.2009. He lashed out at Sangh Parivar and at the local saffronised police for conducting raids without search warrants and not taking action against the 'hindutva' activists. He also criticized a section of the saffronised media. - "Vaartha Bharati" 10th .

15.11.2009. Mangalore. Five students of Edapadavu Government College were selected to participate in a state level handball tournament at Hassan on 17.11.2009. Among them were three Muslim boys Rizwan, Rashid, Muhammad Sheik and two Hindu girls Deepika, Shanti. They were told by their PT instructor Premnath to go to St Aloysius College at Mangalore, do some practice on the 15th and proceed to Hassan. All of them boarded a private express bus at Gurupur at 3 p.m. A 'hindutva' activist on the bus started making inquiries. When the bus reached Vamanjoor a large group of 'hindutva' activists stopped the bus though it was not a scheduled stop. The group pulled the five students out, attacked the boys allegedly with iron rods, knives, clubs etc. and slapped the girls and abused them. The boys had to cancel their trip to Hassan and instead had to be admitted to hospital. Both groups lodged complaints accusing each other. The police arrived and dispersed the crowd. Four of the assailants too got admitted to the Wenlock Hospital at Mangalore claiming they were beaten. - "Vaartha Bharati" 16th .

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16.11.2009. Mangalore. 'Hindutva' groups protesting the 15th incident threw stones and damaged a bus. The four assailants managed to escape from the hospital allegedly with the connivance of SI Prakash. - "Vaartha Bharati" 17th .

18.11.2009. Bantwal. Miscreants reportedly stoned a Mosque and a Muslim's house at Pallamajalu resulting in injuries to nine persons including women and children. Police reportedly arrested more than 30 persons from both communities saying two groups had indulged in the stone throwing which took place at 7:30 p.m. - "Vaartha Bharati" 19th .

19.11.2009. Bantwal. In view of the several untoward incidents happening since the past three days additional police forces have been deputed. Shops and business establishments have been asked to close down at 8 p.m. till normalcy is restored in Bantwal. According to the police more than 15 persons have been taken in to custody. - "Vaartha Bharati" 20th .

19.11.2009. Mangalore. Four 'hindutva' activists attack two Muslim men alleging that they had written love letters to a Hindu girl. Though the Muslim men denied it both were assaulted. The police have arrested all the four miscreants. - "Karavali Ale" 20th .

23.11.2009. Mangalore. Hanif, a cattle trader, was transporting a cow and its calf in a pick-up van. At Madaka junction the van was accosted by a group of 'hindutva' activists said to be members of Bajrang Dal. They asked Hanif to call the seller to the spot which he did. Though the seller arrived and confirmed the sale the group would not allow Hanif to proceed. The local DYFI (Youth wing of the CPM) got word of this and its members gathered there and started challenging the 'hindutva' group. Meanwhile the Konaje police arrived and tried to arrest Hanif. The DYFI boys objected saying it was a legal sale and the police had better arrest the 'hindutva' group. At this the police let go Hanif but none of the 'hindutva' group was arrested. - "Karavali Ale" 24th.

25.11.2009. Mangalore. In view of the Bakrid celebrations on 27.11.2009 a

banner was being put up at a place called Colonel Garden near the Kudroli Bokkapatna church. Necessary permission for the banner had been obtained from the municipal corporation. At around midnight a couple of 'hindutva' activists Charan and Appu arrived on a bike and objected to the banner. According to the complaint lodged with the Barke PS, the activists carrying swords had threatened the Muslim youth. The police have not been able to nab the culprits. - "Karavali Ale" 26th.

27.11.2009. Mangalore. A young inter community couple has drawn the ire of both Hindutva and Islamist groups. Activists of Jamaat-e-Islami and Popular Front of India are alleged to have separately threatened the Muslim boy, Shabir for observing the Ayyappa vow. The police apparently have registered a case. The same couple had been threatened and kidnapped by 'hindutva' activists last year. Both Islamist groups have denied their role in the incident. - "Karavali Ale" 28th.

28.11.2009. Udupi. Ramiz, a resident of Padubidri, studying at the Manipal Junior College in Udupi, was staying in a rented room at the Panchami Hotel, Kunibettu. A group of 'hindutva' activists 'raided' the room on 28th alleging that Ramiz had become friendly with a Keralite hindu girl Bhagavati and for the past one month was keeping her in his room. The couple were taken to the Udupi city PS. It is reported that the police 'warned' the couple and handed them over to their respective parents. - "Karavali Ale" 29th.

Note 1: All data are based on available local media reports. It is likely that there could be more such incidents. And of course there could be quite a number of unreported cases too.

Note 2: The state government has withdrawn all charges against the accused activists of Sangh Parivar in the 1998/99 Surathkal and 2006 Mangalore riots cases, the Hubli Idgah Maidan case and the Bababudangiri case.

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